



REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE – 11TH DECEMBER 2012

SUBJECT: CIVIL PARKING ENFORCEMENT

REPORT BY: CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To update Members on the current status of Civil Parking Enforcement issues within the south east Wales region and the potential issues for Caerphilly County Borough Council.

2. SUMMARY

- 2.1 The power to enforce on street parking within Caerphilly County Borough Council is the responsibility of Gwent Police. Under the Traffic Management Act 2004 the Council can apply to the Welsh Government for the powers to enforce on street parking restrictions under a Civil Parking Enforcement (CPE) Order. Those local authorities in south east Wales covered by the South Wales Police service have been forced into seeking CPE powers because of the decision by South Wales Police to withdraw from on street parking enforcement. Gwent Police service has stated that has it has no such intention, and therefore the status quo has been maintained.
- 2.2 At present the Council has no plans to seek powers to implement CPE for Caerphilly County Borough.

3. LINKS TO STRATEGY

- 3.1 Engineering Services Division objectives:
- To work towards a safer environment through positive measures to reduce road accidents and particularly by protecting and providing for vulnerable road users.
 - To represent and safeguard highway users' interests against activities and development detrimental to users.

4. BACKGROUND

- 4.1 The Council is the local Highway Authority for the borough and as part of its traffic management duties determines where parking and traffic restrictions are required for the safe and efficient use of the road network. However, the Council has no power to enforce these restrictions as this function lies with Gwent Police. Any contraventions are presently classed as criminal acts with any income from fines passed to central government.

- 4.2 The Traffic Management Act 2004 allows local authorities in Wales to apply to the Welsh Government for the powers to enforce parking restrictions. Under these arrangements parking contraventions become civil offences and the income from fines is retained by the Local Authority to support the cost of the enforcement operation. In such cases the income generated would be used to offset the costs of the scheme, with any surpluses being ring-fenced under Section 55 of the Road Traffic Regulation Act 1984 for certain highway related matters. However, should insufficient income be raised, any over spends would have to be covered from other Council budgets.
- 4.3 It should be noted that at present there is no opportunity for the Council to reverse the process once a Civil Parking Enforcement (CPE) Order is made. The implication is that once the service becomes the responsibility of the Council then it will have to ensure that the system is managed and operated efficiently and effectively.

5. THE REPORT

- 5.1 CPE development within the south east Wales region has largely been influenced by a change in position with police enforcement. The western side of the region is covered by the South Wales Police and the eastern side by Gwent Police.
- 5.2 In June 2009 South Wales Police gave notice to the Councils in their area that they had taken the decision to consider decriminalising parking across their area. This subsequently led to the withdrawal of their Traffic Warden on street parking enforcement service on 3 December 2010.
- 5.3 As a result those local authorities affected were forced to review their options under CPE. At the present time Cardiff County Council are operating a full CPE service with Bridgend, Merthyr, Rhondda Cynon Taff and the Vale County Borough Councils all progressing CPE with a view to implementation in 2013/14. Arguably without this decision from South Wales Police, only Cardiff County Council would have given any serious consideration to CPE.
- 5.4 To date Gwent Police have confirmed on more than one occasion that they have no plans to withdraw from enforcement of on street parking. On 31 March 2012 they did dis-establish their Traffic Wardens so this function is mainly undertaken by their Police Community Support Officers (PCSOs). However, the local Superintendent at that time confirmed that this would not result in a loss of service and that additional PCSOs had been recruited. Caerphilly Local Policing Unit were allocated an additional 35 Welsh Government funded PCSOs which brings the total number within the county borough to 65 full time equivalents. Therefore, at the present time, there is no pressing need for the Council to progress CPE powers but officers will continue to liaise with the Police to direct this new resource to where it will be most effective.
- 5.5 It is considered that if a CPE service were resourced to a degree that would ensure near full compliance across the county borough network, the lack of fines due to compliance (as the expectation by the transgressors is that they would be caught) would mean that the service costs would outweigh the revenue income. In addition, the increase in on street enforcement and fines issued may adversely affect the Council's reputation along with the public perception of annual target setting to raise income from fines.

6. EQUALITIES IMPLICATIONS

- 6.1 An Equalities Impact Assessment (EIA) screening has been completed in accordance with the Council's Equalities Consultation and Monitoring Guidance and no potential for unlawful discrimination and/or low level or minor negative impact have been identified, therefore a full EIA has not been carried out.

7. FINANCIAL IMPLICATIONS

7.1 None.

8. PERSONNEL IMPLICATIONS

8.1 None.

9. CONSULTATIONS

9.1 As listed below. The responses of the consultees have been incorporated in to this report.

10. RECOMMENDATIONS

10.1 The Scrutiny Committee asked to note the report and provide their views on CPE.

11. STATUTORY POWER

11.1 Road Traffic Regulation Act 1984

11.2 Traffic Management Act 2004

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Consultees: Cllr TJ Williams, Cabinet Member for Highways, Transportation and Engineering
Cllr DT Davies, Chair of Regeneration and Environment Scrutiny Committee
Cllr EM Aldworth, Vice Chair of Regeneration and Environment Scrutiny Committee
Cllr D Price, ward Member for Bargoed
Cllr DV Poole, Cabinet Member for Community and Leisure Services
Anthony O'Sullivan, Chief Executive
Terry Shaw, Head of Engineering Services
Marcus Lloyd, Highway Operations Manager
Dean Smith, Principal Engineer (Traffic Management)
Robert Hartshorn, Head of Public Protection
Kathryn Peters, Community Safety Manager
Nicole Scammell, Head of Corporate Finance
Mike Eedy, Finance Manager, Environment Directorate
Dan Perkins, Head of Legal and Governance