



Norfolk County Council

Norfolk Parking Partnership Joint Committee

Date: **19 January 2021**

Time: **14:00**

Venue: **Microsoft Teams (virtual meeting)**

To view the meeting online please follow this link: <https://youtu.be/K5HNNuXdAnw>

Members of the Committee and other attendees: **DO NOT** follow this link, you will be sent a separate link to join the meeting.

Membership

County Councillors

Cllr Martin Wilby (Chairman) *Substitute: Cllr Barry Stone*

District Councillors

Cllr Alison Thomas	<i>Substitute: Cllr Kay Mason-Billig</i>	South Norfolk District Council
Cllr Paul Kunes	<i>Substitute: Cllr Richard Blunt</i>	Borough Council of King's Lynn and West Norfolk
Cllr Graham Plant (Vice-Chairman)		Great Yarmouth Borough Council

Non-Voting District Councillors

Cllr Paul Hewett		Breckland District Council
Cllr Eric Seward	<i>Substitute: Cllr Tim Adams</i>	North Norfolk District Council
Cllr Mike Stonard		Norwich City Council
Cllr Jo Copplestone	<i>Substitute: Cllr Peter Bulman</i>	Broadland District Council

**For further details and general enquiries about this Agenda
please contact the Committee Officer:**

Hollie Adams on 01603 223029
or email committees@norfolk.gov.uk

Under the Council's protocol on the use of media equipment at meetings held in public, this meeting may be filmed, recorded or photographed. Anyone who wishes to do so must inform the Chairman and ensure that it is done in a manner clearly visible to anyone present. The wishes of any individual not to be recorded or filmed must be appropriately respected.

Agenda

1. To receive apologies and details of any substitute members attending

2. Minutes

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To confirm the minutes of the meeting held on 30 September 2020

3. Declarations of Interest

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter.

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is not on your Register of Interests you must declare that interest at the meeting and not speak or vote on the matter

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects, to a greater extent than others in your division

- Your wellbeing or financial position, or
- that of your family or close friends
- Any body -
 - Exercising functions of a public nature.
 - Directed to charitable purposes; or
 - One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

Of which you are in a position of general control or management. If that is the case then you must declare such an interest but can speak and vote on the matter.

4. Any items of business the Chairman decides should be considered as a matter of urgency

5. Traffic Management Act (2004) - Decriminalisation of moving traffic offences

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A report by the Director of Highways and Waste

6. 2020-21 Finance Update

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A report by the Director of Highways and Waste

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Date Agenda Published: 11 January 2021



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Norfolk County Council & District Councils Norfolk Parking Partnership Joint Committee

**Minutes of the Meeting Held on Wednesday, 30 September 2020
at 2pm virtually via Microsoft Team**

Voting Members Present:

Cllr Martin Wilby (Chair)	Norfolk County Council
Cllr Jo Copplestone	Broadland District Council
Cllr Lisa Neal	South Norfolk District Council
Cllr Paul Kunes	Borough Council of King's Lynn and West Norfolk
Cllr Graham Plant (Vice-Chair)	Great Yarmouth Borough Council

Officers Present:

Alexander Cliff	Highway Network and Digital Innovation Manager, Norfolk County Council
Martin Chisholm	Borough Council of King's Lynn and West Norfolk
David Disney	South Norfolk District Council
Ian Gregory	Better Parking Strategy Manager, Norfolk County Council
Miranda Lee	Great Yarmouth Borough Council
Tim Young	Project Engineer (Network Policy & Performance), Norfolk County Council

1. Apologies for absence

- 1.1 Apologies were received from Cllr Eric Seward and his substitute Cllr Tim Adams. Also absent were Cllr Paul Hewett and Cllr Mike Stonard.

2. Minutes

- 2.1 The minutes of the meeting held on 5 March 2020 were **AGREED** as an accurate record and signed by the Chair.

3. Declarations of Interests

- 3.1 No interests were declared.

4. Items of Urgent Business

- 4.1 No urgent business was discussed.

