

MINUTES OF A MEETING OF THE  
EXECUTIVE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD  
ON WEDNESDAY 3 NOVEMBER 2004  
AT 6.00PM

PRESENT: Councillor M G Carver (Leader/Chairman).  
Councillors H G S Banks, A P Jackson,  
N C Poulton and R L Parker.

ALSO IN ATTENDANCE:

Councillors W Ashley, N Burdett, A L Burlton,  
J Demonti, G L Francis, R Gilbert,  
Mrs M H Goldspink, A M Graham,  
Mrs D L E Hollebon, M P A McMullen, D E Mayes,  
J O Ranger, M J Tindale, J P Warren and  
M Wood.

OFFICERS IN ATTENDANCE:

Miranda Steward	- Executive Director
Rachel Stopard	- Executive Director
Shirley Clark	- Assistant Director (Direct and Contract Services)
Simon Drinkwater	- Assistant Director (Law and Control)
Paul Harris	- Head of Direct Services
Jeff Hughes	- Head of Democratic Services
Martin Ibrahim	- Senior Democratic Services Officer
Bernard Perry	- Assistant Director (Human Resources)
David Tweedie	- Assistant Director (Financial Services)

333 CHAIRMAN

In the absence of the Leader, who had been delayed on his way to the meeting, the Deputy Leader assumed the Chair at the start of the meeting. The Leader assumed the Chair on his arrival during consideration of the matter referred at Minute 336 – Decriminalised Parking Enforcement.

334 APOLOGY

An apology for absence was submitted on behalf of Councillor D Clark.

335 EXCLUSION OF PRESS AND PUBLIC

The Executive passed a resolution pursuant to Section 100(A)(4) of the Local Government Act 1972 to exclude the press and public during consideration of the business referred to in Minute 338 on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 8 and 9 of Part 1 of Schedule 12A of the said Act.

RECOMMENDED ITEMSACTION336 DECRIMINALISED PARKING ENFORCEMENT UPDATE

**The Executive Member for Community submitted a report providing an update on key issues relating to the implementation of Decriminalised Parking Enforcement (DPE) in East Herts, which required a number of decisions to be taken to progress the development of the service.**

**The Executive recalled that, at its meeting on 6 January 2004, it had agreed to undertake a tendering exercise for the provision of on and off street parking. Evaluation of the tenders received had now taken place, and a report recommending the award of contract had been submitted elsewhere on this**

agenda.

In order to implement DPE, a number of agreements needed to be put in place, and the Executive Member detailed these in the report now submitted. He highlighted the key issues as follows:

***Agency Agreements with Hertfordshire County Council (HCC)***

The Council would need to enter into agency agreements with HCC with respect to the operation of the Special Parking Area and Parking and Traffic Orders.

HCC would not contribute to the revenue costs of providing a DPE service. However, HCC had agreed to contribute to the start-up costs of the scheme, and a figure of £250,500 had been agreed. In response to a question from a Member, Officers confirmed that this figure would cover a range of start-up costs including IT, accommodation and recruitment and training costs.

Under the agreements, East Herts Council would be responsible for publishing any orders required under DPE, for example for new Controlled Parking Zones. However, HCC retained the right to continue to publish orders. This could lead to orders being agreed and published by HCC with East Herts then having to address enforcement costs. Officers were seeking a mechanism for the Council's concerns being addressed prior to any such order being published.

***Special Parking Area (SPA) status***

Following discussions with the Department for Transport (DfT) on the Council's draft application, the final version was submitted on 22 July 2004. It was anticipated that this would be approved prior to the proposed implementation date of 17 January 2005.

### ***Driver and Vehicle Licensing Agency (DVLA)***

**Under Regulation 27(1)(a) of the Road Vehicles (Registration and Licensing) Regulations 2002, the DVLA might provide information to local authorities for decriminalised parking contravention. This would be carried out by electronic exchange of information via the computerised Notice Processing system to be provided by the enforcement contractor. Currently, the existing off-street car park attendants reported vehicles not displaying a valid vehicle excise license disc, to the DVLA via their form INF101, a copy of which was also placed on the vehicle. Under the contract, the new parking attendants would be required to continue this practice electronically, via their handheld computers.**

### ***National Parking Adjudication Service (NPAS)***

**Parking Adjudication was a new form of tribunal that provided the motorist with an opportunity to appeal against an incorrect Penalty Charge Notice. Every Council adopting decriminalised powers under the Road Traffic Act 1991, was required to join the National Parking Adjudication Joint Committee, and contribute to the costs of the service. In order to use the NPAS adjudication service, it was necessary for the Council's solicitor to be given authority to enter into an Agreement under Section 101 of the Local Government Act 1972, established by the existing authorities who make up the Joint Committee. The Council also needed to nominate formally, a Member representative to serve on the Joint Committee. It was recommended by NPAS that the Council also nominated a substitute representative.**

