

HERTFORDSHIRE COUNTY COUNCIL

**ENVIRONMENT
SCRUTINY COMMITTEE**

TUESDAY 17 JUNE 2003 AT 10.00A.M.

Agenda Item No.

1

WITHDRAWAL OF THE TRAFFIC WARDEN SERVICE IN HERTFORDSHIRE

Report of the Director of Environment

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1. Purpose of Report

To consider the issues generated by the decision of the Chief Constable to withdraw the traffic warden service in Hertfordshire by March 2004.

2. Summary

In December 2002 the Chief Constable announced his proposal to withdraw the traffic warden service in Hertfordshire by March 2004. He also recommended the introduction of council led decriminalised parking enforcement (DPE) to replace the traffic warden service. The County Council encourages the District Councils to take a lead in managing on-street parking, however it is the County Council, as the Traffic Authority, that must submit the application for DPE powers. The report sets out some of the options available to the County Council and updates on progress so far.

3. Conclusion

The Committee is invited to consider how it wishes to scrutinise this issue and whether to make any recommendations to the Council, Cabinet or Chief Officers.

4. Background

4.1 In making his decision to withdraw the traffic warden service, the Chief Constable recommended that the District Councils should take up powers for Decriminalised Parking Enforcement (DPE).

4.2 The Roads and Traffic Regulations Act 1991 enabled local traffic authorities outside of London to decriminalise parking enforcement and take control of enforcement themselves. The distinct advantages are that the local authority can introduce and manage parking schemes to achieve wider transport and social objectives that the traditional traffic warden service could not service. After a slow take up initially, more than 50 authorities across England and Wales have now taken up DPE, including Watford and Three Rivers.

4.3 Typically, a car parking strategy covers on-street parking; off-street parking; private non-residential (PNR) and residential parking. These elements need to be considered and subsequently managed holistically as all of these elements have implications for each other. As the District Councils across Hertfordshire tend to manage off-street car parks and they also influence PNR as planning authority, the County Council, therefore encourages the District Councils to take a lead in managing on-street parking.

4.4 The Traffic Authority in Hertfordshire is the County Council. HCC must submit the application for DPE powers. Currently, HCC would delegate those powers to interested District Councils simultaneously. A key feature of agency agreements is that the District Councils take the potential benefits and any risks of introducing and managing DPE and any associated parking schemes.

4.5 There is no obligation on the District Councils to take on board on-street parking management. Indeed, it is possible some District Councils may wish to withdraw from any involvement with on-street parking as a result of the decision to withdraw the traffic warden service.

4.6 At the time of the Chief Constable’s decision, progress towards DPE across the county was as follows:

DPE powers in force	Watford, Three Rivers
DPE powers to be pursued, subject to final feasibility	Dacorum, Hertsmere, St Albans
DPE under investigation	East Herts, Broxbourne
DPE not investigated	North Herts, Stevenage
DPE investigated & rejected	Welwyn & Hatfield

4.7 An application for DPE through the designation of a Special Parking Area (SPA) and Permitted Parking Area (PPA) involves sixteen key ingredients.

The three particular ingredients the County Council needs to consider in formulating its approach to the withdrawal of the traffic warden service are:

- Where off-street parking is enforced using excess charge or penalty notices (e.g. pay & display), the SPA should cover off-street as well as on-street parking. This is to ensure a consistent enforcement and penalty regime. This requires the holistic management, which is achieved through delegation to the District councils. There is no requirement for on and off street to be co-ordinated within a SPA where excess charges or penalty notices are not used for off street car parks (e.g. “pay on exit”).
- The traffic authority needs to satisfy the Secretary of State that the Traffic Regulation Orders, (TRO) signing and lining are in good order and have been recently reviewed to ensure that they are legally enforceable. It is established practice that HCC funds the TRO exercise, such that it “hands over” the asset in good condition. The District Council is responsible for the upkeep of signs and lines thereafter.
- The business case for operating the new parking regime should demonstrate financial viability. The management of DPE of on-street parking is most likely to be financially viable in urbanised districts, where there are controlled parking zones(CPZ's) generating sales of permits and penalty charge notices (PCNs). In more rural areas, financial viability may only be achieved through cross subsidy from the off-street parking operation. The Secretary of State's requirement is for overall financial viability, and the costs of on-street parking can be supported by off-street surpluses. Whether the Districts are prepared to cross subsidise is another matter, as that is money that they have absolute discretion over and the off-street surpluses can be used to fund other services within the District.

