

Report of:	Meeting	Date	Item no.
Councillor Roger Berry, Neighbourhood Services and Community Safety Portfolio Holder and Mark Billington, Service Director People and Places	Cabinet	12 July 2017	6

Car Parking Strategy 2014-19 Recommendations

1. Purpose of report

- 1.1 To approve recommended actions made in the Car Parking Strategy 2014-19 following reviews undertaken considering the impacts of the Booths developments in Garstang and Poulton-le-Fylde.

2. Outcomes

- 2.1 Cost effective quality services will be provided across the council's parking portfolio.
- 2.2 The parking assets will be managed to provide best value for the council.

3. Recommendations

- 3.1 To discontinue Sunday worship permits, as there is no longer a demand.
- 3.2 That a 12-month Motorhome Parking trial is undertaken at Central Car Park Fleetwood (adjacent to the former kite shop).
- 3.3 That the Head of Engineering be authorised to carry out statutory consultation and advertise the changes outlined in this report to the Council's Off street Parking Places and Consolidation Order 2012.
- 3.4 That, subject to no objections being received, the Head of Engineering be authorised to make the amendments to the council's Off street Parking Places and Consolidation Order 2012.

- 3.5 That any objections received following the statutory advertisement be reported to the Neighbourhood Services and Community Safety Portfolio Holder for consideration.
- 3.6 That the enforcement and management of the council's car parks be retained through a single Lancashire contract with the council remaining responsible for managing its own car parks with enforcement being provided through NSL (Option 2). Penalty Charge Notice (PCN) processing would continue to be provided by Lancashire Parking Services (LPS). This is a change to the original Cabinet decision of 24 September 2014 that proposed Lancashire County Council (LCC) be appointed to deliver and manage the enforcement service for Wyre's car parks (Option 1).

4. Background

- 4.1 The council currently operates nine Pay and Display car parks and 21 free car parks.
- 4.2 The Car Parking Strategy 2014-19, was adopted by Cabinet on 5 April 2014. This report reflects key areas of change to the original strategy.

5. Key issues and proposals

5.1 Sunday Worship Parking Permits

These permits allow holders to park free for up to 3 hours in nominated car parks to attend Sunday worship. Currently there are no Sunday Worship parking permits in use.

In 2013 a legal challenge was made by the National Secular Society against Woking Borough Council about the legality of such permits. The challenge was based on whether such permits are illegal under the Equality Act 2010 and discriminate against non-religious persons. In the end the case was withdrawn and the scheme not challenged.

With no permits now in use, it is proposed that the scheme is discontinued.

5.2 Motorhome Overnight Parking

There is an ever growing demand for parking for motorhomes within the borough.

The council's current Traffic Regulation Order expressly forbids overnight occupancy in any of its car parks.

Currently only Fylde Council offer overnight motorhome parking locally. The parking, on St. Annes' swimming pool site, offers parking for up to three nights for a £5 per night fee and has proved to be very popular. The site offers no facilities, although a sluice is available at the public toilets 500m to the north of the site.

It is proposed that a 12-month trial is undertaken on the Central car park, Fleetwood offering overnight parking for motorhomes. The site is well positioned for Fleetwood town centre and offers a secluded site close to the beach.

It is proposed that, similar to Fylde, a fee of £5 per night, up to a maximum of three nights is introduced payable by the RingGo payment scheme currently used on the Council's Pay and Display car parks.

In order to allow changes to the use of car parks for motorhomes and to discontinue the Sunday worship permits, the Council's Off street Parking Places and Consolidation Order 2012 will require updating. Statutory consultation and advertising will be required as part of this process including consultation with Fleetwood Town Council. Changes brought about by other alterations to the council's car parks including the change to the naming of Hardhorn Road to Wheatsheaf Way car park will be made at the same time.

Enforcement

The Council currently employ Lancashire Parking Services (LPS) to undertake its enforcement and administration; LPS sub-contract enforcement to NSL Ltd following a full OJEU tendering exercise. Of the 12 district councils in Lancashire, Wyre, Lancaster, and South Ribble use both these services; the remaining councils all use NSL for enforcement only.

On 18 June 2014 LPS wrote to Wyre Council with two options for off-street parking enforcement within the borough.

Option 1:

LPS propose to deliver and manage off street enforcement at no cost to the council. This would include processing of all PCNs and dealing with all correspondence throughout the three stage appeals process (challenge, representation and appeal). In return, LPS would retain all income from PCNs.

Option 2:

LPS would manage enforcement through a third party (NSL), chargeable to the council. Processing of PCNs would be undertaken by LPS but at a cost to the council. All penalty charge notice income would be retained by Wyre Council.

At the meeting of 24 September 2014 Cabinet accepted that there are obvious efficiencies to be gained from the adoption of one enforcement regime county-wide and selected Option 1. The report noted that, the proposed agreement would mean that the council would have no control over the enforcement regime and there would be a loss of local contact for the public to discuss parking issues.