### ***Traffic Enforcement Centre (TEC)***

**The Road Traffic Act (RTA) 1991, enabled local authorities to enforce parking controls in their areas, and to pursue unpaid penalty charges through the county court system. The Traffic Enforcement Centre**

(formerly known as the Parking Enforcement Centre) had been established to effect procedures for dealing with work arising from the implementation of RTA 1991. It was based at the County Court Bulk Centre, and operated as part of Northampton County Court. Before commencing issue with TEC, the Council would undertake the necessary procedures in liaison with the main contractor after appointment.

### *Use of Bailiffs*

It was anticipated that, where a Warrant of Execution was authorised by the Court, the Council would use its existing Certified Bailiff arrangements to recover the sums due. The bailiff would also be entitled to include their reasonable costs for executing the warrant.

### *Agency Arrangements with Stevenage and Welwyn Hatfield Councils*

The withdrawal of the Traffic Warden Service had affected all authorities across Hertfordshire who had not already adopted the powers of DPE. For East Herts, large increases in income from off street parking had been used to balance the costs of introducing on street parking enforcement. In some neighboring authorities, the likely levels of on street Penalty Charge Notices (PCNs) and existing off street contractual arrangements made the financial viability of an independent scheme impossible. Both Stevenage Borough Council and Welwyn Hatfield Council had now formally, requested East Herts to undertake all of their DPE duties on their behalf under an agency agreement.

Initial discussions had been held on the likely charge for such a service and the financial calculations used included a contribution of 10% per authority covering all costs. The 10% was calculated on the basis of a pre-estimated ratio of PCN's issued in the three authorities. Should these ratios change, the percentage to be applied would also change. These

charges were in addition to payment for all the patrol hours required under the Enforcement Contract. In response to a question by a Member, Officers confirmed that the contributions of Stevenage and Welwyn Hatfield Councils would be reviewed periodically.

### *Parking Places Order*

The introduction of DPE would require a new Parking Places Order replacing all references to the 1984 Road Traffic Act legislation used currently, with the 1991 Act, and also replacing all references to Excess Charge Notices with Penalty Charge Notices. Authority was sought to advertise such a notice and, subject to no significant challenges being received, to authorise the Assistant Director (Law and Control) to confirm the Order.

### *Enforcement Guidelines*

The Council previously, had adopted a set of Enforcement Guidelines. Subsequently, Officers had identified a need for further items to be added as shown in Appendix 'A5' of the report now submitted.

The Executive Member and Officers responded to a number of questions and comments covering a range of issues in respect of the revised Enforcement Guidelines. These included blue badge holders, pensioners' permits, visitors' vouchers and the yellow lining of roads by HCC.

A general issue was raised in respect of the inconsistent terminology used, e.g. controlled parking zones. Officers undertook to tidy up any inconsistencies and anomalies.

The Executive supported the recommendations as now detailed. Further, the Executive noted that its recommendations would be considered by the Council meeting on 3 November 2004.

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| <b><u>RECOMMENDED</u> - that (A) the Agency Agreements with Hertfordshire County Council be entered into, subject to the Executive Member for the Community being satisfied on the matters now detailed;</b>  | <b>ACS</b> |
| <b>(B) the Assistant Director (Law and Control) be given delegated authority to enter into an Agreement under Section 101 of the Local Government Act 1972, for East Herts Council to join the National Parking Adjudication Service;</b>                 | <b>ALC</b> |
| <b>(C) the Executive Member with responsibility for Parking be nominated as a Member representative to serve on the National Parking Adjudication Service Joint Committee, and Councillor N C Poulton be nominated as the substitute representative;</b>  | <b>ALC</b> |
| <b>(D) the Assistant Director (Law and Control) be given delegated authority to enter into agreements with Stevenage Borough Council and/or Welwyn Hatfield District Council on provision of Enforcement of their Decriminalised Parking Enforcement;</b> | <b>ALC</b> |
| <b>(E) the advertising of a Parking Places Order be authorised and, subject to no significant challenges being received to that notice, to authorise the Assistant Director (Law and Control) to confirm the order; and</b>                               | <b>ALC</b> |
| <b>(F) the amendments to the Enforcement Guidelines set out in the report now submitted, be approved.</b>   | <b>ACS</b> |

