

<b>Agenda No:</b>	<b>Item</b>	<b>8</b>	
<b>Committee:</b>	<b>Cabinet</b>		
<b>Date:</b>	<b>17 July 2023</b>		
<b>Report Title:</b>	<b>Property, Assets &amp; Major Projects – On and Off-Street Parking Enforcement Update Paper</b>		

## 1 Purpose / Summary

- 1.1 To update members on progress made so far by FDC and Cambridgeshire County Council in respect of the CPE implementation works, following the previous Cabinet update paper on 13<sup>th</sup> June 2022.

## 2 Key Issues

- Cambridgeshire County Council CPE Progress
- Traffic Regulation Order Survey, Review and Corrective Works
- Agency Agreement and Service Level Agreement
- Off Street Parking Places Regulation Review
- Project Delivery Timeline
- On and Off-Street Enforcement and Administration Costs
- Project Risks and Funding
- Liaison with Key Partners
- SCDC, HDC CPE Progress

## 3 Recommendations

- 3.1 It is recommended that Cabinet:
- a) Note the progress being made by FDC and CCC in respect of moving the introduction of CPE forward.
  - b) Notes the predicted increase in budget in relation to the scheme and requests that further updates are brought forward as they become available and prior to a final decision being taken as to how this will be funded
  - c) That the member/officer CPE project team meet to discuss and agree the draft agency agreement and service level agreement red flags.

Wards Affected	ALL	
Forward Reference	Plan	<i>[Insert Reference No. From Forward Plan. (It is a legal requirement to include key executive decisions on the forward plan for 28 days before the decision requested in this report is taken).</i>

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Background Papers	FDC Cabinet Paper 13-06-2022

## Report:

### **1 BACKGROUND AND INTENDED OUTCOMES**

#### **Cambridgeshire County Council CPE Progress**

- 1.1 Progress on the CPE project unfortunately stalled between August 2022 to February 2023 following Cambridgeshire County Councils request for FDC to fund design package works associated with reviewing traffic regulation order sign and line corrective works. Fortunately, both the County Council and GCP agreed to fund the £150k for each of the districts to cover the County Councils design consultants working for Milestone. Given the budget implications to FDC little progress was possible during the County Councils funding approval period until confirmation was received in February that the County Council would be covering these costs as the districts had envisaged.
- 1.2 Following a decision being reached for the design work funding, the County Council placed works orders with Milestone and works commenced on developing the design work packages.
- 1.3 Cambridgeshire County Council and FDC officers have been in regular communication and progress has been made on various aspects of the CPE project.
- 1.4 A draft application to the Department for Transport for a Civil/Special Enforcement Area Designation Order for the introduction of CPE in Fenland has been prepared by Cambridgeshire County Council in partnership with FDC. The application will be finalised following the CPE Agency Agreement and SLA between both authorities being agreed and FDC's enforcement and administration service provider being determined.
- 1.5 The County Council have informed the Parking and Traffic Regulations Outside London (PATROL) of FDC's legal representative to inform the Agreement/Memorandum of Participation. Communications have also been had with the Traffic Enforcement Centre (TEC) in respect of allocating PCN prefixes to denote FDC On and Off-street parking contraventions.

#### **Traffic Regulation Order Survey, Review and Corrective Works**

- 1.6 The On-street traffic regulation order surveys were commissioned by FDC and completed in November 2021. Given the scale of this task the works were divided into four segments which would be referred to as tranches 1 to 4. Each tranche represents one of the four market towns and all the surrounding villages where existing TROs are in place. As anticipated, hundreds of inaccuracies were observed, and query lists produced with the data being digitally mapped for County Council use, however a higher rate of sign and line inaccuracies were found to be present. The data sets were then forwarded to the County Councils Policy and Regulation team to commence the checking process at the end of March 2022.
- 1.7 Following County Council officers working through the TRO query lists to determine how best to rectify the inaccuracies, the information was passed to the County Councils framework contractor (Milestone) to prepare the signing and lining work design packages and quotations for FDC consideration. Due to some delays associated with the design package funding mentioned above, progress has been somewhat slower than anticipated.
- 1.8 To date FDC have so far only received a target cost for T2 (Chatteris) with T1 (Whittlesey) anticipated to be received in July, T3 (March) at the end of July and T4 (Wisbech) in September. It is important to note that these costs are target costs (associated with the NEC contract option D) and not actual costs, with actual costs unlikely to be known until nearer works completion.
- 1.9 Milestone had previously provided FDC with an estimated target cost for the corrective signing and lining works of £268k which is nearly double the budget allocated within FDC's CPCA grant funding. The County Council have now advised that Milestone are predicting a large uplift in the previous target costs, having obtained estimates from one of their preferred sub-contractors. FDC are not scheduled to have the overall target cost for the sign and lining works until end of September, but by applying pro-rata rates from the target cost information received for T2 to the other tranches it would indicate that the costs purely associated with the signing and lining works will rise to circa £507k. Hunts DC have also seen their estimate costs rise from £280k to £950k and FDC officers have recently been in communications with HDC in respect of this matter.
- 1.10 The County Council Have requested that FDC commit to each tranche by placing an order with Milestone for each tranche as the target costs become available to avoid any contractor resourcing issues. Officers have advised that FDC would not commit to individual phases without the overall target costs being known. At this stage it does raise major concerns in terms of FDC's ability to deliver the CPE project within the available grant funded budget of £400k. Based on the latest predicted sign and line delivery costs the likelihood is that there would be a substantial shortfall in the overall budget to deliver the whole CPE project.