4.8 Appendix A sets out some of the pros and cons for a number of options for parking enforcement on withdrawal of the Police Traffic Warden Service. The ideas arise from a meeting with county, district and police officers on 28 January 2003, but do not necessarily represent the views of any or all of the authorities.

4.9 The options are:

- **Do nothing** - districts which already have, or are planning, decriminalised enforcement continue, but no measures are introduced in districts where decriminalisation is not planned.
- **County Council centralises function** – County Council applies for decriminalised powers for the whole of Hertfordshire, and controls the enforcement system.

- **County part manages enforcement** – County Council applies for decriminalised powers for those parts of the county which will not be covered by district-run schemes.
- **All districts take up decriminalised powers** – extension of existing strategy to encourage all ten districts to take up decriminalised powers.
- **Pay Police to continue with Traffic Warden Service** – the County Council and/or Districts provide funding to continue existing traffic warden service.

5. Financial Implications

- 5.1** Typically, the cost of developing a SPA application together with associated parking schemes (CPZ's etc) in an urban district is £300,000 - £350,000. The costs are shared with the District Council, with the County's contribution being made through the LTP.
- 5.2** The cost of a TRO, signs and lines review is approximately £20,000 - £25,000 per District.
- 5.3** Capital and revenue costs associated with DPE for each district would need to be established through detailed feasibility studies. Experience has shown that implementation costs for **on-street** DPE can typically lie between £500k and £600k.
- 5.4** Implementation of the new parking regime involves the provision of premises including a parking shop, IT systems, on-street equipment (eg pay & display machines) and the mobilisation of a parking attendant service. Through negotiation costs are shared with the Borough Council, with the County's contribution being made through the LTP.
- 5.5** Operating costs and income are sensitive to the size of the District and the intensity of car parking controls that need to be enforced, but the **on-street** turnover is likely to be in the region of £300k to £700k. As indicated in paragraph 4.7 above, the management of DPE for on-street parking is most likely to be financially viable in urbanised districts, where there are controlled parking zones (CPZ's) generating sales of permits and penalty charge notices (PCNs). In more rural areas, financial viability may only be achieved through cross subsidy from the off-street parking operation.
- 5.6** Actions that can be taken to improve financial viability of a DPE parking operation are shown in Appendix B. It can be observed that the District Councils are best placed to achieve viability, however each action has distinct disadvantages.

5.7 The County Council has budgeted to support the development of DPE at the rate of progress that the district councils were working to prior to the Chief Constable's decision. There is inadequate budgetary provision to support an accelerated programme covering all eight districts that do not have DPE powers.

6. Rural Implications

6.1 The Roads and Traffic Regulations Act 1991 was derived from legislation applied in London and developed with large urban (Metropolitan) areas in mind. In the context of DPE, Hertfordshire's market towns can be considered as rural. DPE provides the opportunity for bespoke enforcement specified by the local authority, such as increased enforcement on market days. It is likely that enhanced enforcement for such special events will be self-financing. It is the routine enforcement of on-street controls in rural areas that is unlikely to be self-financing. Enforcement in smaller settlements remote from the operational base, where there may be important, but very few parking restrictions will be least viable.

7. Transport Panel

7.1 The Transport Panel considered the withdrawal of the traffic warden service on 11 March. It recommended that:

- the eight remaining District / Borough Councils where DPE powers had not been obtained, should be encouraged and assisted wherever possible to apply and obtain such powers.
- the Cabinet should be asked to request the Police to delay withdrawing the Traffic Warden Service in Districts where insufficient time now existed to prepare a scheme and obtain Decriminalised Parking Enforcement powers.

7.2 Representatives from the District Councils at the Joint Member Transport Panel on 10 April were invited to comment on their current position regarding DPE. These are highlighted in Appendix C.