5. Norfolk Parking Partnership – Annual report

- 5.1 The Committee received the annexed report (5) from the Executive Director of Community and Environmental Services which summarised the statistics for 2019-20 financial year. Following the termination of the agency agreement, Norwich City Council joined the Norfolk Parking Partnership Joint Committee (NPPJC) in April 2020. The 2019-20 figures for Norwich City were not shown in this report since this was

subject to a separate Annual Report to be produced by Norwich City Council for their final year of operation prior to the transfer to NPP in April 2020. The final section of the report outlined some key future developments for consideration by the NPPJC, including Norwich City. This includes the impact of the ongoing unprecedented pandemic on the financial position of the NPP, as well as the need to consider the future requirement of electric vehicles and connected vehicles.

- 5.2 Members expressed concern over the number of penalty charge notices (pcn) that had been cancelled or issued in error. It was important to ensure that once pcn's had been issued they were not revoked especially due to an error in the administration of the pcn or due to defected lines and signs which makes it difficult to enforce. Officers explained that Enforcement Officers were trained not to issue where there are obvious defects and the number of outstanding defects were declining.
- 5.3 There was clarification needed on the financial input that had been agreed by each of the participating District Councils in recent years. Officers agreed to look over previous minutes and notes to establish what the agreement had been as there was currently some confusion.
- 5.4 There was a welcome suggestion to look collectively and in more detail at data provided by all the District and Borough Councils regarding the combined functions, as the back office costs were only one commitment.
- 5.5 The Joint Committee:
- **NOTED** the positive performance of the NPP in 2019-20.
 - **NOTED** the financial risk to the NPP created by the ongoing COVID-19 pandemic.
 - **NOTED** central government plans to decriminalise moving traffic offences, and the resource and technological implications this would have for the NPP.
 - **SUPPORTED** the need to innovate and try new technological solutions to meet the needs and expectations of electric and connected vehicles.

6. Better Parking Strategy Update

- 6.1 The Committee received the annexed report (6) from the Executive Director of Community and Environmental Services which update the Committee on the strategy to review the current civil parking enforcement (CPE) arrangements in Norfolk. There would scope to benefit from expanding on-street controls and exploit more technology, whilst satisfying new statutory guidelines, solving many legacy parking issues and supporting local economies.
- 6.2 Members realised that there was more work to be done on this and there were strategies that some of the District and Borough Councils needed to complete to be a part of the bigger strategy.
- 6.3 The Joint Committee **AGREED** to;
- Endorse the strategic aims for parking management as set out in paragraph 1.1 and agree that all district representatives will support the adoption of these by their respective Councils.
 - Note the impact the Covid-19 pandemic has had on incurring delays to the Better Parking Strategy Project work (principally the Parking Principles Parking Strategy and Forward Programme), and that the outcomes from this work have been rescheduled to summer 2021 as a result.

The meeting concluded at 3.10pm

Chairman



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Norfolk Parking Partnership Joint Committee

Item No. 5

Decision making report title:	Traffic Management Act (2004) - Decriminalisation of moving traffic offences
Date of meeting:	19 January 2021
Responsible Cabinet Member:	Cllr Martin Wilby (Cabinet Member for Highways, Infrastructure and Transport)
Responsible Director:	Grahame Bygrave - Director of Highways and Waste
Is this a key decision?	No

Introduction from Cabinet Member

2020 has seen some bold decisions to be made in the way we manage the highway network for the people of Norfolk. Reaction to Covid-19 brought about some rapid changes to our high streets, and central government funding opportunities are enabling positive long-term changes to the way the highway network is used. Government policy is encouraging us to support greater modal shift, creating streets that are healthy attractive places for people to live and visit.

The Traffic Management Act (TMA) is a key part of the way Norfolk County Council manages the highway network, from authorising streetworks through to issuing penalty charge notices for parking offences. It also contains a statutory duty to bring about the efficient expeditious movement of traffic and to reduce congestion. Implementation in full of Part 6 of the TMA will provide additional tools with which to manage the way vehicles use the road network. Allowing the Council to tackle safety issues for residents that have traditionally been the remit of the police.