### **Agency and Service Level Agreement**

- 1.11 Cambridgeshire County Council are the Highway Authority as defined in The Road Traffic Regulation Act 1984 and have responsibility for all roads in the County of Cambridgeshire. The Highway Authority would need to apply to the

Department for Transport for a Civil/Special Enforcement Area Designation Order for the introduction CPE in accordance with the Traffic Management Act 2004. A first draft of the application has been undertaken by CCC and FDC officers but there are several areas that cannot be completed until decisions on the enforcement and administration providers have been reached.

- 1.12 For the County Council to discharge certain functions to FDC and to act as an agent to the County Council for the delivery of on-street enforcement and notice processing, an agency agreement needs to be formed. A service level agreement will form part of the agency agreement and define responsibility for things such as enforcement officer patrol requirements, PCN processing and appeals, sign and line maintenance, CPE surplus and deficit and CPE monitoring and reporting.
- 1.13 Both documents have been initially drafted by officers, however it is now essential that focussed member time is set aside to provide a steer to officers on the acceptability of various clauses prior to seeking legal advice. The detail within these agreements will impact on both the necessary resources needed to operate CPE and the annual revenue impact on FDC.
- 1.14 It is the view of officers that there are a number of potential red flags within the agreement centred around FDC becoming responsible for various functions on the highway network. These would include the administration of all parking suspensions, waivers, dispensations on the highway and the potential impact that future changes in legislation such as pavement parking would have on the number of enforcement officers that FDC would need to provide. Further concern is associated with the absence of a specific County Council budget for sign and line maintenance. Post CPE implementation this would have a huge impact on FDC enforcement officers potentially unable to carry out enforcement where defective signs and lines have been reported and not corrected within an agreed timeframe.

### **Off Street Parking Places Regulation Review**

- 1.15 In preparation for the implementation of CPE, all FDC owned/managed Off-street public cars parks have been surveyed and layout plans produced in preparation for any signing and lining modifications. These will be necessary to ensure no waiting and short and long stay parking requirements are met.
- 1.16 Car Parks with existing Off-street parking place orders under the Road Traffic Regulation Act 1984 shall be brought up in line within the requirements of CPE under the Traffic Management Act 2004, with new orders placed upon those sites currently without orders. A new district wide CPE Off-street parking places order has been drafted and FDC officers now require members input into the allocation of short and long stay facilities and maximum permitted parking periods for all FDC's off-street car parks.

### **Project Delivery Timeline**

- 1.17 Due to delays associated with design work funding and the timeframe required to produce the design work packages, FDC put forward an extension of time

request to the CPCA for the CPE funding grant. Fortunately, FDC's request was approved, and the CPE implementation date revised to December 2025. It is recognised that a great deal of work has still yet to be completed by both organisations and there are several factors which could inadvertently result in project slippage.

- 1.18 The Department for Transport generally invites CPE applications for submission to the Secretary of State in April and October each year and the time taken for the DfT to consider and reach a decision is ordinarily around 6 months. Completion of the application would be dependent on a draft Agency Agreement and SLA being agreed by both organisations along with the enforcement and administrative model being known. Assuming all implementation costs are known and have been agreed it would be intended to put forward a CEA/SEA application in April or October 2024.

