



Parking Policy Review Launch Session

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Highway Authority vs Parking Authority

Hertfordshire County Council = Highway Authority

Statutory responsibility for creation, designation, maintenance and safety of those roads that are maintained at the public expense.

Wider traffic management duties

No off-street responsibilities.

East Herts District Council = Parking Authority

Statutory responsibility for creation, designation, maintenance, enforcement and safety of off-street public parking (car parks).

No on-street or traffic management responsibilities *unless* agreed by formal delegation from the Highway Authority.

Delegated arrangements in place in EHDC (and across Hertfordshire)

- On-street parking enforcement (replacing traffic wardens since decriminalisation in 2005)
- Some on-street permitted parking provision (e.g. limited waiting bays and resident permit parking schemes (RPZs))

To work effectively the relationship between the Highway Authority and the Parking Authority needs to be a close and collaborative one (and historically it has been in Hertfordshire).



Founding Principles of EHDC Parking Service (Founded 2005)

Principles/statutory underpinning of EHDC's parking services from 2005:

- Where legally permissible and appropriate, the user should pay for the provision of discretionary services (e.g. off-street car parks and RPZs) rather than the burden falling on council tax payers.
- Where on-street parking availability is limited/contested and where appropriate (i.e. in residential areas) parking priority should be given to residents (usually in the form of an RPZ).
- In general terms, workers'/commuters' cars belong in car parks, not on residential streets.
- Costs of parking *enforcement* cannot be subsidised from general taxation (rule recently relaxed).
- Parking enforcement should seek to break even, with any surplus used first to clear any accumulated deficit. (Parking enforcement has never and *will* never break even in East Herts, due to the demography of the area. The cumulative deficit from parking enforcement activities to the end of the 2018/19 financial year was nearly £4 million. The annual shortfall is met from surpluses generated from permitted parking income – primarily 'pay and display').
- Once the costs of the service have been met, any residual surplus accrues to the Council's General Fund. 'Bottom line' contribution of the Parking Service to the General Fund in 2018/19 = approx. £780,000

(Useful reading – EHDC Annual Reports on Parking Enforcement - <https://www.eastherts.gov.uk/parkingreports>)



Statutory Highways Duty (Traffic management objectives of Civil Parking Enforcement)

The network management duty (Traffic Management Act 2004)

- *(1) It is the duty of a local traffic authority or a strategic highways company (“the network management authority”) to manage their road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following objectives—*
- *(a) securing the expeditious movement of traffic on the authority's road network; and*
- *(b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.*
- *(2) The action which the authority may take in performing that duty includes, in particular, any action which they consider will contribute to securing—*
- *(a) the more efficient use of their road network; or*
- *(b) the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road network or a road network for which another authority is the traffic authority;*
- *and may involve the exercise of any power to regulate or co-ordinate the uses made of any road (or part of a road) in the road network (whether or not the power was conferred on them in their capacity as a traffic authority).*



EHDC Parking Management - Control vs Influence

Areas of Strongest Control/Influence

- Off-street parking –
 - Provision
 - Location
 - Designation (e.g. long stay/short stay)
 - Charging
 - Enforcement.
- Parking standards (within planning policies) – e.g. off-street parking allocation linked to granting of planning permission for new developments.
- AQMAs (shared responsibility with HCC)

Areas of Medium Control/Influence

- On-street permitted parking (under agency to HCC) -
 - Provision
 - Location
 - Designation (e.g. limited waiting/permit parking)
 - Charging
 - Enforcement.

Areas of Lowest Control/Influence

- Wider highways management (HCC function)
- Public transport (HCC function)



Parking Policy Pillars (EHDC Parking and Transport Strategy 2011/12)

- We will seek to maintain car parking income at current levels in real terms.
- We will seek to ensure that users pay for the parking service rather than the council tax payer.
- We will promote existing and explore new technologies to improve the overall convenience of parking in East Herts.
- We will seek to develop and implement parking solutions that reflect local needs.
- We will make the economic vitality of East Herts a core consideration when developing parking services.
- We will continue to work with partners to look at what additional sustainable transport services may be appropriate and deliverable.



EHDC Fees and Charges Principles (2012)

- Any subsidy from council tax payers should be a deliberate choice.
- Discretionary fees and charges should generate income to help deliver improvements in priority services.
- Discretionary fees and charges should support the Medium Term Financial Plan.
- There should be a measure of consistency in setting charges for similar services.
- Levels should be set to avoid unnecessary subsidies from the council tax payer to commercial operations.
- If the impact is likely to be high, consideration should be given to phasing in changes.