Executive Summary

The Local Government Association (LGA) have been calling on the Department for Transport (DfT) to implement the rest of the Part 6 powers of the TMA since its enactment in 2004. The Act as it stands, allows civil enforcement of certain traffic offences, for example parking on double yellow lines or driving in a bus lane. The full implementation of Part 6 would grant local authorities enforcement powers over a wider range of moving traffic offences. For example, driving into pedestrian zones, banned turns and yellow box markings. London Councils have had these powers for some time, and they are used extensively on the Transport for London road network.

It was previously considered that the DfT may consider expanding existing Civil Parking Enforcement (CPE) arrangements to encompass moving traffic offences within Part 6. However, it is now likely that Part 6 moving traffic offences will be implemented separately to CPE but will borrow extensively from the current national CPE legislation and guidance.

In practice, this would be the way Penalty Charge Notices are issued, the information they contain and how they are appealed, including independent tribunal.

The DfT anticipated timeline for the full implementation of Part 6 is spring 2021. However, given the legislative hurdles required (the time needed to pass through the House of Commons and Lords) and the packed timetable that parliament currently has, this is likely to be pushed back further into 2021.

Recommendations

- 1. To note the anticipated timeline for the implementation of Part 6 moving traffic offences**
- 2. To note that the rest of Part 6 enforcement is likely to be separate to current CPE arrangements.**
- 3. To note that the impact on CPE operations, and the NPP will be minimal as a result of this.**

1. Background and Purpose

1.1. The TMA (2004) is comprised of 7 parts 5 of which relate to the way that Norfolk County Council manages the highway network.

- Part 1 relates to Highway England Traffic Officers who operate on the Strategic Road Network.
- Part 2 relates to the duty that the highway authority has to keep traffic moving freely on the road.
- Part 3 relates to guidance for permit schemes for street works, the permissions required to dig up the road.
- Part 4 relates to the powers the highway authority has to determine when and where street works occur.
- Part 5 relates to powers the Secretary of State has to designate roads in London as Strategic
- Part 6 relates to the civil enforcement of traffic offences. Specifically parking and bus lane enforcement in Norfolk.
- Part 7 relates to powers to inspect Blue Badges.

1.2. Part 6 of the TMA (2004) gave the government power to introduce a framework for the enforcement of parking, bus lanes, and the London lorry ban. It strengthened and built upon civil enforcement practices which were introduced first by the Road Traffic Act (1991), and then subsequently by the Transport Act (2000) and various London legislations.

1.3. The LGA have, since commencement of the TMA (2004), been lobbying government to enact the rest of Part 6 which is seen as a positive traffic management tool as it covers moving traffic offences that at present are enforced by the police.

- 1.4. The Designation Order creating the enforcement area for Norfolk became effective on 07 November 2011, transferring responsibility for the enforcement of parking regulations from the Police to Norfolk County Council. Powers to jointly enforce parking offences were then delegated to District and Borough Councils and the Norfolk Parking Partnership was formed. Norwich City Council became a Special Parking Area in 2002 and parking enforcement is administered through a separate delegated functions agreement.
- 1.5. The government publishes statutory guidance on how Local Authorities should enforce parking restrictions as well as guidance on developing policy and operational practice. Which Norfolk County Council, and by extension the NPP, base their operational policy and practice on.
- 1.6. Current enforcement powers extend only to parking and bus lanes. For example, they only cover parking in a pedestrian zone rather than the act of driving into it in the first place. Similarly, while Norfolk County Council has the power to restrict turning movements at junctions in the interests of safety and expeditious traffic movements, we are reliant upon enforcement by the police to ensure compliance. Requesting enforcement draws resource away from the detection and prevention of other crimes.

2. Proposals

- 2.1. In July 2020 the government published a policy paper called *Gear Change: a bold vision for cycling and walking*. Within that paper on page 30 was a statement relating to the complete enactment of Part 6 of the TMA. The Government was clear in that it will be giving these powers to Local Highway Authorities. London Councils, who have had these powers for some time, have seen improvements to traffic flow and speeds on their network and a benefit has also been seen in road casualty reduction.
- 2.2. The same policy paper also highlighted that the government would be reviewing the network management duty of Highway Authorities to reflect much more clearly the current imperatives of decarbonisation, encouraging healthier forms for transport and emphasis on technology.
- 2.3. No timeline was given in the policy paper for implementation of the rest of Part 6 nor how Local Authorities were to implement the enforcement. The initial expectation was that it would be offered to the existing CPE arrangement to manage and operate.
- 2.4. The anticipated DfT timeline in the Autumn was Spring 2021. However, given the legislative hurdles required, including passage through both the House of Commons and Lords, the withdrawal from the European Union, and response to the Covid-19 pandemic, it is likely that this will slip to later in 2021.
- 2.5. It also became clear that the DfT expectation is that moving traffic offences will be enforced separately from CPE, but that they will borrow heavily from the existing CPE administrative model. This is likely to be: how a Penalty Charge Notice (PCN) can be issued, what it should contain, and how it is processed,

