



COUNCIL – 22ND JANUARY 2019

SUBJECT: CIVIL PARKING ENFORCEMENT – PROGRESS REPORT

REPORT BY: INTERIM CORPORATE DIRECTOR – COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To update Council on the progress with pursuing Civil Parking Enforcement Powers, and to seek Council's endorsement of the Cabinet Member nominations to stand on the Joint Committee of England and Wales for the Civil Enforcement of Parking and Traffic Regulations outside London.

2. SUMMARY

- 2.1 Cabinet resolved on 28 February 2018 to adopt an implementation model for Civil Parking Enforcement (CPE) where on street enforcement is undertaken in house and to collaborate with another, or other, local authorities for the back office notice processing and administration. Cabinet further resolved on 25 July 2018 to submit the formal application for CPE powers to Welsh Government (WG) and progress the actions necessary for implementation. The planned 'Go live' date for CPE remains the 8th April 2019 and actions are in hand to meet this target date. These are outlined in detail in section 4.2 below.
- 2.2 As part of this process a statutory and public Traffic Regulation Order consultation was undertaken on the proposal to amend the existing residents' permit parking schemes across the county borough to bring them in line with the current adopted policy. On 28 November 2018 Cabinet resolved to make the Order as advertised but with an amendment to reduce the charge from £30 to £15 per permit per annum. This Order will be made prior to taking forward the consolidation Order for CPE.

3. LINKS TO STRATEGY

- 3.1 Road safety delivery which includes CPE contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
- A prosperous Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities
 - A globally responsible Wales
- a. Infrastructure Division Objective: To work towards a safer environment through positive measures to reduce road accidents and particularly by protecting and providing for vulnerable road users.
- b. CPE will contribute to the Authority's Well Being Objective 4: Promote a modern, integrated and sustainable transport system that increases opportunity, promotes prosperity and minimises the adverse impacts on the environment.

4. THE REPORT

4.1 CPE Implementation Timescale

- 4.1.1 Cabinet resolved on 28 February 2018 to adopt an implementation model for Civil Parking Enforcement (CPE) where on street enforcement is undertaken in house and to collaborate with another, or other, local authorities for the back office notice processing and administration. Cabinet further resolved on 25 July 2018 to submit the formal application for CPE powers to Welsh Government (WG) and progress the actions necessary for implementation.
- 4.1.2 The planned 'Go live' date for CPE remains the 8th April 2019 and actions are in hand to meet this target date.
- 4.1.3 The situation is common to all five local authorities in the Gwent Police service area all of whom have now decided to pursue CPE powers. However, the implementation dates vary with Monmouthshire County Council going live on the 8th April 2019, Blaenau Gwent the 30th June 2019 and Newport and Torfaen Councils on the 1st July 2019.
- 4.1.4 Gwent Police have recently confirmed that they will continue to enforce civil parking until each local authority takes over. In Caerphilly CBC's case, this is until 7th April 2019.

4.2 Key Actions for CPE Implementation

4.2.1 The following key actions were previously identified for implementation by the go live date:

- Undertake the TRO review and identify what remedial actions are necessary for CPE implementation (May – October 2018).
- Prepare and submit CPE application to WG including statutory consultation - as per the Stage 1 report section 4.6 (May 2018 – December 2018).
- Undertake remedial works to TRO lining and signing (September – December 2018).
- Prepare and process TRO consolidation order (September – December 2018).
- Negotiate back office and set up in house service (April 2018 – January 2019).
- 'Go live' (April 2019).

4.2.2 Progress with the above is as follows:

- TRO review completed.
- CPE application submitted to WG and the outcome is awaited.
- TRO remedial works are progressing well despite the high volume identified. Works are expected to be completed by March 2019.
- Preparations for the TRO consolidation order have begun and are planned to be advertised in January 2019.
- Negotiations for the back office with Rhondda Cynon Taff County Borough Council (RCTCBC) have been concluded and a Service Level Agreement agreed/signed. Set up for the in house service are in hand and on target. This service provided by RCTCBC is known as the South Wales Parking Group (SWPG).
- 'Go live' on target for the 8th April 2019.

