



REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE – 2ND JULY 2013

SUBJECT: COMMUNITY SAFETY WARDEN DUTIES

REPORT BY: ACTING DEPUTY CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To respond to an Elected Member request for a report on the feasibility of the Community Safety Warden Team undertaking civil parking enforcement duties
- 1.2 To respond to a further query regarding the ability of Community Safety Wardens to issue penalty notices for disorder, or fixed penalty notices, for off-road motorcycle offences.

2. SUMMARY

- 2.1 A report was presented to 11th December Scrutiny Committee that set out the potential issues for the decriminalisation of parking enforcement in the county borough. Following an Elected Member request this report considers the feasibility of the Community Safety Warden Service taking on civil parking enforcement responsibilities.
- 2.2 Making the relevant Order would result in Gwent Police having no further involvement in parking contraventions. Diverting Community Safety Wardens towards civil parking enforcement would have a significant impact on their ability to maintain current service levels without considerable additional resources. Gwent Police currently employ 65 (full time equivalent) Community Support Officers who enforce criminal parking contraventions and have indicated that they have no intention of withdrawing from this role.
- 2.3 The legislation that allows Police enforcement against off-road motorcycles is Section 59 of the Police Reform Act 2002. There is no legislative pathway to allow Section 59 powers to be conferred on Community Safety Wardens.

3. LINKS TO STRATEGY

- 3.1 The Community Safety Warden Service supports the Safer Caerphilly priority within the single integrated plan, Caerphilly Delivers.

4. THE REPORT

4.1 Legislation

The Traffic Management Act 2004 (Part 2 Schedule 8) allows for an order to be made designating either whole, or part, of a local authority's area as a civil parking enforcement area. The effect of an order would remove the responsibility for criminal enforcement from Gwent Police. The police would have no further involvement in parking contraventions, although would still be responsible for highway obstruction.

While there is an option to designate part of a local authority's area as a civil enforcement area there is a potential for confusion around jurisdiction with more than one enforcement agency involved.

4.2 Parking Enforcement Processes

Parking enforcement in town centres and residential streets is labour intensive due to the need to maintain foot patrols in problematic areas and respond to complaints in others. As well as no waiting areas (double yellow lines) enforcement would need to occur at other restricted areas such as resident parking schemes, outside schools, bus stops, loading bays and disabled bays.

Monitoring of restricted areas entails repeated visits to the same vehicle over the course of the restricted period to determine how long the vehicle has been located there. Administrative processes are required in order to manage ticket processing, collection of fines and court/bailiff enforcement if unpaid. A link to the Police National Computer (PNC) and DVLA database is also necessary as well as a mechanism to endorse licences for some offences.

Decriminalisation of parking has occurred in the South Wales Police area and has taken a number of years to progress. Cardiff Council implemented civil enforcement options after the withdrawal of the police Traffic Warden Service in 2010. Other local authorities in that police area are having to implement a similar provision without the revenue achievable in a city area.

There has been no indication that Gwent Police intend to decriminalise parking enforcement.

4.3 Resources

The Authority has a team of 9 (full time equivalent) Community Safety Wardens. The Service is engaged in hi-visibility patrolling of the county borough, complaint based work, targeted operations, support at events and joint work with Gwent Police.

Diverting these staff towards civil parking enforcement would have a significant impact on their ability to maintain current service levels. A notable diversion would be the fact that contraventions occur in areas outside the normal patrolling geography covered i.e. parks, open spaces, housing estates, footpaths, walkways and cycle tracks.

Gwent Police currently employ 65 (full time equivalent) Community Support Officers who have taken on the enforcement role for criminal parking contraventions, previously undertaken by Traffic Wardens.

4.4. Off-Road Motorcycles

The Community Safety Warden Service supports Gwent Police Officers in tackling the problem of off-road motorcycles. This support includes joint operations where Wardens assist in target areas by providing additional coverage and using the mobile CCTV vehicle where possible. The Community Safety Wardens also act as "eyes and ears" in the community in detecting the ownership of off road motorcycles so that advice and intelligence can be passed to Gwent Police.