**What are our drivers for this review?
What are the problems we want to address?
What do we want to achieve?**

- Improved financial sustainability?
- Improved impact on planning & the built environment?
- Economic wellbeing of our communities?
- Traffic management imperatives? (e.g. congestion mitigation, encouraging modal shift)
- Improved environmental sustainability?



Considerations

- Many imperatives on the previous slide exist in tension with others. Are we trying to be 'all things to all people'? If so, is this tenable?
- What matters to us most? Congestion, pollution, quality of the built environment etc. etc.?
- Should we concentrate (at least initially) on those areas where we have maximum control/influence? If so, this is primarily in the area of provision of car parks, permits, charging strategies and planning policy.
- What financial risk is the Council prepared to accept? For example, would deploying some of the parking surplus to sustainable parking and transport initiatives be supported?
- What controversy political risk is the Council prepared to accept? Some decisions might be unpopular among certain cohorts – e.g. residents, commuters, local traders.
- What related work has already been undertaken at EHDC on which this study should build? (e.g. Climate Change Principles adopted by the Council in February 2019).
- What is happening already on an international/national/regional/local scale with which we can engage?



Parking and Climate Change (1)

Civil Parking Enforcement (CPE) was introduced in London in the early 1990s and has been rolled out across England, Wales and Scotland in the subsequent 25 years.

The main drivers for its introduction were:

- The perceived inefficiency by local authorities and motorists of the police traffic warden service.
- In parallel with the above, the stated position of police forces that they did not have the resources to investigate and take action against low level crime such as illegal on-street parking.
- A view in Government that most illegal parking acts should no longer be processed through the criminal justice system, but should be treated as civil matters (i.e. 'contraventions', not 'offences').

The main consequences of CPE's introduction are:

- Increased ability for local authorities to influence/shape their enforcement regime in line with local priorities.
- Democratic accountability and transparency.
- Potential to retain any surplus generated for certain ring-fenced purposes (N.B. surpluses are not generated by the majority of local authorities, including EHDC).



Parking and Climate Change (2)

As implied earlier, CPE was not designed as a tool for the delivery of local authorities' climate change or environmental objectives. Perhaps such considerations were not seen as particularly significant in the early 1990s. That said, from the start, a few councils saw opportunities to introduce environmental considerations into their parking policies and to then use their CPE powers as an adjunct to these decisions if appropriate. (It should be pointed out that achieving this is easier in unitary authorities such as LBs and Mets, as against two-tier authorities such as EHDC).

Examples of where EHDC might develop and use its parking management powers to influence behaviours and *possibly* deliver against climate change objectives:

- Differential charging for permits (RPZs and otherwise) based on factors such as vehicle emissions, engine or fuel type.
- Differential charging in car parks based on the same considerations (N.B. very difficult to enforce).
- Use of car park provision, car park charges and car park designation to dis-incentivise their use and/or use by certain classes of user – e.g. workers, commuters, shoppers. (N.B. would need to form part of a package of measures whereby motorists are given a reasonable alternative(s) and would use it).
- Provision (and possible subsidy) of electric charging points in car parks and on-street (with HCC).
- Support for public transport and in particular community transport initiatives (e.g. Stort Bus?).
- Creation of a 'park and ride' service. (N.B. would need to be part of a package of measures whereby motorists are offered a reasonable alternative(s) and will use it – e.g. Cambridge City Council where parking in the town centre can cost up to £25/day but where well-run P&R sites, supported by a regular and well priced bus service are a logical first choice for many. Possibly only BS at present has the critical mass to support the creation of a P&R. The costs and logistics of doing so would be significant – e.g. procurement of land and space on the highway for bus prioritisation from the P&R sites to the town centre).
- Workplace charging levy.
- Use of parking standards within EHDC planning policies to bear down on the provision of car parking associated with new developments. (N.B. risky if this simply results in affected residents parking their vehicles out on the highway).



Parking and Climate Change (3)

Examples of where EHDC might work, usually with HCC leading, to influence behaviours and thus deliver against climate change objectives:

- On-street traffic controls/calming (e.g. pedestrianisation, road closures, CPZs).
- Congestion charging.
- Workplace charging levy (either authority could implement)
- Improved public transport provision/subsidy.
- On-street charging points (with EHDC)
- Information campaigns (e.g. walk to school weeks, carshare initiatives, car clubs)