4.3 Issues to be aware of:

- 4.3.1 Parking Enforcement Operational Policy: CCBC's enforcement protocol is being revised so that it aligns with national operational guidance for CPE, in order to maintain a consistent approach and compliance with this national framework, and also to ensure that the lowest number of Parking Contravention Notices (PCNs) are raised and cancelled. This will not only affect the way in which PCNs are issued, but also the way in which appeals are considered and determined. Examples of how this *will* affect the current service are provided below:

- At present no period of grace is allowed for vehicles parked in a free limited waiting car park. CCBC has 3 no. of these car parks that are subject to a 2-hour limited waiting, no return within 4 hours restriction. However under CPE national guidance it is recommended that a 10 minute period of grace is given.
- At present all ECNs (Excess Charge Notices) issued for failure to display a ticket or blue badge in the Council's Highway owned off street car parks are waived/cancelled if a valid ticket / blue badge is subsequently produced. This would need to change such that, for example, PCNs are only cancelled for first time offenders.

4.3.2 CPE will grant CCBC the powers to enforce on road parking including parking on double yellow lines, double parking, and parking over dropped footways (driveways), however careful consideration needs to be given to how these powers will be enacted because of the range of localised sensitivities that exist e.g. a neighbouring authority has taken the decision to enforce dropped kerbs in town centres but not driveways in residential areas as they have found that this is too contentious/difficult to resolve in a consistent manner. As such, obstructions of this nature are referred to the police for them to deal with using their existing powers of enforcement. It should also be noted that CPE will not grant CCBC the powers to deal with obstructive parking on footways and this responsibility would remain with Gwent Police. Furthermore the enforcement of all moving traffic offences e.g. prohibition of driving except for access orders, prohibition of left/right/'U' turns, one-way traffic systems, weight limits and speed limits will reside with Gwent Police.

4.3.3 Resident Permit Parking Policy: Consideration has been given to the existing residents' only permit parking schemes in Abercarn, Bargoed, Blackwood, Caerphilly, Risca, Newbridge, Rhymney and Ystrad Mynach. Since their inception, the existing schemes have operated under differing criteria. In order to ensure consistency and equality across the County, and to ensure effective enforcement can be carried out, it was considered necessary to bring all existing schemes in line with the Council's approved resident permit parking policy. A statutory and public Traffic Regulation Order consultation was undertaken on the proposal to amend the existing residents' permit parking schemes across the county borough through the implementation of the following changes:

- a) A charge of £30 per permit per annum.
- b) A maximum of two permits per qualifying property can be issued, of which one permit can be designated as a visitor permit.
- c) To allow the issue of business permits where considered appropriate and supported by ward members (at a charge of £75 per permit per annum).

4.3.4 On 28 November 2018 Cabinet resolved to make the Order as advertised but with an amendment to reduce the charge to £15 per permit per annum.

4.3.5 Civil Enforcement Officer (CEO) dual role: Members expressed a clear wish that the CEOs have a dual role in that they enforce other aspects of street scene management such as litter dropping and dog fouling. In order to fulfil this role a change to the scheme of delegation under the Council's constitution is required, as set out in section 8.1 below.

4.3.6 Publicity: a communications strategy has been developed and implemented to ensure a clear and concise message is conveyed to the public on the approach that will be implemented and the timeframes involved. The proposals to change the parking enforcement regime and introduce CPE powers have been widely publicised via a variety of media channels, including articles in the September and December issues of Newsline around the new 'ParkSmart' logo. Further information will be issued in advance of the 'Go live' date to give road users plenty of forewarning before enforcement begins.

4.3.7 Collaboration: all five Gwent local authorities have reached an agreement with RCT CBC for them to provide the notice processing and administration back office. RCT have been providing this service for approximately 6 years and have the relevant experienced staff and

systems established. Officers of the Council are also in discussions with Officers of Blaenau Gwent CBC with a view to managing their CEOs and service provision. In addition, discussions will continue to be held between all the "Gwent" Authorities for a collaborative approach to CPE when local pressures arise (e.g. at events).