The legislation that allows enforcement against off-road motorcycles is Section 59 of the Police Reform Act 2002. Police officers have a power to warn users of bikes to desist and if they persist have the machine seized and destroyed. They may also seize vehicles without warning if it is impractical for a warning to be given.

The local authority's Community Safety Wardens are accredited under Schedule 5 of the Police Reform Act 2002 to conduct certain activities in legislation enforced by Police Officers e.g. confiscation of alcohol, confiscation of tobacco from under 18s, the issue of fixed penalty notices for litter and dog fouling, and control of traffic. The list of legislation does not include

Section 59 of the same Act. The legislation does not allow accredited persons to gain these powers and there is no legislative pathway to allow Section 59 powers to be conferred on accredited persons. Consequently Community Safety Wardens can only assist Gwent Police Officers in tackling off-road motorcycles.

5. EQUALITIES IMPLICATIONS

- 5.1 An Equalities Impact Assessment screening has been completed in accordance with the Council's Strategic Equality Plan and no potential for unlawful discrimination and/or low level minor negative or minor negative impact have been identified stemming from this report, therefore a full EIA has not been carried out.

6. FINANCIAL IMPLICATIONS

- 6.1 There is likely to be a significant additional cost in designating whole, or part, of the local authority's area for civil parking enforcement while at the same time maintaining the level of coverage Gwent Police are currently able to achieve; and supporting the Community Safety Warden Service to maintain its current service levels. Costs would be in additional staffing costs, training, ticket processing and collection, data set up with PNC and DVLA and legal costs of enforcement in court. Revenue return may not offset these costs.

Authorities in the South Wales Police area have conducted extensive feasibility work in scoping out their civil parking enforcement. Such an approach would need to be taken in this authority before any consideration of transfer of powers were requested or agreed. To illustrate, Rhondda Cynon Taff commenced civil parking enforcement on 1st August 2012 and have committed £340,000 to the Civil Parking Enforcement service, employing 8 dedicated Enforcement Officers. Collaborative arrangements with Merthyr Tydfil are in place for ticket processing as this was determined to be a more cost effective means of handling the back office systems needed. The Vale of Glamorgan have costed their provision at £316,000. Both authorities envisage a small annual surplus in income from tickets.

Unlike authorities in the South Wales Police area Gwent Police have not indicated any plans to cease criminal parking enforcement.

7. PERSONNEL IMPLICATIONS

- 7.1 Achieving civil parking enforcement in a manner that is likely to provide an acceptable level of service to residents is not possible within current staffing levels. Further scoping work would be required to confirm the details.
- 7.2 Existing staff would require suitable training and a review of job description and grading necessary. The role and responsibilities of existing staff would need to be reviewed and any proposed changes would need to be consulted on. A revised job description would need to be evaluated in accordance with the Council's process.

8. CONSULTATIONS

- 8.1 This report has been sent to the Consultees listed below and there are no responses that have not been reflected in the report.

9. RECOMMENDATIONS

- 9.1 That Scrutiny Committee consider and note the contents of this report.

10. REASONS FOR RECOMMENDATIONS

- 10.1 To allow Members the opportunity to consider the role of Community Safety Wardens in relation to both Civil Parking Enforcement and off road motorcyclists.

11. STATUTORY POWER

Road Traffic Regulation Act 1984
Traffic Management Act 2004

Author: Rob Hartshorn, Head of Public Protection
Consultees: Cllr. Dave Poole, Cabinet Member for Community and Leisure Services
Cllr. D.T. Davies, Chair Regeneration & Environment Scrutiny
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Jonathan Jones, Democratic Service Manager
Dan Perkins, Head of Legal Services
David A. Thomas, Senior Policy Officer (Equalities and Welsh Language)
Mike Eedy, Finance Manager
Lynne Donovan, HR Services Manager, Customer Services

Background Papers:
Regeneration and Environment Scrutiny Report
Civil Parking Enforcement – 11th December 2012