

**TO: THE CHAIR AND MEMBERS OF THE
COUNTY COUNCIL'S CABINET**

28 March 2014

Your reference: Reference

Our reference: Reference jc/CAB

Dear Members

Cabinet – 3 April 2014

Further to the agenda for the above meeting please find enclosed the following, which was marked 'to follow':-

Agenda Item No 14 – On Street Charging and Permit Charging

Yours sincerely

Jackie Currie

Jackie Currie
Senior Democratic Services Officer

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CABINET

Meeting date: 3 April 2014

From: Corporate Director – Environment & Community Services

ON STREET PARKING CHARGES AND RESIDENTS PARKING PERMITS

1.0 EXECUTIVE SUMMARY

- 1.1** *At the Council Meeting on February 13th the budget for 2014/15 was approved which included the introduction of on street parking charges and the introduction of resident parking permit charges. This report provides guidance to the Local Committees to enable them to implement the proposals as part of the budget savings for 2014/15.*
- 1.2** *To improve the clarity of the approach to enforcement across the county it is proposed that a review be undertaken of current delivery arrangements for permit administration and parking enforcement services and a further report be brought to the May meeting.*

2.0 STRATEGIC PLANNING AND EQUALITY IMPLICATIONS

- 2.1** *An Equality Impact Assessment (EIA) has been carried out for both these proposals and there are no issues arising from the assessments.*
- 2.2** *The introduction of on street charges reduces congestion and improves traffic flow. This meets the Council Plan Priority:*
- To provide safe and well maintained roads and an effective transport network*

3.0 RECOMMENDATION

- 3.1** *That Cabinet approve the guidance / parameters for the introduction of on street charges and for resident permit charges and that those parameters are passed to the Local Committees to enable them to implement the two schemes.*
- 3.2** *That a review of on-street enforcement be carried out with the findings submitted to the May Cabinet for consideration and that pending the decision of that Cabinet existing provision of enforcement and the administration of permits continues until such time as new arrangements are in place.*

ADVICE OF CORPORATE DIRECTOR – ENVIRONMENT & COMMUNITY SERVICES

4.0 BACKGROUND

4.1 At the 2014 February Council meeting the following budget savings were agreed:

£'m	2014/15	2015/16	2016/17	Ongoing
Targeted on street parking	0.350	0.700	0.700	0.700
Residents Parking Permits	0.250	0.250	0.250	0.250

4.2 A one off capital budget of £0.280m to install ticket machines and associated infrastructure works and a one off revenue budget of £0.300m to deliver a phased and integrated implementation of the above budget savings was also agreed by Council as part of the 2014/15 budget.

4.3 The role of the Council is to approve the budget and policy framework for charging for resident's permits and for charging for on street parking. Cabinet then agrees the principles of both schemes and sets the parameters providing guidance to Local Committees. This paper recommends these parameters.

4.4 Cabinet cannot place the Local Committees under a direction to make specific Traffic Regulation Orders however in exercising their Executive functions Local Committees must act in accordance with the Council's Budget and Policy Framework Rules and any other policies that either the Council or the Cabinet has adopted or endorsed. The Local Committees work within the policies agreed by the Council and the parameters and guidance provided by Cabinet.

4.5 The making of Traffic Regulation Orders that will bring the charging for residents permits and the charging for on street parking into effect is delegated to the Local Committees who then authorise the statutory consultation and advertisement of the proposals and then take into account any objections which have been received before making decisions.

4.6 Local Committees will consider the objections/representations which have been received. The Local Committees then have discretion as to whether the Orders should be made operative, in whole or in part, or not at all.

4.7 In relation specifically to the proposal to introduce charges for residents permits, having taken into account the objections/representations which are received, if Local Committees decide not to introduce the charge in certain streets/towns, then they have the discretion as to whether to withdraw the exemptions for residents or the parking restrictions on those streets as an alternative.

On street charging

- 4.8 It is suggested that the level of charging in each area should be set in conjunction with the level of off street parking charges. Ideally long stay parkers will remain in the car parks to enable on street parking to be used for short stay parking or when the off street car parks are at capacity. This will reduce the traffic congestion in and around the town centres.
- 4.9 A detailed survey is required to determine the exact location of the charging areas but it is expected that a small number of towns in each district would be selected to deliver the budgeted income. The highways team will work with the Local Committee to develop options for implementation during 2014-15.
- 4.10 Work completed to date has suggested that charges in the towns and streets listed in the below table are introduced.

