

## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS:

Contribution to the Council's Corporate Priorities/ Objectives:	<p><b>Prosperity</b></p> <p>This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities and delivering cost effective services.</p>
Consultation:	<p>None. In the event that the decision is made to introduce new tariff bands for car parks, formal consultation will be required through the Traffic Regulation Order making process. In the event that objections are raised these will need to be reported to the Executive for endorsement of the recommendations made by officers.</p>
Legal:	<p>The Council would be required to promote a Traffic Regulation Order to establish new tariff bands or parking controls. Changing the costs of <i>existing</i> tariff bands may be achieved through a simplified 'Notice of Variation' procedure, which does not include a formal objection process.</p> <p>In the event that changes to the current hours of enforcement are decided upon, the Executive must authorise officers to re-negotiate aspects of the current parking enforcement contract. This will in turn require the contractor to implement changes to the terms and conditions of employment for its enforcement staff.</p> <p>The Council has leased Grange Paddocks, including most areas of the car park, to the Council's leisure services contractor. The Council may only progress changes in this car park with the full endorsement of the contractor.</p> <p>The Council's under lease on the Jackson Square Multi-Storey Car park stipulates the current approach to tariffs and requires the operation of a rebate scheme based on these current tariff bands. The Council would be unable to change these without renegotiating the terms of the lease, which, if this was seen as to the detriment of the landlord and their rent (which is a function of the level of income), they may resist.</p>

	<p>Under its agency agreement with the County Council East Herts is required to provide an appropriate level of on-street enforcement, to discharge its traffic management obligations. A reduction in the level of daytime enforcement to cover evening enforcement may conflict with this agency agreement and, more importantly, may lead to the Council failure to deliver policy objectives of Civil Parking Enforcement (CPE) as set out in Statutory Guidance issued by the Secretary of State for Transport in March 2008.</p> <p>Section 55 of the Road Traffic Act 1984 (as amended) does not allow an enforcement authority to <i>seek</i> to make a surplus from on-street paid for parking and enforcement. If a surplus accrues, the uses to which this may be put are ring-fenced. The Council <i>is</i> permitted to make a surplus from off-street pay and display charges. This accrues to the Council's General Fund.</p>
Financial:	<p>Please see section 3.1 Financial Implications of the report.</p> <p>This report addresses the financial implications and financial risks up to June 2016. Financial implications remain beyond this period and will need to be considered in detail as part of the Medium Term Financial Planning process within the annual budget setting process for 2016/17 onwards.</p>
Human Resource:	<p>The Councils parking enforcement contractor will be required to enter into contractual negotiations should evening enforcement be required, following their HR policies and procedure and the law.</p>
Risk Management:	<p>Please see 2.3.6, 2.3.7 and 3.1 of the report for financial risks.</p> <p>Please see Essential Reference Paper 'G' for non-financial risks.</p>