

**OVERVIEW AND SCRUTINY COMMITTEE**

23 November 2015

Minutes of the Overview and Scrutiny Committee held at the Town Hall, Bexhill-on-Sea on Monday 23 November 2015 at 5:30pm.

Committee Members present: Councillors I.G.F. Jenkins (Chairman), G.C. Curtis (Vice-Chairman), A.K. Azad, Mrs M.L. Barnes, R.K. Bird, G.S. Browne, S.H. Earl, R.V. Elliston, K.M. Field, Mrs B.A. George, T.W. Graham, Mrs S. Hart, B. Kentfield, D.B. Oliver, P.N. Osborne, J. Potts, Mrs S.M. Prochak, E.K.L. Rowlinson and C.J. Saint.

Other Members present: Councillors Lord Ampthill, C.A. Clark, S.D. Elford, A.E. Ganly (in part), I.R. Hollidge (in part), Mrs J.M. Hughes, G.P. Johnson (in part), J.M. Johnson (in part), Mrs E.M. Kirby-Green (in part), M.J. Kenward, C.R. Maynard (in part) and M.R. Watson.

Advisory Officers present: Executive Director of Resources, Executive Director of Business Operations, Service Manager – Finance and Welfare, Service Manager – Community and Economy, Service Manager – ICT and Customer Services, Customer Services Manager, Programme Office and Policy Manager and Democratic Services Officer.

Also present: Karl Taylor – Assistant Director Operations (in part), David Weeks – Team Manager, Parking (in part) and Brian Banks – Team Manager, Road Safety (in part) from East Sussex County Council; 3 members of the public and 1 member of the press.

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**OSC15/28. MINUTES**

The Chairman was authorised to sign the minutes of the meeting of the Overview and Scrutiny Committee held on 19 October 2015 as a correct record of the proceedings.

**OSC15/29. APOLOGIES**

Apologies for absence were received from Councillors J.J. Carroll (ex-officio) and G.F. Stevens.

**OSC15/30. CIVIL PARKING ENFORCEMENT**  
(5.1)

Members had requested a presentation by East Sussex County Council (ESCC) on Civil Parking Enforcement (CPE) to enable them to be better informed about the legal process of CPE, as well as the advantages and disadvantages of introducing CPE. The Chairman welcomed Karl Taylor - Assistant Director Operations, David Weeks - Team Manager, Parking and Brian Banks - Team Manager, Road

Safety from ESCC to the meeting who proceeded to give a presentation and general overview on CPE.

The following key points were noted:

- as of January 2015, 24 Local authorities had not adopted CPE;
- in East Sussex parking was not decriminalised in Rother and Wealden; parking infringements were a criminal matter which only the Police could deal with;
- it was possible to apply to the Department for Transport to start parking decriminalisation, which would allow parking infringements to be enforced by civil powers;
- CPE meant that local authorities were responsible for enforcing parking controls instead of the Police;
- CPE gave local highway authorities greater control over the reduction of inconsiderate parking which helped to ease congestion, improve road safety, provide parking for specific users, increase parking space turnover and provide loading/unloading facilities;
- ESCC parking enforcement was performed by an external contractor NSL;
- Penalty Charge Notices (PCN) were dealt with by trained and experienced ESCC officers within the Notice Processing Team;
- the aims of CPE were to improve road safety, the local environment and quality and accessibility of public transport, to meet the needs of disabled people, residents, businesses and visitors, and to manage and reconcile the competing demands for kerb space;
- the benefits of CPE were greater accessibility to kerb space, placement of specific restrictions where they were most needed, regular patrolling and enforcement of restrictions to send a positive message and a carefully managed self-funded scheme might produce surpluses to assist with further transport initiatives;
- several key steps would need to be undertaken prior to introducing CPE which were; establishing the need, comprehensive consultation, obtaining agreement from the relevant organisations, preparing Traffic Regulation Orders (TRO), ministerial approval, road markings and street furniture, publicity, permits and infrastructure;
- CPE would need to be introduced for the whole district and not just specific areas e.g. town centres;
- all yellow lines within the district would be enforced under CPE;
- it could take approximately one year to apply for CPE;
- each parking restriction including the supporting TRO would need to be confirmed;
- lengthy timescale to implement a CPE scheme after approval;
- expensive to implement, the set-up costs would need to cover pay and display machines, signage and lines, legal advice, staffing, consultations and publicity/advertising;
- the set-up, enforcement, notice processing and on-going operational and maintenance costs of the scheme would need to be covered through parking charges. Income from PCNs alone would not be sufficient to cover these costs;
- surplus income would not be seen for at least two or three years  
*(until the set-up fees were repaid).*

