SWALE JOINT TRANSPORTATION BOARD 14 JUNE 2010

Subject:	**On Street Parking Enforcement – Operational Review**
Director/Head of Service:	Head of Network Management, KCC – Environment, Highways & Waste
Decision Issues:	These matters are within the authority of the Kent County Council
Decision:	Non-key
CCC Ward/KCC Division:	**All**
Summary:	*A new parking operational protocol (Annex 1) has been agreed and passed by the Kent Chief Executives for use by Kent County Council and the 12 District Authorities from 1 April 2010*
For Information	
Classification:	THIS REPORT IS OPEN TO THE PUBLIC

Introduction and Background

1.1 The introduction of the Traffic Management Act 2004 and the associated Civil Parking Enforcement have required an update to the existing parking protocol which sets out a framework of common principles for parking policy and management that is not currently covered by the legal Agency Agreements that are in place between the 12 district councils and Kent County Council .

1.2 A working party consisting of representatives from the Parking Managers group, Kent Technical Officers' Association, Kent County Council and the district authorities was formed to write the new parking protocol.

Consultation

2.1 Consultation was undertaken with all interested parties including all districts and Kent County Council with a positive response and helpful feedback being received.

2.2 The draft protocol has been reported to the Kent Leaders and Chief Executives at regular intervals, culminating in the final document being presented to Kent Chief Executives on 15 March where it was approved for adoption by all 12 district authorities and KCC on 1st April 2010.

Conclusion

3.0 The Parking Operational Protocol has been agreed and passed by the Kent Chief Executives for use by Kent County Council and the 12 District Authorities from 1 April 2010.

Contact Officers:

Lorna Day Kent Parking Manager

Annex 1

PARKING OPERATIONAL PROTOCOL

In Kent the district councils are responsible for the practical application of parking enforcement under Agency Agreements between the County Council and each district authority. The Agency Agreements provide for parking enforcement of all Controlled Parking within the Civil Enforcement Area and Special Enforcement Area covering district boundaries. The agreements cover all aspects of enforcement related administration and also include requirements to maintain on-street parking signs and lines. However, the agreements do not cover the wider aspects of on-street parking policy and management undertaken by districts.

In setting up these Agreements, the County and District Councils recognised how essential it was to integrate off and on street enforcement within the Decriminalised Parking Enforcement (DPE) regime. It made it easier for the public to understand local parking management arrangements and provided a single point of contact for parking activity. It also had efficiency benefits and it built on existing parking operations at District level.

When the County Council and the Districts set up DPE between 1998 and 2001, it worked alongside a parallel agreement for traffic and network management (the Kent Highways Partnership - KHP). This provided a seamless operation across the whole range of parking and traffic management. However, in 2005 the KHP was dissolved and it became necessary to introduce a protocol to clarify the continuing District Council role in parking management on-street.

More recently, the government introduced the Traffic Management Act (TMA) and this replaced DPE with a new system of Civil Parking Enforcement (CPE). The Agency Agreements have been varied to incorporate the new provisions. Crucially, the statutory guidance accompanying the Act places significant emphasis on District involvement in parking enforcement activity in two tier areas and effectively endorses the type of arrangement currently operated in Kent.

Practical support and best practice has been shared and promoted through the South East Parking Managers Group (SEPMG). Consistent operational practices have been fostered while the differences in ethos and character between the parking services in each district have been respected. A consistent approach to enforcement is provided through the adoption by districts of a SEPMG developed award winning Decriminalised Parking Enforcement Manual.

The original protocol worked well for a number of years but it merits an update in the light of the TMA. This protocol sets out a framework of common principles for parking policy and management that is not directly covered in the Agency Agreements. It also clarifies the division of responsibility between County and Districts for the delivery of parking related functions. The Agency Agreement contains formal delegation and that this protocol will operate under the cover of the Agency Agreement. Therefore if there is any conflict it will be the Agency Agreement that prevails.

1. Policy / Strategy

1.1 A balanced integrated transport system, with good quality travel options for all is essential to counter the negative impacts of traffic growth. Effective management of parking is central to this and the wider district council polices in support of economic development and the commercial viability of town centres.

1.2 These objectives, and measures to achieve them, broadly comprise:

- implementation of Local Parking Plans (LPP) and
- promotion of best practice through the SEPMG.

2. Local Parking Plans

2.1 A Local Parking Plan or Strategy is the best way of developing effective local parking systems and ensuring that they are fully integrated with transport (LTP/ District Transport Strategy) and planning (Local Plan/ Local Development Framework) objectives and policies. A number of districts have developed a LPP or strategy and others have action plans covering policies and delivery. All LPP/ action plans should be regularly reviewed and updated.

2.2 Policies for future development of parking (assessing parking need, park & ride, business parking etc…) should be jointly agreed through a Local Parking Plan or Parking Strategy.

2.3 The LPP/ action plan process should be led by the district and supported by the County.

3. Joint Working

3.1 Close liaison between County and District officers is essential in order to ensure that parking restrictions and schemes are developed effectively and to avoid public confusion. Also the management of parking systems is closely related to the management traffic systems and visa versa. It is therefore critical that close links are maintained at officer level to develop integrated programmes and for there to be a common member reporting process for their approval.