Table 1 – 2014/15 Proposed On Street Charging Locations

District	Town	Street
Allerdale	Keswick	Borrowdale Road Station Road Station Street
Barrow	Barrow	Cavendish St Crellin St Fell St Manchester St Scott St Whittaker St Buccleuch St
Carlisle	Carlisle	Abbey St Back Corporation Road Castle Street Clifford Street Corporation Road Finkle Street Peter Street Rickergate
Copeland	Whitehaven	James Street Lowther Street Market Place Queen Street
Eden	Penrith	Burrowgate Crown Square Crown St (Post Office) Devonshire Street Friargate Great Dockray (edge) Great Dockray (centre) King Street Middlegate Sandgate

South Lakeland	Ambleside	Cheapside Church Street Compston Road Compston Street Kelsick Road King Street Knott Street Market Place Vicarage Road Waterhead
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- 4.11 The above locations and charges are to be discussed in working groups prior to the Local Committees to enable an extensive review to take place of the proposed locations.
- 4.12 It is proposed that the on-street charges are introduced by way of Experimental Traffic Orders, which remain in force for a maximum of 18 months; so that during the operation of the Orders the charges can be amended should the need arise. Local Committees have delegated authority to authorise the bringing into force of Experimental Orders. Objections to the Experimental Orders continuing in permanent effect may be made during the first six months of the Order's operation. Alterations, which have the effect of making the Orders less onerous, may be made during the first 12 months of the Order's operation. Experimental Orders must be made permanent or withdrawn no later than 18 months after they come into force.

Resident Permit Charges

- 4.13 Section 45(1) of the Road Traffic Regulation Act 1984 allows a Local Authority to designate parking places on highways and Section 45(2)(a) of the 1984 Act allows an authority to issue a permit for that vehicle to be left in the parking place while the permit remains in force, either at all times or at such times as may be specified in the permit and Section 45(2)(b) allows an authority to make such charge in connection with the issue or use of the permit, of such amount and payable in such manner, as the authority by whom the designation order was made may by order prescribed.
- 4.14 The decision from Full Council is to charge an annual fee of up to £25 for resident's permits within a scheme. No charge will be made for visitor permits or carer's permits. The amount of revenue generated by the residents permit charge depends on the uptake of the permits. There are presently over 20,000 permits in existence but when a charge is introduced not all existing permit holders will continue to require a permit. Some residents may have off street parking and only have a permit as an alternative to allow them to park on street on occasions. Others may be able to cope without a permit as they may not require a permit during the time of the waiting restrictions and they may only park their vehicle on street of an evening.
- 4.15 A charge of £20 for the issue of residents permits should enable the majority of the costs involved in enforcing and administering the resident permit schemes to be recovered, assuming a high take up of the existing permits.

Cabinet Guidance & Parameters

- 4.16 The following table summarises the suggested guidance from Cabinet to Local Committees in relation to both on-street parking charges and charging for residents permits and the level of discretion which Local Committees have.

Cabinet guidance / parameters	Local Committee discretion
Introduce on street parking charges – Table 1 - Proposed towns and streets	Which Towns and which Streets
The level of on-street charges in each area should be set above the level of off-street parking charges and within a range of up to 20% above of those prices.	Determine charging levels within the parameters set by Cabinet.
Introduced annual charge for permits – Permit charge £20	No discretion
Implementation of pay and display arrangements by or before January 2015	No Discretion
For Local Committees to work in collaboration to ensure that County wide the budget targets are met.	No discretion

Review of Current Delivery

- 4.17 Given the changes taking place in parking management a need has been identified for existing service delivery practices to be reviewed and options for improved ways of working considered. This review will incorporate an assessment of enforcement resources required for the new charging arrangements and will enable service procedures to be updated to take account of recent adjudication feedback from the Traffic and Parking Tribunal service where that is considered appropriate.
- 4.18 Options to be reviewed include a proposal for in-house enforcement and permit administration.

5.0 OPTIONS

- 5.1 That Cabinet agree to the guidance / parameters listed in this report and provide the guidance to the Local Committees.
- 5.2 That Cabinet amend the guidance / parameters listed in this report and provide the amended guidance to the Local Committees.

6.0 RESOURCE AND VALUE FOR MONEY IMPLICATIONS

- 6.1 At the 2014 February Council meeting the following budget propositions were agreed:

£'m	2014/15	2015/16	2016/17	Ongoing
Targeted on street parking	0.350	0.700	0.700	0.700
Residents Parking Permits	0.250	0.250	0.250	0.250

- 6.2 In addition, a one off capital budget of £0.280m to install ticket machines and associated infrastructure works and a one off revenue budget of £0.300m to deliver a phased and integrated implementation of the above were also agreed by Council as part of the 2014/15 budget.
- 6.3 This report seeks Cabinet approval to the guidance / parameters for Local Committees to implement Council's decision. In implementing any budget proposition, the risk of non-achievement exists particularly in the first year. It will be necessary to report the progress and financial impact of the roll out of the integrated implementation of these two propositions by Local Committees through the quarterly budget monitoring report to Cabinet. This will provide comparison to the desktop assumptions (across a range of variables e.g. timing, set up and running costs, parking revenues generated etc) that underpin the budget propositions and an assessment of the realisation of the budget in both the current and future years.