appealed etc. Also, an independent tribunal for appeal resolution will be required.

3. Impact of the Proposal

- 3.1. Should the County Council receive these powers it will need to decide how best to administer them and what structure that would entail, including supporting policies and protocols.

Back office and appeals processes will need to be put in place with additional resource required to administer.

- 3.2. Additional enforcement powers over moving traffic offences will bring benefits in terms of network management. Bringing additional tools to assist with reducing congestion, keeping traffic flowing and improving safety for all road users.

4. Evidence and Reasons for Decision

- 4.1. N/A

5. Alternative Options

- 5.1. N/A

6. Financial Implications

- 6.1. There are no known financial implications for the Norfolk Parking Partnership as currently government envisage enforcement of moving traffic offences to be undertaken separately from parking but using the same model.

- 6.2. Like parking enforcement, moving traffic offence enforcement should be self-financing in that income derived from PCNs will be used to pay for the enforcement process. Surplus over and above required for day to day operations will be available for reinvestment in other highways and transportation schemes in line with legislation.

7. Resource Implications

- 7.1. **Staff:**

There will be a requirement for additional staff to manage the PCNs and appeals process for moving traffic offences.

Property:

- 7.2. N/A

IT:

- 7.3. There will need to be a back-office case management system for the PCN process, which will be very similar in function to the existing parking PCN system.

Other authorities already undertaking this kind of enforcement do so using technology, and in particular cameras, to provide evidential collection of contraventions. There may need to be an initial investment in type approved cameras to collect evidence.

8. Other Implications

8.1. Legal Implications

Existing signing/lining and any traffic regulation orders that are to be enforced will need to be checked for compliance with regulations prior to commencement of enforcement.

A Code of Practice for enforcement using camera technology will need to be developed and the County Council Enforcement Policy will need to be updated to include moving traffic offences.

8.2. Human Rights implications

None identified.

8.3. Equality Impact Assessment (EqIA)

Enforcement of moving traffic offences is carried out with equity regardless of a person's characteristics. The enforcement process is not automatic and requires human decision making, appeals can be considered at several stages upon submission of appropriate mitigation and the enforcement authority has the power to use discretion to cancel PCNs where necessary.

8.4. Health and Safety implications

None Identified.

8.5. Sustainability implications

Enforcement of moving traffic offences can be a useful tool in managing the flow of vehicles on the highway network and reducing congestion. Reducing congestion will in turn reduce the emission of polluting gases which contribute to a reduction in air quality.

8.6. Any other implications

None

9.0. Risk Implications/Assessment

9.1 None identified.

10.0. Recommendations

- 10.1.
 - 1. To note the anticipated timeline for the implementation of Part 6 moving traffic offences**
 - 2. To note that the rest of Part 6 enforcement is likely to be separate to current CPE arrangements.**

3. To note that the impact on CPE operations, and the NPP will be minimal as a result of this.

11.0. **Background Papers**

11.1 <https://www.gov.uk/government/publications/cycling-and-walking-plan-for-england>

Officer Contact

If you have any questions about matters contained in this paper, please get in touch with:

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Norfolk Parking Partnership Joint Committee

Item No: 6

Decision making report title:	2020-21 Finance Update
Date of meeting:	19 January 2021
Responsible Cabinet Member:	Cllr Wilby (Cabinet Member for Highways, Infrastructure & Transport)
Responsible Director:	Grahame Bygrave - Director of Highways and Waste
Is this a key decision?	No

Introduction from Cabinet Member

The ongoing COVID-19 pandemic has had a profound impact on the operation of the Norfolk Parking Partnership (NPP) this financial year. The financial viability of the partnership relies on income generated from penalty charge notices and on-street parking fees to offset the costs of running the service across the County.