7.3 The Transport Panel's views, together with those of Scrutiny Committee, will be reported to Cabinet for a policy decision. It is anticipated that Cabinet will consider the issue at their meeting on 23 June 2003

APPENDIX A

Option	For	Against
Do Nothing	<ul style="list-style-type: none"> no additional cost to local authorities. 	<ul style="list-style-type: none"> loss of enforcement, especially for disabled parking bays and CPZs; it would not be possible to introduce any more CPZs (and therefore LTP targets will not be met); reduction in off-street car parking use, and hence reduction in income stream for districts; potential chaos, and therefore road safety implications; possibility of negligence claims; negative impact on town centre viability.
County Council centralises function	<ul style="list-style-type: none"> economy of scale; potential for cross-subsidy; consistent enforcement across county. 	<ul style="list-style-type: none"> on-street divorced from off-street; for districts, no local control for on-street; extraction from existing contracts could be difficult; some districts would lose out on existing plans and local economy of scale (i.e. will lose on-street) loss of linkage with other district tasks; differences in needs and issues across the county.
County part manages enforcement	<ul style="list-style-type: none"> ensures enforcement across whole of county; does not require decriminalised powers to be taken away from those that already have them. 	<ul style="list-style-type: none"> could lead to future difficulties if the business case in any district were to change; may not be economically viable, and therefore powers would not be granted*; districts would need to switch to pay-on-exit for off-street car parks and lose excess charge revenue.
All districts take up decriminalised powers	<ul style="list-style-type: none"> on and off-street could continue to be managed together; districts with decriminalisation already will not be affected; local control over level of service. 	<ul style="list-style-type: none"> need for cross subsidy from off-street, hence may need to increase charges; economics may not stack up*.
Pay Police to continue with Traffic Warden Service	<ul style="list-style-type: none"> could sponsor CSOs to undertake more functions. 	<ul style="list-style-type: none"> high cost to local authorities; Police have existing problems with recruiting and retaining traffic wardens; momentum to wind up traffic warden service already begun.

- the Secretary of State will only grant decriminalised powers if the financial viability of the scheme can be demonstrated. The on-street and off-street accounts need to be looked at together for this purpose, but the accounts must be separate. Any surpluses from the on-street account can only be used for transport improvements, including making up the

deficits in the off-street account, whilst the off-street account surpluses are not subject to ring-fencing.

APPENDIX B

ENHANCING FINANCIAL VIABILITY OF DPE

Action	Authority	Disadvantages
Cross subsidise from off-street car park revenue	District Council	District Councils lose revenue otherwise used to fund core services.
Increase off-street parking charges.	District Council	Locally contentious. Potential threat to town centre viability?
Introduce additional on-street parking controls to generate revenue through pay & display, residents permit sales and PCN fines.	District or County Council	Locally contentious – council introduces parking controls to solve parking problems that do not exist. Potential threat to town centre viability?
Centralise DPE function to reduce on-costs through economies of scale	County Council, or alliance of Districts	See Appendix A

APPENDIX C

DISTRICT RESPONSES AT JOINT MEMBER TRANSPORT PANEL

10th APRIL 2003

1) Broxbourne Borough

The issue was being discussed and it was proposed that the necessary preparation work would be done in – house. More time was required to prepare and obtain DPE powers and was unlikely to be achieved by 31 March 2004, when the Traffic Warden Service was due to be withdrawn.

2) Dacorum Borough

Not present. It was understood that their application for DPE powers would be submitted in 2003.

3) East Herts District

A study had been commissioned and an extensive report was due to be considered by the District Council's Cabinet on 20 May 2003. Finance would be the major determinant as to whether DPE powers would be applied for and the District Council were keen to know if the County Council would offer any financial assistance.

4) Hertsmere Borough

Preparation work was being done in house. Consultants were preparing the business case for the application for DPE powers.

The Council's Executive was due to consider a report on the issue in June 2003, subject to and following which an application for DPE powers would be made.

5) North Herts District

The business case does not stack up financially. A mini review would be undertaken in September 2003

6) St Albans District

A business plan was being prepared and a report on the whole issue would be submitted in 2/3 months time to their members.

7) Stevenage Borough

The Council were awaiting the County Council's decision on what action it would take to respond to the withdrawal of the Traffic Warden Service. Following which a report would be submitted to their Executive and a decision would be taken. At this stage it appeared that the business case would not stack up financially.

8) Three Rivers District

DPE powers had been exercised for 2 years now, the annual financial loss had been significantly reduced by introducing charging at long stay car parks and from income from a Residents Parking scheme in Rickmansworth.

9) Watford Borough

Not present. DPE powers had been exercised for 3 years plus and it was understood that their scheme was operating with a profit

10) Welwyn Hatfield District

No DPE scheme currently proposed, as the financial case did not appear viable. They were hoping to obtain updated information to the commissioned Study undertaken by MVA in 2001. The County Council's decision on the matter was awaited, prior to the District Council's Cabinet considering the issue.