7.0 LEGAL IMPLICATIONS

- 7.1 This is a proper decision for Cabinet as under Part 3 of the Constitution Cabinet is responsible for taking decisions to implement the County Council's policies.
- 7.2 Under Part 5 of the Constitution, Local Committees, in exercising its Executive functions, shall act in accordance with the Council's Policy Framework and Budget and such other policies of the Council as the Council or the Cabinet has adopted or endorsed.
- 7.3 At paragraph 30 of Part 5 of the Constitution, Local Committees can exercise the powers and duties of the County Council, under Parts I, II, and IV of the Road Traffic Regulation Act 1984 within their Area and, using the guidance in this report, can decide on the level of on-street charges and the streets to be included in the Experimental Orders. If Local Committees decide not to introduce the charge in certain streets/towns, then they have the discretion as to whether to withdraw the exemptions for residents or the parking restrictions on those streets as an alternative.

In relation to charging for residents permits: -

- 7.4 Section 45(1) of the Road Traffic Regulation Act 1984 (“the 1984 Act”) allows a Local Authority to designate parking places on highways;
- 7.5 Section 45(2)(a) of the 1984 Act allows an authority to issue a permit for that vehicle to be left in the parking place while the permit remains in force, either at all times or at such times as may be specified in the permit; and
- 7.6 Section 45(2)(b) allows an authority to make such charge in connection with the issue or use of the permit, of such amount and payable in such manner, as the authority by whom the designation order was made may by order prescribe.
- 7.7 The introduction of charging for residents permits is intended to be facilitated by variations to each of the existing Traffic Regulation Orders which are in force in the County which currently provide for the issue of residents exemption permits, in accordance with the procedures set out in the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996 (SI 1996/2489) (“the 1996 Regulations”), which includes requirements for consultation, advertisement and then consideration of any objections received by Local Committees, who will then decide upon the making of the variation orders in relation to the charge to be introduced for the residents permits.
- 7.8 Section 93 of the Local Government Act 2003 contains a power for all local authorities to levy charges for “discretionary services”. Thus a local authority may charge only where it is exercising a discretionary function, ie. where the authority has a choice whether or not to undertake the service at all.
- 7.9 The issue of residents parking permits would be included in the definition of such a “discretionary service”.
- 7.10 The aim of Section 93 is to allow local authorities to recover the cost of providing services or improvements to services that they might not otherwise have been able to justify providing or been in a position to provide (eg. due to financial constraints).

In relation to the introduction of on-street parking charges: -

- 7.11 Section 46(1)(A) of the 1984 Act allows a Local Authority to impose charges to be paid for vehicles left in a parking place designated by a Traffic Regulation Order, in a civil enforcement area for parking contraventions, such charges to be prescribed either by a designation order or by a separate order made by the authority.
- 7.12 The introduction of charging for on-street parking is proposed to be implemented by way of Experimental Traffic Regulation Orders, made under Sections 9 and 10 of the 1984 Act, in accordance with the procedures set out in the 1996 Regulations.

- 7.13 The effect of an Experimental Order will be to bring into immediate operation the on-street charging provisions, as an experimental scheme of traffic control, which shall continue in force for a maximum period of 18 months.
- 7.14 During the first six months of its operation, anyone affected by the Experimental Order may object to it being continued in permanent operation. Any objections which are received will subsequently be considered by Local Committees who will decide whether to take the objections into account and resolve that the Experimental Order be amended accordingly, or alternatively they may decide that the objections are not valid and resolve that the Experimental Order be brought into operation on a permanent basis. (KB. 27.3.2014).
- 7.15 During the first twelve months of its operation, minor amendments may be made to an Experimental Order, thus that it can be made less onerous; modifications do not extend to making additions to the order or to designate additional on-street parking places for which charges are made.
- 7.16 Local Committees may consider bringing an Experimental Order into permanent operation after the first six months of its operation but may decide that the Experimental Order should run for its maximum duration before deciding whether it has had the effect which was envisaged. Local Committees can then decide whether the Experimental Order should be made permanent or abandoned and either formally revoked or allowed to lapse.

8.0 CONCLUSION

- 8.1 The County Council approved its Budget at it's meeting of 13th February. This report contains the provision of two budget savings proposals relating to Parking Charges and to Residents' Parking Permits both of which require approval of the parameters for implementation to be set by Cabinet which Local Committees will then use to introduce the necessary measures in order to deliver the council budget objectives.

Jim Savege
Corporate Director – Environment and Community Services

April 2014

APPENDICES

No appendices -

Electoral Division(s): *

**** Please remove whichever option is not applicable***

Executive Decision

Yes*	<input type="checkbox"/>
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Key Decision

Yes*	<input type="checkbox"/>
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If a Key Decision, is the proposal published in the current Forward Plan?	Yes*		
Is the decision exempt from call-in on grounds of urgency?		No*	
If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained?			N/A*
Has this matter been considered by Overview and Scrutiny? If so, give details below.		No*	
Has an environmental or sustainability impact assessment been undertaken?		No*	
Has an equality impact assessment been undertaken?		No*	

PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS
[including Local Committees]

Cabinet

CONSIDERATION BY OVERVIEW AND SCRUTINY

Not considered by Overview and Scrutiny.

BACKGROUND PAPERS

No background papers

RESPONSIBLE CABINET MEMBER

Keith Little – Highways and Transportation

REPORT AUTHOR

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