



To: Executive Councillor for Planning, Policy & Transport (Labour Group)

Report by: Head of Commercial Services

Committee: Environment Scrutiny Committee **27/06/2017**

Wards affected: All

AGENCY AGREEMENT BETWEEN CAMBRIDGE CITY COUNCIL AND CAMBRIDGESHIRE COUNTY COUNCIL TO ENFORCE PARKING RESTRICTIONS IN CITY COUNCIL CAR PARKS

Key Decision

1. Executive summary

The Executive Councillor is asked to

1. Authorise officers to negotiate and agree the terms and conditions of a new agency agreement between Cambridge City Council and Cambridgeshire County Council for the management of Civil Parking Enforcement in Cambridge

2. Recommendations

The Executive Councillor for Planning, Policy & Transport is recommended to:

- 2.1 Delegate authority to the Parking Services Commercial Operations Manager in consultation with the Executive Councillor, Head of Finance and the Head of Legal Practice to negotiate and agree the terms and conditions of a new agency agreement between Cambridge City Council and Cambridgeshire County Council to enforce parking restrictions in City Council car parks and parking spaces covered by the City of Cambridge (Off-Street Parking Places) Order 2017.

This delegated enforcement to include the recovery of penalty charges for a period of up to 5 years from 1 July 2017.

3. Background

- 3.1 The statutory powers for Cambridgeshire County Council to enforce parking restrictions are contained in The Traffic Management Act 2004 (TMA) and the regulations to bring the relevant sections into effect. The framework within which these powers are exercised is known as Civil Parking Enforcement (CPE).
- 3.4 The broader objective of CPE are to manage parking within a Civil Enforcement Area (CEA) to contribute to the Authorities traffic management objectives. Within the Cambridge CEA the objectives are to:
- Reduce congestion
 - Encourage correct, sensible and safe parking
 - Improve compliance with parking restrictions
 - Ensure designated parking spaces are used only by those they are intended for
 - Enable buses to operate more effectively
 - Improve air quality, health and the general environment for residents of and visitors to the City.
 - Reduce delays for emergency services resulting from inappropriate parking
 - Keep Cambridgeshire moving
- 3.5 The County Council has the powers to enforce restrictions in the off-street car parking that belongs to the City Council.
- 3.6 Since 2010, the County Council has enforced the City Council's parking restrictions in relation to its off-street parking as the Council's agent. It is intended to renew this arrangement and therefore to enable the County Council to operate those powers as its agent for the City under a new Agency agreement.
- 3.7 Section 19 (1) of the Local Government Act 2000 enables an a local authority, to arrange for the discharge of any functions that, under executive arrangements are the responsibility of the executive by another local authority or by the executive of another local authority. This may be done by an authority's executive, a committee or a member of the executive.

- 3.8 The Department for Transport's Operational Guidance to Local Authorities: Parking Policy and Enforcement on The Traffic Management Act 2004 emphasises the need for co-operation between district and county councils in delivering parking enforcement under CPE.

Sections 12.10 -12.14 of the guidance refers:

- 12.10** *The civil enforcement of off-street parking restrictions within CEAs reinforces the need for co-operation. The Secretary of State is aware that in most areas with two tiers of local government it is the district councils that own and operate most local authority off-street car parks. Where these districts also act as agent for their county, there should be significant efficiency gains in having a unified civil parking enforcement operation.*
- 12.11** *In some cases the county council carries out on-street parking enforcement directly and districts enforce off-street parking. This approach seems likely to be less efficient than having one enforcing authority. County councils may wish to consider allowing their districts to carry out on-street enforcement under agency agreements.*
- 12.12** *The county council would need to indicate in their application if it proposed to exclude some or all off-street car parks from the designation.order and use the RTRA 1984 for off-street enforcement. The Secretary of State will only consider allowing this in very exceptional circumstances. This is to make the new arrangements easier for the public to understand. It also helps make parking enforcement cost-effective by unifying restricted, permitted and off-street operations in the same area. The Secretary of State recommends that a CPE application is delayed if a district or borough is not prepared to include its off-street car parking within a CEA.*

- 3.9 The current Cambridge CEA includes all of the city's public off-street car parking.

4. Implications

(a) Financial Implications

A new agency agreement will be required to determine the costs and revenues resulting from civil parking enforcement activity within Cambridge City Council car parks. CPE is intended to be self-financing, or cost neutral, with the income from penalty charges paying for the enforcement of the parking regulations. A new agreement will need to include specific arrangements for dealing with surpluses and deficits resulting from enforcement activity, in order to minimise the financial risk to the City Council from parking enforcement activity.

(b) Staffing Implications

None

(c) Equality and Poverty Implications

No additional implications

(d) Environmental Implications

No additional implications

(e) Procurement

No additional implications

(f) Consultation and communication

5. Background papers

Traffic Management Act 2004 Operational Guidance to Local Authorities
Local Government Act 2000

To inspect the background papers or if you have a query on the report please contact:

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