During the first national lockdown from March to July 2020, all but essential parking enforcement as well as on-street parking charges were suspended in line with advice from the Department for Transport and the British Parking Association. This has had a profound effect on the projected income into the NPP for this financial year and this report summarises the latest position and action required in order to mitigate the projected financial deficit.

Executive Summary

As a result of two national lockdowns and central Government advice to suspend all but essential on-street enforcement, there was a 38% drop in penalty charge notices being issued in 2020.

Similarly, on-street parking charges in Norwich, Great Yarmouth and King's Lynn were suspended between March and July 2020. With seasonal charges applying in Great Yarmouth between April and October only, revenue from parking charges have been lost for more than half of the charging season.

The original 2020/21 budget agreed at the NPP joint committee on 5 March 2020 projected a surplus of £102k. The latest forecast now projects a deficit of £1.296m. This deficit is well beyond the current reserve levels of the NPP and further action is required to offset these losses with external central government grants available.

Recommendations

- 1. Agree that South Norfolk District, King's Lynn Borough, Great Yarmouth Borough and Norwich City Council are to submit claims in December 2020 and April 2021 to the Ministry of Housing, Communities and Local Government's (MHCLG) Income Compensation Scheme for lost sales, fees and charges for the amounts as detailed in Appendix A.**
- 2. Agree that regular updates on progress on claims are communicated back to the NPP via the Highway Network & Digital Innovation Manager, in order that forecasts can be updated accordingly.**

1. Background and Purpose

- 1.1. On 5 March 2020 the budget for 2020-21 was agreed by the Norfolk Parking Partnership Joint Committee.
- 1.2. This budget was set and endorsed before the onset of the COVID-19 pandemic in the UK, which has subsequently resulted in two national lockdowns imposed by central government, as well as further regional restrictions on the opening of services, particularly in the retail and hospitality industry, in order to curb the spread of the virus.
- 1.3. At the height of the first pandemic in April/May 2020, traffic levels in Norwich, Great Yarmouth and King's Lynn had declined by around 70%.
- 1.4. In line with advice issued by the Department for Transport and the British Parking Association, all but essential civil parking enforcement was suspended between the end of March and 1 August 2020. A free keyworker permit scheme was also issued entitling healthcare workers and volunteers to free parking in permit zones as well as pay and display tariffs.
- 1.5. In the financial model for the Norfolk Parking Partnership, the cost of running the service is met through income generated from penalty charge notices as well as on-street pay and display tariffs in Great Yarmouth and King's Lynn.
- 1.6. This report provides an update on forecast income and costs for this financial year and measures necessary to ensure the ongoing financial viability of the partnership.

2. Proposals

- 2.1. South Norfolk District, King's Lynn Borough, Great Yarmouth Borough and Norwich City Council are requested to submit claims in December 2020 and April 2021 to the Ministry of Housing, Communities and Local Government's (MHCLG) Income Compensation Scheme for lost sales, fees and charges for the amounts as detailed in Appendix A.

3. Impact of the Proposal

- 3.1. Receiving funding from the MHCLG loss of income scheme will help offset the forecast loss in income from parking fees and penalty charge notices as a result of the COVID-19 pandemic.

4. Evidence and Reasons for Decision

- 4.1. Appendix A provides a summary of the latest forecast financial outturn for the NPP for the current financial year.
- 4.2. These figures are based on a mixture of actual income received to date, combined with a forecast of income for the remainder of the year based on the latest understanding of how ongoing restrictions will impact income streams into the NPP.
- 4.3. In the absence of any grant support, there is a forecasted deficit in the NPP end of year accounts of £1,296,425, with a £870,000 loss in income compared to that budgeted (excluding City). Reserves currently stand at £394,350 and therefore would not cover the forecasted deficit.
- 4.4. [Guidance has been issued](#) by the MHCLG on what claims would be eligible. Norfolk County Council administers the NPP budgets on a partnership arrangement and are not on Norfolk County Council's revenue account. Consequentially a single claim centrally from Norfolk County Council has been deemed ineligible.
- 4.5. Norfolk County Council are responsible for covering any financial losses within the NPP. Under the agreement, District, Boroughs and City councils are required to use reasonable endeavours to recover all income.
- 4.6. The Executive Director for Finance and Commercial Services contacted all parties on 24 November 2020 providing Section 151 officer sign-off for local councils to submit claims for losses in on-street parking.
- 4.7. Norwich City Council have already submitted a claim to the first tranche of MHCLG's scheme for net losses incurred between April and July 2020 and have received £429k of central government funding to date. Total losses for this period had been calculated as £711k so the net loss for this period is £282k. This figure has not been included in the calculations shown on Appendix A, pending clarity on how this funding is to be split between on and off-street activities provided by Norwich City Council.