### **337 STAFFING STRUCTURE FOR CAR PARKS**

The Executive Member for Community submitted a report seeking to establish a new staffing structure for the car parking duties, which would remain with East

## **Herts Council.**

**At the time of the establishment of the Council's new management structure in 2002, it was recognised that car parking was in a transitional stage with key decisions still pending on how the authority would operate off street parking, and more importantly, whether or not the authority would seek powers to control on street parking by Decriminalised Parking Enforcement. Therefore, decisions on the future structure of parking were deferred pending the conclusion of this work. With the required decisions now in place, the Executive considered proposals on the structure, should a decision be taken to award the contract to an external tenderer (as detailed at Minute 338 below).**

**The Executive recalled that, the decision to market test car parking enforcement included a number of design decisions, which affected the structure for the remaining services. For example, it was agreed to exclude Penalty Charge Processing and complaints handling for the specification tendered. In any case, legislation required the latter process of appeals and progression to adjudication to be handled by Council employed staff. It was agreed to delay a decision on cash counting and banking until prices were received. Similarly, development of new Traffic Regulation Orders relating to Controlled Parking Zones or other parking related measures, also had to be undertaken in house.**

**Therefore, the service subject to tender was based on enforcement, basic machine maintenance and cash collection. The Executive Member detailed the proposed structure at Appendix 'A6' of the report now submitted. This sought to bring together all of the main services relating to parking, although there were some tasks which Officers believed were best located in another part of the Council's structure. This would have the benefit of allowing current staff undertaking parking roles in tandem with other duties, choices**



which might not require them to relocate.

The Executive Member outlined the tasks and relationships that would be required in the new structure. He detailed the elements of the parking service that would be located within the Direct and Contract Services Division, and the staffing levels that would be required. In respect of the duties of the Appeals Officer and the processing of public notices for Traffic Regulation Orders, the Executive Member proposed that these duties would be best undertaken by the Law and Control Division.

As far as personal payments were concerned, the Executive Member proposed that no changes be made at present. He also referred to contractual issues in respect of cash counting, as detailed at Minute 338 below.

The Executive supported the recommendations as now detailed. Further, the Executive noted that its recommendations would be considered by the Council meeting on 3 November 2004.

**RECOMMENDED** – that the service structure, as set out in the report now submitted, be established.

ACS

**338 EAST HERTFORDSHIRE DISTRICT COUNCIL –  
DECRIMINALISED PARKING ENFORCEMENT  
CONTRACT AWARD**

The Executive Member for Community submitted a report providing the Executive with an update on the award of contract relating to the implementation of Decriminalised Parking Enforcement (DPE) in East Herts, which required a number of decisions to be taken to progress the development of the service.

The Executive, at its meeting on 6 January 2004, received an update report on Parking Proposals, and agreed to undertake a tendering exercise for the

provision of on and off street parking. Evaluation of the tenders received had now taken place, and the Executive Member detailed these in his report. He stated that the three tenders received had been evaluated on a Most Economically Advantageous Tender basis with a 70:30 price/quality split.

The Executive Member also referred to issues relating to variable items, which would affect the overall value of the contract. These related to clamping and removal, cash counting and patrolling hours.

The Executive supported the recommendations as now detailed. Further, the Executive noted that its recommendations would be considered by the Council meeting on 3 November 2004.

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| <p><b><u>RECOMMENDED</u></b> - that (A) the contract for Parking Enforcement Services be awarded to Central Parking System (CPS), and that Officers be instructed to enter into post award negotiations to maintain the service within existing budgets;</p> | <p><b>ACS</b></p> |
| <p>(B) alternatively, should negotiations not reduce the budget deficit sufficiently in the current year, a supplementary vote of up to £86,000 be approved, for 2005/6 a growth item of up to £141,000 would be required;</p>                               | <p><b>ACS</b></p> |
| <p>(C) vehicle clamping and removal be excluded from this contract at this stage;</p>  | <p><b>ACS</b></p> |
| <p>(D) the cash counting service currently conducted within the Causeway offices be transferred to the new contractor to create greater efficiency; and</p>  | <p><b>ACS</b></p> |
| <p>(E) the award be on an incremental approach to patrolling hours.</p>  | <p><b>ACS</b></p> |

RESOLVED ITEMS

339 MINUTES

RESOLVED - that the Minutes of the Executive meeting held on 12 October 2004 be confirmed as a correct record and signed by the Chairman.

The meeting closed at 6.45 pm.

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Chairman	.....
Date	.....