5.3 Current Operation

Despite officers contacting LCC on a regular basis no legal agreement has been reached. In the absence of a legal agreement the council has continued with the existing procedure (Option 2) of managing enforcement through NSL Ltd. Officers have used this period to rationalise and make the service more effective and efficient than the previous operation on which the original Cabinet decision was made. The changes to car parking including the new developments at Booths have been fully considered and the effective cost of the service determined.

Comparison of Options following review

A comparison of the costs of adopting both Options has been included at Appendix A to show the financial implications of each. This identifies that, with some changes, the current operation can achieve a cost neutral position and that Option 2 is therefore feasible financially.

There are a number of advantages with adopting Option 2 including;

1. Ability to allow discretion independently to Challenges and Representations.
2. Potential for better management over the issuing of PCNs – i.e. the council does not operate PCN targets. Removes risk of over or under enforcement.
3. Maintenance / fault checking of meters – LPS have not confirmed whether they will continue to deal with minor maintenance of car park meters as currently undertaken by NSL. Lancaster Council have stated that LPS informed them that no such work would be undertaken. As such small issues, such as coin jams, paper jams or paper running out would need to be repaired by Wyre staff. This is currently not allowed for in the LCC offer.
4. Wyre operates a number of free parking events such as Remembrance Sunday and Small Business Saturday. It is unclear whether these would continue to be offered free of charge under Option 1 as there would be a loss of PCN income to LPS.

- 5.4 It is therefore proposed that Option 2 is taken forward with the council remaining responsible for managing its own car parks with enforcement being provided through NSL.

Financial and legal implications	
Finance	The financial implications of this change in decision are expected to be cost neutral, providing an agreement is reached with NSL with regard to the use of a moped. The continuing operation of Option 2, with some changes will safeguard car park income through both sufficient enforcement to ensure Pay and Display tickets are purchased and immediate servicing of ticket machines. The current revenue budgets already reflect a cost neutral position.

	<p>The previous Cabinet report referred to the potential for uncostered savings in staff time, were Option 1 to be adopted. Therefore a consequence of continuing with Option 2 will be that any potential savings in staff time will not be realised. However opportunities to achieve more efficient working practices will continue to be explored and a further re-tendering of the arrangement will take place in 2019.</p> <p>Any costs of signage to be updated to reflect the introduction of Motorhome parking and other changes will be met from existing car park maintenance budgets.</p>
Legal	<p>Under the Road Traffic Regulation Act 1984 and the Local Authorities Traffic Order (Procedure) (England and Wales) Regulations 1996, changes to the Council's Traffic Regulation Order will require advertisement and consultation.</p> <p>A legal agreement for the provision of off-street parking enforcement services will be entered into for the residual two-year agreement in line with the original county wide tender. A review for future provision will be made during this period.</p>

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	✓
climate change	x
data protection	x

report author	telephone no.	email	date
Carl Green	01253 887215	Carl.Green@wyre.gov.uk	01/06/17

List of background papers:		
name of document	date	where available for inspection
None		

List of appendices

Appendix A - A comparison of the costs of LPS Enforcement Options.

arm/ex/cab/cr/17/1207cg2

APPENDIX A

A comparison of the costs of LPS Enforcement Options.

A comparison of the costs of adopting both Options has been prepared below to show the financial advantages of each.

	Option 1		Option 2	
(NSL) ENFORCEMENT				
- Civil Enforcement Officer	included	£0.00	£11.79 / hr	£29,887.65
- Supervisor	included	£0.00	£14.18 / hr	£8,295.31
- Motorised two wheeler	included	£0.00	£7.69 / day	£2,606.91
- Four seater car	included	£0.00	£19.00 / day	£0.00
IT	included	£0.00	annual cost	£809.82
(LCC) PCN Processing	included	£0.00	£3.45 each	£7,038.00
PATROL costs **	included	£0.00	£0.40 each	£816.00
Debt Registration ***	included	£0.00	£7.00 each	£700.00
PCN Income*		£0.00		-£50,490.00
		£0.00		-£336.31

* Based on 2,040 PCNs split 75% lower rate / 25% higher rate. Assumes 10% cancelled PCNs.

** PATROL: Parking and Traffic Regulations Outside London: Payments are made for the enforcement of parking tickets, the 2004 Traffic Management Act requires an appeals procedure which PATROL operates for a levy of 40p per PCN issued.

*** Debt Registration: Registration of debt for non-payment of PCN at County Court

The comparison of costs, based on the same number of PCNs issued in 2017/18 as 2016/17, shows a small net surplus by using Option 2 rather than Option 1.

Neither of the two other councils who currently use LPS have opted for Option 1 – both South Ribble and Lancaster have opted for Option 2, preferring to keep overall control of enforcement in-house.

It is noted that, as part of Option 1, LCC (LPS) have offered to deal with all stage three appeals. However, as Wyre Council is the Parking Authority, the legality of this would need to be checked to ensure the council is operating within the confines of the Traffic Management Act 2004.