5. Alternative Options

- 5.1. The COVID Recovery Grant is a potential alternative source of relief funding. At a time of great uncertainty, it is unclear how much other services across the County will need to rely on this grant that may not be eligible for other schemes such as MHCLG Loss of Income.

- 5.2. The NPP reserve balance is currently £216,417 and the capital equipment replacement fund £177,933. Combined these reserves are not sufficient to offset the forecasted deficit for this financial year.

6. Financial Implications

- 6.1. If no action is taken the NPP reserves will be depleted and external contributions would have to be sought in order to fully settle anticipated costs billed by South Norfolk District, King's Lynn Borough, Great Yarmouth Borough and Norwich City Council.

7. Resource Implications

7.1. Staff:

None identified

7.2. Property:

None identified

7.3. IT:

None identified

8. Other Implications

8.1. Legal Implications

None identified

8.2. Human Rights implications

None identified

8.3. Equality Impact Assessment (EqIA)

Not required – report is an update only

8.4. Health and Safety implications

None identified

8.5. Sustainability implications

None identified

8.6. Any other implications

None identified

9. Risk Implications/Assessment

- 9.1. Unless mitigating action is taken, reserves and projected income are not sufficient to meet all forecasted costs expected in 2020-21.

10. Recommendations

- 10.1.
1. Agree that South Norfolk District, King's Lynn Borough, Great Yarmouth Borough and Norwich City Council are to submit claims in December 2020 and April 2021 to the Ministry of Housing, Communities and Local Government's (MHCLG) Income Compensation Scheme for lost sales, fees and charges for the amounts as detailed in Appendix A.
 2. Agree that regular updates on progress on claims are communicated back to the NPP via the Highway Network & Digital Innovation Manager, in order that forecasts can be updated accordingly.

11. Background Papers

- 11.1. [NPP Budget Setting 2020-21 – NPP Joint Committee 5th March 2020](#)

Officer Contact

If you have any questions about matters contained in this paper, please get in touch with:

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	Budget 2020/21	Forecast 2020/21	Variance from Budget
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Budget for NPP Operations 2020-21**CPE Operations****Costs**

Parking Enforcement - Annual Operating costs	726,961	663,949
Efficiency savings from Annual Operating Costs - Parking Enforcement	0	
Parking Department (NCC) - Annual Operating Costs	80,764	80,764
Central Processing Unit - Annual Operating Costs	218,500	145,786
Efficiency savings from Annual Operating Costs - CPU	0	
Capital Contribution (CPE)	59,000	59,000
Efficiency savings from Annual Operating Costs - Capital Contribution	0	
Total Costs	1,085,225	949,499

Income

On-street Parking Enforcement	-651,889	-315,232
Subtotal		
(Surplus) / Deficit from CPE	433,336	634,267

336,657

On-Street Pay & Display**Costs**

Cash Collection and Maintenance	9,956	32,499
Residents Permit Scheme Costs	14,852	
Total Costs	24,808	32,499

Income

Total Income	-525,347	-362,578
Surplus / Deficit from On-street P&D and Residents Parking Schemes	-500,539	-330,079

170,460

Norwich City Forecasted Surplus/Deficit**- 1,027,236****Net Position**

Gross (Surplus) / Deficit from NPP Operations	-67,203	1,331,425
Financial Contributions	-35,000	-35,000
NPP Operations (Surplus) / Deficit	-102,203	1,296,425

1,398,628