- the obligation to manage CPE would continue even if the scheme was in deficit;
- parking displacement usually resulted in a demand for permit schemes to be introduced;
- civil parking was enforced under the Traffic Management Act 2004 (TMA) and was the primary legislation to address the problems of traffic congestion in towns and cities and gave local authorities the power and responsibility to manage traffic flow;
- the aim of the TMA was to provide consistency throughout the country and ensure a fairer more transparent system; and
- further information was available on the ESCC website at the following link  
<https://new.eastsussex.gov.uk/roadsandtransport/parking>

Following the presentation, Members had an opportunity to put forward questions and the following comments were raised/discussed:

- prior to any recommendation being proposed it was essential that the Council sought clarity on a number of issues regarding the current parking arrangements across the district. The following questions were put: what were the existing levels of parking, what policies were in place, what level of enforcement was necessary, who was responsible for Civil Enforcement, what was the Council's strategic direction for off-street parking? It was suggested that an evidence based approach be undertaken to address all of these issues;
- clarity was sought on the timescale, set-up and operational costs of introducing CPE. It was confirmed that it could take at least one year to go through the CPE application. Set-up costs would be approximately £100,000 with a typical two or three year payback period before achieving a self-financing scheme without dependency on fine income;
- clarity was sought on the extent of parking restrictions/regulations beyond the main shopping areas of the town centres once CPE was introduced. Displacement would require parking restrictions beyond the town centres.
- ESCC confirmed that the application process involved completing detailed studies across the district, as well as consultation exercises with the public/relevant organisations where all forms of parking opportunities would be considered e.g. road markings, parking meters, permits schemes etc. It would be important to design a fair scheme that ensured an adequate flow of income;
- isolated severe parking problems were already being experienced within Bexhill; residents should not be expected to pay for a permit as there was no guarantee of a parking space near their property;
- Members requested further information on the success of other local authority CPE schemes in East Sussex. ESCC advised that Lewes District Council launched CPE in 2004; operationally the scheme had been successful, however a surplus was yet to be realised due to extensive machine vandalism costs;
- anti-social parking on yellow lines, the pavement and double parking caused congestion not just in the town centres but across village and rural locations;

- disadvantages of introducing CPE could be the discouragement of shoppers and tourists to the district; however advantages would be increased kerbside parking for shoppers and tourists;
- it was clarified that parking restrictions would be enforced proportionately across the whole of the district;
- general concern was aired that the introduction of CPE would not be well-received by the public;
- an enforcement presence assisted traffic flow and alleviated gridlock issues during heavy trafficked areas e.g. Camber during peak holiday periods;
- general disappointment was aired that parking enforcement was not considered a priority by Sussex Police. Speeding, dangerous parking and alleviating congestion should be a priority;
- why should the Council be expected to provide a service that was initially the responsibility of the Police? Was the tax payer expected to pay twice for the same service?;
- it was suggested that the Council contributed towards a County Council parking policy;
- the Council should consider Rother's long-term town centre strategy including pedestrianisation where relevant and the arrival of HS1;
- car parking problems were an increasingly major issue for the Council therefore CPE should be implemented immediately as it was desperately needed;
- ESCC confirmed that any surplus received from enforcement and on-street charging would be spent on local transport improvements within Rother district;
- it was not possible to introduce parking restrictions on un-adopted roads, only on the public highway;
- it was important that the Council was supportive of, played an active part in and ensured/encouraged customers/visitors to use small businesses throughout the district – affordable and effective car parking was therefore a key element;
- free, affordable and easily accessible parking enticed visitors to the major tourist areas of the district;
- important not to constrict the economic well-being of the district;
- essential to retain disability parking within the town centres particularly for the elderly population;
- the regeneration, prosperity and protection of the district's uniqueness was paramount; and
- a pragmatic, evidence based approach was needed with interim low cost measures such as designated traffic action days by the Police.

After a thorough debate, it was proposed and agreed that interested parties e.g. local businesses, the Chambers of Commerce and Rother Association of Local Councils, as well as the Police and Crime Commissioner be invited to a future meeting to discuss CPE.

The Chairman thanked the representatives from ESCC for attending the meeting and providing a comprehensive presentation.

**RESOLVED:** That:

1) the presentation and report be received and noted; and

- 2) interested parties e.g. local businesses, the Chambers of Commerce and Rother Association of Local Councils, as well as the Police and Crime Commissioner be invited to attend future meetings to discuss Civil Parking Enforcement.