### **On and Off-Street Enforcement and Administration Costs**

- 1.19 The FDC CPE feasibility study outlined several models for delivery of enforcement and administrative services for the implementation of CPE in Fenland. FDC officers have since explored potential external service provision with FDC's neighbouring local authorities with three organisations potentially able to offer both the administrative and enforcement services under a shared service provider contract. Progress on this aspect of the CPE project has been paused until the fundamentals between both organisations have been agreed.
- 1.20 Various CPE delivery models were looked at and considered during the CPE feasibility works undertaken in 2019. In the absence of FDC having its own internal parking or civil enforcement team the preferred and cheapest administration and enforcement service model was based on using external service providers. The estimated annual revenue deficit at the time was considered to be in the region of £50k per year. Since that time various global, and economic factors have impacted on material, fuel and wage increases and therefore it is predicted that this cost would have risen. These figures are currently being remodelled and the findings will be shared with the CPE project team as soon as this information becomes available.

### **Project Risks and Funding**

- 1.21 The £400k grant funding from the Cambridgeshire and Peterborough Combined Authority (CPCA) is to be used to cover the FDC CPE capital set-up costs. Included within the capital costs is provision of £140k for any corrective sign and line works. The TRO survey works revealed an unusually large number of sign and line anomalies which has taken considerable CCC officer time to review and will have an impact on the corrective works cost. Progress has been slower than anticipated on preparing the design work packages but CCC have advised that the target cost for all four tranches will be known by September.
- 1.22 It is however predicted that the corrective works cost will be in the region of £507k which is well in excess of the overall project funding allocation of £400k

meaning a further £350k+ would then be required to deliver the remaining elements of the project.

- 1.23 Following receipt of the estimated sign and line corrective works in September, FDC could look to procure the works outside of the CCC framework contract, however preparation of such tender documentation along with the advertising period required is likely to take 3 to 4 months assuming resources are available. Delivery costs are anticipated to be lower but given the high level of sign and line corrective works required, the original budget provision is still predicted to be somewhat inadequate.
- 1.24 Until such time as the Agency Agreement and Service Level Agreement has been agreed by both organisations, the CEA/SEA application to the DfT would not be put forward by CCC as this could cause financial risk to both FDC and CCC. The application period takes at least 6 months and this needs to be taken into consideration in respect of the revised implementation date. The latest an application could be made is April 2025.

### **Liaison with Key Partners**

- 1.25 Cambridgeshire County Council formally consulted all statutory consultees and partner organisations on the implementation of CPE within Fenland at the end of March 2022. Due to the lack of response received from some essential partner organisations, all consultees were given a further month to register their comments or objections. No objections were received, and the collective feedback will form part of the CEA/SEA DfT application.

### **SCDC, HDC CPE Progress**

- 1.26 A draft application to the Department for Transport for a Civil/Special Enforcement Area Designation Order for the introduction of CPE in South Cambridgeshire District Council has been prepared and submitted by Cambridgeshire County Council in partnership with SCDC. Implementation works are now at an advanced stage with the go live date soon approaching.
- 1.27 The On-street TRO survey works for HDC have been completed with all queries and anomalies forwarded to Cambridgeshire County Councils Policy and Regulation team for checking. An unusually large amount of sign and line defects were observed. It is understood that County Council officers have now completed reviewing the majority of the associated TRO queries to determine how best to rectify the inaccuracies. Work on the design work packages have commenced and using pro-rata rates from both SCDC and FDC, and the County Council have predicted that HDC's sign, and line corrective works costs are likely to rise to £950k.
- 1.28 HDC officers are considering if the corrective sign and line works could be delivered within their allocated budget if the works were procured outside of the CCC framework contract.
- 1.29 Huntingdonshire District Council have been working on a draft CPE agency and service level agreement with Cambridgeshire County Council following member

consultation. At this stage it is understood that little progress has been made on agreeing some of the red flag areas.

## **2 RECOMMENDATIONS**

- 2.1 Note the progress being made by FDC and CCC in respect of moving the introduction of CPE forward.
- 2.2 Notes the predicted increase in budget in relation to the scheme and requests that further updates are brought forward as they become available and prior to a final decision being taken as to how this will be funded.
- 2.3 That the member/officer CPE project team meet to discuss and agree the draft agency agreement and service level agreement red flags.

## **3 CONSULTATION**

- 3.1 N/A

## **4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 The only alternative option is to continue as is now with the police carrying out any enforcement duties although this is not seen as a priority area of focus for the police. Additionally given the current non-compliant status of the vast majority of the districts' signs and lines enforcement in any guise is considered challenging at present.

## **5 IMPLICATIONS**

### **Legal Implications**

- 5.1 The legal implications so far as they are currently known are as set out within the main body to this report. Once a full review of the contractual documentation has taken place more detailed legal advice will be sought and provided to the working group.

### **Financial Implications**

- 5.2 At present there are no new financial implications but unless further external funding is obtained there is likely to be a significant budget shortfall as described in paragraph 1.22 above.

### **Equality Implications**

- 5.3 None.