- 4.3.8 PCN payments: a PCN can be paid on-line (debit & credit card), by telephone (debit & credit card), or by post (cheque or postal order) using the envelope provided with the PCN.
- 4.3.9 There are well known areas where enforcement needs to be targeted such as busy town centres, outside schools during start and finish times, etc. There will be the opportunity for members to provide the Traffic Management team with local intelligence to assist in enforcing local hot spot areas that are of concern.
- 4.3.10 The Authority is currently in the process of recruiting an additional 5.5 full time equivalent staff to its new CPE team. These staff will be designated as Civil Enforcement Officers and are additional to the complement of 2.5 staff that currently carry out parking enforcement activities in the Authority's car parks. The full team of 8 staff will then carry out the full range of civil parking enforcement duties (car parks and on street) as outlined in 4.3.2 above.
- 4.3.11 The Authority is currently experiencing a significant level of on-street parking contraventions in its town centres and once the 'go live' date of 8th April 2018 is reached then priority will be given to enforcement in town centres. In addition, local members will be invited to share their ward intelligence so that targeted enforcement across council wards can also be progressed.
- 4.3.12 As outlined in 4.3.5 above, the CEO's will also be authorised to deal with littering and dog fouling via the issuing of fixed penalty notices although it should be noted that their main focus will be targeting parking contraventions and that the other street scene enforcement authorisations will be in place to complement activities carried out by the enforcement staff within the public protection service.

4.4 Formal Resolutions

- 4.4.1 As a requirement of taking on CPE powers, on 25 July 2018 Cabinet endorsed and nominated to Council that the Deputy Leader and Cabinet Member for Economy, Infrastructure, Sustainability and Well-being of Future Generations and as substitute the Cabinet Member for the Environment and Public Protection be the Representatives appointed to stand on the Joint Committee of England and Wales for the Civil Enforcement of Parking and Traffic Regulations outside London, which oversees the adjudication service known as the Traffic Penalty Tribunal (TPT).

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This proposal contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that:
- 5.2 Long term resourcing of operation and management solutions of this specialised service provision allows for more effective and predictable resource/ financial commitments going forward.
- 5.3 Taking direct control of CPE enables CCBC to increase prevention of parking disruption and congestion in conurbations contributing to the well-being of its communities.
- 5.4 It forms part of an overall strategy integrating the traffic management of local roads to regional transport systems on which public transport, private users, cyclists and walking networks can operate.

- 5.5 Collaboration with other organisations and local authorities enables a more effective and efficient service delivery.

6. EQUALITIES IMPLICATIONS

- 6.1 An EIA screening has been completed in accordance with the Council's Strategic Equality Plan and supplementary guidance. No potential for unlawful discrimination and/or low level or minor negative impact has been identified therefore a full EIA has not been carried out.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications arising from this report.
- 7.2 As set out in the Stage 1 report, the estimated cost for implementing the model approved under the Cabinet resolution (Model B2) is £487,000. This includes the TRO review (£115,000 – updated tender figure), signs and lines remedial works of £300,000 and set up costs of £72,000. There is also an additional £24,000 for the purchase of the specialist Parkmap mapping software for managing TROs and the notice processing. This brings the overall estimated total for implementation to £511,000.
- 7.3 Funding of £371,000 has previously been approved from the Sirhowy Enterprise Way (SEW) reserve to allow the implementation process to be undertaken with the remaining balance of £140k being funded from the Communities Directorate reserve.
- 7.4 The feasibility study (Stage 1 report) identified that the estimated income from PCNs would result in an operational deficit of approximately £17,000 for the first year and an annual operational surplus from year two that would cover all operational costs for CPE. After five years the cumulative operational surplus generated would be approximately £58,000. This assessment calculates the annual operational costs over the first five years of operation to vary between £215-245k with the number of PCNs issued annually varying between 10,000 and 11,250. Any surpluses are to be ring fenced to reinvest in CPE activities and other provisions in accordance with the requirements detailed within Section 55 (as amended) of the Road Traffic Regulation Act 1984.