(Councillor Maynard declared a personal interest in so far as he was East Sussex County Council's Lead Member for Transport and Environment and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

OSC15/31. **SECOND QUARTER PROGRESS REPORT FOR THE ANNUAL**  
(7.1) **PERFORMANCE PLAN 2015/16**

Consideration was given to the report of the Executive Director of Business Operations on the Second Quarter Progress Report for the Annual Performance Plan for 2015/16. Members were given the opportunity to scrutinise progress of a basket of Key Performance Indicators (KPIs) previously selected for monitoring. The following results/targets were noted:

**My Alerts: Email Service to Rother Residents (Green):** The total number of email addresses registered to receive the 'My Alerts' service. Quarter Forecast was 22,130, result was 22,407 (higher was better). Members noted that 687 new subscribers had been added over the second quarter and that the service was on target for year end. The Committee agreed that this was an excellent Council resource.

**Financial Transactions On-line (%) (Green):** The percentage of on-line/electronic financial transactions. Quarter Forecast was 94.6%, result was 93.6% (higher was better). Despite the result, performance had improved, however it was anticipated that results would be affected by cheque payments for garden waste renewals in November. An action plan was being developed to encourage residents to pay by direct debit or on-line.

**Customers Who Get an Answer on their First Contact (%) (Green):** The percentage of customers who contacted Customer Services and had their enquiry resolved without the need to make contact again or be transferred to another member of staff. Quarter Forecast was 85%, result was 94% (higher was better). The service was on target for year end.

**Telephone Calls Answered by the Contact Centre (Green):** The number of telephone calls answered by Customer Services staff in the contact centre. Quarter Forecast was 22,206, result was 24,776 (higher was better). Despite the reduction of staff and peak annual leave period, as well as the introduction of the new telephone system, the second quarter result was above target. A breakdown of the nature of calls had been provided and Members noted that waste/recycling and benefits were the highest proportion. Customer Services, ICT and Communications were meeting regularly with key service areas to

CS 55

## **County Councillor Stephen Shing report**

### **Possibility of Introducing Civil Parking Enforcement in Polegate in advance of other parts of Wealden District**

In principle, any area can be designated as a civil enforcement area and, with Polegate being immediately adjacent to Eastbourne, it would be relatively straightforward, in practical terms, to extend the established Eastbourne operation to include Polegate. However, the legal and administrative process of switching to civil enforcement involves a good deal of work and cost (both for the Council and the Department for Transport), much of which would apply regardless of the size of the area.

For this and other reasons, there is very strong guidance from the Department for Transport that civil enforcement should be introduced across a substantial area at one time and not on a fragmented or "patchwork" basis.

Metropolitan district councils are specifically required to adopt CPE across their whole administrative area. Although the same requirement does not specifically apply to county councils, DfT guidance states that it prefers county councils to cover the whole of their county in one application but, failing that, it will accept up to three tranches. Clearly, the expectation would be that each tranche would cover at least one whole district and probably several together.

In East Sussex, civil enforcement has been introduced separately in three separate districts/ boroughs – Hastings, Lewes and Eastbourne – and it is unlikely that DfT would entertain anything other than a single application for the whole of the rest of the county (Wealden and Rother).

In addition to specific DfT guidance, any application for civil enforcement powers must be supported by the police and the police in East Sussex made it clear that they would not support Civil enforcement at smaller than District level.

In conclusion, the introduction of civil enforcement in Polegate alone could not be justified because of the administrative cost and any application would be most unlikely to be successful.

### **Possibility of traffic order can be funded by towns and parishes that are able to process sooner**

I have arranged a meeting with the Head of Economic Development, Skills and Infrastructure and the Team Manager of Infrastructure Delivery and Design on 24<sup>th</sup> April, on the next meeting I will report the meeting contents..

**County Councillor Stephen Shing**  
23<sup>rd</sup> April 2012

**CIVIL ENFORCEMENT OFFICERS AND THE POLICE:  
DIVISION OF RESPONSIBILITIES**

CEOs are responsible for enforcing:

- limited waiting bays
- double/single yellow lines
- on street pay and display bays
- residents' parking zones
- Blue Badge bays
- loading bays
- bus stops
- taxi bays
- school keep clears
- clearways
- dropped kerb access (also police)
- double parking (also police)
- pedestrian crossings (also police)
- car parks (with orders).

The police are responsible for enforcing:

- double white lines
- obstruction – for example, pavements with no parking restrictions
- dangerous parking where there are no restrictions in place, for example, on bends, brows of hills and junctions
- dropped kerb access (also CEOs)
- double parking (also CEOs)
- one-way traffic
- box junctions
- access only
- white-hatched areas
- pedestrian crossings (also CEOs).