

BOROUGH OF KETTERING

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Report Originator	Jon Hall Environmental Services Manager	<i>Fwd Plan Ref No:</i>	
Wards Affected		13 th September 2017	
Title	Decriminalised Parking Project Update		

1. PURPOSE OF REPORT

To update members of the A6 Towns Forum on the decriminalised parking project being undertaken with Northamptonshire County Council.

2. INFORMATION

- 2.1 The police have powers to deal with all traffic matters including on-street parking under criminal law. These can be transferred to a Highways Authority through the “decriminalised” parking regime, where enforcement takes place under civil law by authorised officers.
- 2.2 Northamptonshire County Council (NCC) is the highways authority for the county and as such has all legal responsibility for roads and pavements. They are able, under certain circumstances to delegate some powers to a borough or district council with the agreement of the Department for Transport.
- 2.3 NCC operate a decriminalised parking regime throughout the majority of the County. Councillors in Kettering have been very clear in their desire for a Kettering based parking solution within a decriminalised regime, rather than a generic county based scheme. Discussions have been ongoing with NCC since 2002 to move this forward. This has included several meetings with the Department for Transport (DfT) and Ministers, the most recent of which took place in May 2016, when the DfT advised that they would not agree a decriminalised parking bid from the County Council unless the Borough Council supported it.
- 2.4 Following this last meeting, it was agreed that the County Council would consider a proposal and business plan by the Borough Council to manage the whole of the decriminalised parking regime within the Borough. This would entail the County Council delegating parking enforcement to Kettering Borough Council subject to that business plan being agreed.
- 2.5 In September 2016 Kettering submitted a business Plan to NCC setting out how they intend to deliver parking enforcement.

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- 2.6 This was reviewed by NCC and following a meeting at the end of June 2016 a number of further queries have been raised which the Borough Council are in the process of responding to.
- 2.7. Officers are scheduled to meet in September 2017 to address the concerns raised and agree the next steps.
- 2.8. In the meantime, the Borough Council approved a motion at full Council in July 2017 in the following terms

“Kettering Borough Council is committed to ensuring that an agreement is reached with Northamptonshire County Council to bring in decriminalisation of parking as a matter of urgency, as soon as possible, and that this council maintains its stance that KBC would be best placed to enforce both the new decriminalised aspect of parking enforcement and the continued enforcement of residents only parking.”

- 2.9 The Borough Council currently manages residents parking zones in Kettering town under powers delegated by the County Council and uses the generic warden team to carry out the enforcement of these. It also pays for the continued employment by the police of the part time traffic warden in the Borough. The residents parking scheme is self funding.

3. The Borough Council's approach

- 3.1. It is fair to say that KBC is taking a different stance than other districts in Northamptonshire, but what is being proposed is fairly common elsewhere in the UK. Kettering's approach has been informed by:-
- a) Multi-functional wardens are a more efficient and effective way of providing “guardianship” on street, and provide a single point of contact for residents and businesses.
 - b) The Council has developed a multi-functional warden team which is of the necessary size to provide 8am-8pm services seven days a week on parking, environmental crimes, dog and pest control, parking, community safety and other functions. Parking enforcement is a high proportion of that total, and without it, the warden team would be unsustainably small, and we would be unable to provide the wide range of services that we do. Handing over residents (and off street) car parking would mean both an increase in costs and a reduction in the size of the team and our ability to cover the hours we do.
 - c) It also makes it easier to work closely with the police, and we have this year begun a pilot with the police to co-locate and co-manage the warden

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team and the safer community team, to make even better use of our total resource. Each team will have the benefit of each others' civil powers, and will be briefed together and deployed together where required. This pilot has come about because of our unique arrangement in Kettering which the PCC has seen for himself. It would be untenable if parking was removed.

- d) Originally, outside Northampton, Kettering was the only authority to charge for car parking off street. We did not want to cede control of our car park enforcement to a third party over whom we would have no effective control. This was a large income stream and an important point of contact with customers and we did not want to jeopardise either by a profit-driven operation. There was sufficient evidence at the time that private contractors' actions damaged their client council's reputation.
- e) At the time, it was considered that decriminalised parking would mean introducing extensive on street charges, to make it pay for itself, which the Borough Council was reluctant to see in place.
- f) When the warden team was created, it drew staff from four different functional areas, and allowed us to significantly increase the hours the combined service could work and patrol, from 40 hours a week to 84 hours; from five days a week to seven. We have an establishment of 8 wardens. With decriminalised parking, we could have twice that many and that would give us even more capacity and flexibility to deal with a wide range of issues and challenges, and pick up work which is a low priority – eg managing traffic outside schools.

4. Multi-functional wardens

- 4.1. One of the original arguments against KBC's wardens enforcing parking was a view that the law did not allow those who carried out parking enforcement to carry out any other type of enforcement. KBC lobbied successive government ministers to change their guidance to explicitly encourage multi-functional working and this was achieved by a change to the guidance in 2015. Ministers had this feature in mind when they responded in May 2016 to the last bid for decriminalised parking. Ministers have recognised and applauded the benefits of a joined up service which embraced parking and other functions, and they wanted to see such an approach flourish.
- 4.2. The Council also successfully lobbied the Chief Constable several years ago to allow PCSOs to have traffic enforcement powers on street.

5. Conclusions

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- 5.1. The Borough Council has always been supportive of decriminalised parking. It would, if introduced today
- a) Improve traffic enforcement outside Kettering town centre – in the A6 towns and outside schools for example
 - b) Allow more residents parking schemes to be introduced
 - c) Improve the functionality of the warden team
 - d) Improve our ability to work in a joined up way with the police.
- 5.2. Only (a) and (b) would apply if the County Council took decriminalised parking into a county wide contract and (c) and (d) would be damaged beyond repair.
- 5.3. Without a properly resourced warden team, we would be unable to be responsive on anti-social behaviour, environmental crime and other non-parking functions.

6. CONSULTATION AND CUSTOMER IMPACT

- 6.1 When agreement is reached with NCC, appropriate legal consultation will take place as part of any implementation phase.

7. POLICY IMPLICATIONS

There are no policy implications at this time.

8. USE OF RESOURCES

- 8.1 Additional wardens will be required to implement any decriminalised parking regime. This will be addressed at the appropriate time in the project. The project will be self-funding.

9. RECOMMENDATION

That the forum notes the contents of the report.

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