8. PERSONNEL IMPLICATIONS

- 8.1 In order to undertake the new CEO dual role (as identified in para 4.3.5), the existing scheme of delegations under Part 3 of the Council's constitution 'Responsibility for functions' (amended May 2018) will need to be amended accordingly. Specifically:

P34 & 35 (f) Environment function

- Pollution Control (including noise, litter and illicit tipping, air and water quality, contaminated land)
- Public Health (including infectious diseases, statutory nuisance, sewer/drains, health promotion/education).

Action: add Civil Enforcement Officer under 'Delegation'.

- 8.2 With CCBC directly managing enforcement, a slightly enlarged parking management structure will be required, including an additional 5.5 full time equivalent (FTE) CEOs providing a total compliment of 8 FTE CEOs. The job descriptions of the CEOs and management staff have been reviewed and the necessary recruitment ongoing. All staff costs have been built in to the operating costs identified in the original business case previously reported.

9. CONSULTATIONS

9.1 All responses from consultations have been incorporated in the report.

10. RECOMMENDATIONS

- 10.1 Members are asked to note the contents of this report and consider the following recommendation:
- 10.2 To endorse the Cabinet nominations for the Deputy Leader and Cabinet Member for Economy, Infrastructure, Sustainability and Well-being of Future Generations and as substitute the Cabinet Member for the Environment and Public Protection be the Representatives appointed to stand on the Joint Committee of England and Wales for the Civil Enforcement of Parking and Traffic Regulations outside London, which oversees the adjudication service known as the Traffic Penalty Tribunal (TPT).
- 10.3 The Head of Legal Services/Monitoring Officer is authorised to change the scheme of delegations under Part 3 of the Council's constitution as set out in 8.1 above.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To allow Officers to progress the transfer of powers for CPE and to ensure its implementation on 8th April 2019.

12. STATUTORY POWER

- 12.1 The following enabling statutory powers apply to the decision under consideration.
- Traffic Management Act 2004.
 - The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (Wales) Regulations 2013.
 - The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) Removed Vehicles (Wales) Regulations 2013.
 - The Civil Enforcement of Road Traffic Contraventions (Approved Devices) (Wales) Order 2013.
 - The Civil Enforcement of Road Traffic Contraventions (Guidelines on Levels of Charges) (Wales) Order 2013.

Author: Clive Campbell – Transportation Engineering Manager: campbc@caerphilly.gov.uk
Consultees: Cllr. Sean Morgan – Deputy Leader and Cabinet Member for Economy, Infrastructure, Sustainability and Well-being of Future Generations
Cllr. Eluned Stenner – Cabinet Member for Environment and Public Protection
Mark S Williams – Interim Corporate Director of Communities
Robert Tranter – Head of Legal Services and Monitoring Officer
Nicole Scammell – Head of Corporate Finance and S151 Officer
Marcus Lloyd – Head of Infrastructure
Robert Hartshorn – Head of Public Protection, Community & Leisure Services
Richard Crane – Principal Solicitor
Mike Eedy – Finance Manager
Shaun Watkins – Principal Personnel Officer
Anwen Cullinane – Senior Policy Officer – Equalities and Welsh Language
Kathryn Peters - Corporate Policy Manager
Dean Smith – Principal Engineer (Traffic Management)
Ceri Edwards – Environmental Health Manager

Background Papers:

Review of the Resident Permit Parking Policy report to Cabinet 31 July 2012

Decriminalisation of Parking – Stage 1 report to Regeneration and Environment Scrutiny committee – 12 December 2017

Decriminalisation of Parking – Stage 2 Report o Regeneration and Environment Scrutiny Committee 26 June 2018

Decriminalisation of Parking – Residents' Parking Amendment Order 2018 – Cabinet 28 November 2018