- Officer level liaison to be formalised by way of regular meetings (discussions to cover future plans, identifying possible conflicts, availability of resources, liaison with emergency services, agreeing time scales, consultation requirements etc…). Districts and County to nominate responsible officers to represent the respective authorities on parking and transportation issues.
- Member approval to be sought through Joint Transportation Boards

4. Activities

4.1 For clarity it is essential that the division of activity be maintained as closely as possible between parking demand management (District) and moving (County). The following functions have been identified as being primarily undertaken either by a District or the County Council. However, by agreement through the officer liaison group functions could be carried out by either authority. Whenever these functions are carried out, they should be undertaken as complete end to end services by the respective authority :

DISTRICT ACTIVITY

- Parking related Traffic Regulation Orders
- Residents' Parking Schemes
- Controlled Parking Zones
- Disabled persons' parking bays
- Limited waiting bays
- Loading bays
- Other specified bays (e.g. Coastguard, Doctor, Motorcycle, Police, Taxi etc.)
- Maintenance of lines and signs
- Performance reporting

COUNTY RESPONSIBILITY

- Access highlight markings (Dog Bones)
- Bus stop clearways
- Bus Lane enforcement
- Yellow Box Markings
- Moving Traffic
- Safety Related TROs

4.2 For clarity Safety Related TROs are considered to include maintaining vehicle movements and driver visibility at road junctions and similar locations, maintaining road width to prevent obstruction or hazards to road traffic and prevention of footway obstruction to maintain pedestrian safety, including school keep clear zones.

4.3 For requests where responsibility is not immediately clear it is essential to say this will be considered with a response to follow shortly. The regular officer liaison meeting will review these and agree response from the lead authority

5. Traffic Regulation Orders

5.1 The Agency Agreement for Parking Enforcement does not contain formal powers for the making of Traffic Regulation Orders and the County Council retains responsibility for the sealing of all TROs.

5.2 However, a district must be able to promote and develop parking related TROs in order to deliver the district functions identified in 4.1 above. The procedure to be followed for the development of TRO's is summarised as follows:

1. Undertake programme development work including new requests
2. Review schemes at regular joint liaison meeting
3. Regular review and consolidation of orders as appropriate
4. Report and recommend programme to Joint Transportation Board (JTB)
5. JTB to approve programme to consult/ advertise(*)
6. Develop scheme considering representations
    a. If no objections proceed with scheme as advertised
    b. If objections report to JTB with recommendation to proceed, amend or abandon scheme.
7. Final approval by District Executive or County Council committee or cabinet member (or delegated authority) as appropriate.
8. Drafting of the order
9. Order sealed by County Council.

(*) Some schemes may require more than one stage of public consultation prior to advertising and approval.

Approval of TROs or consideration of objections may also be dealt with by the chair/ vice chair of the JTB in liaison with relevant ward members.

5.3 All County Council promoted parking restrictions requiring a TRO will follow the procedure set out above and will be undertaken in close consultation at an early stage with a District to ensure that they are appropriate for enforcement, can be incorporated in any existing consolidated traffic orders and to avoid public confusion. Funding to be provided to the district as appropriate should it carry out such TRO administrative work on behalf of the County Council. Such work and funding should be agreed in writing prior to commencing any such works.

6. Development of Schemes

6.1 The lead authority promoting a scheme is responsible for ensuring its' development whether in house or via consultants. A district would be able to commission design work from the County Council's retained consultant if it so wished at its own cost.

6.2 In principle the lead authority promoting a scheme is responsible for all costs associated with the scheme, including development, implementation and administration.

6.3 Subject to agreement with the other authority, either party may include TRO's that are normally undertaken by the other Authority, when undertaking a scheme - e.g A Residents Parking Scheme may include areas of KCC responsibly and district activities could be incorporated into a KCC highway scheme..

7. Maintenance

7.1 Renewal of existing signs and lines needed for effective enforcement can be undertaken directly by the district or by a contractor approved by the County.

7.2 The County Council will be responsible for ensuring that unsatisfactory works carried out by Statutory Undertakers are promptly reinstated to enable continued enforcement to be undertaken.

8. Public Contact

8.1 Where responsibility is not that of the Authority receiving a request it is essential to record the details of the request and say this will be considered with a response to follow shortly. Where the responsibility for a function is clear the request should be passed to the appropriate authority to respond. If time does not permit an issue to be considered at the next liaison meeting then responsibility for dealing with the request should be agreed through the designated liaison contacts.

9. Benchmarking

9.1 KCC will coordinate the collection and publication of detailed benchmarking information from the Districts in an agreed format established through the South East Parking Managers' Group.

10. Reporting procedures

10.1 KCC, as Highway Authority, will submit an annual report to the Home Office and the Districts will provide detailed information required for this purpose in an agreed format established through the South East Parking Managers' Group to meet Kent County Council requirements and guidance laid down by current legislation.

11. Moving traffic enforcement

11.1 The TMA makes provision for certain moving traffic enforcement, in bus lanes and other specified locations. This is a County Council function but through the current agency agreement this could be delegated to a District where a District may have the appropriate infrastructure available.

12. Review

12.1 The protocol will be reviewed at least annually or at any other time as circumstances demand. A Working Group of District and County Officers established through the Kent Technical Officers Network will carry out the review.

12.2 Policy development will by undertaken through the South East Parking Managers' Group and District Engineers Group with final sign off by the Kent Technical Officers Group.