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Date: 9th December 2020

Dear Sir/Madam,

A meeting of the **Joint Scrutiny Committee** will be held via Microsoft Teams on **Tuesday, 15th December, 2020 at 5.00 pm** to consider the matters contained in the following agenda. Councillors and the public wishing to speak on any item can do so by making a request to the Chair. You are also welcome to use Welsh at the meeting, both these requests require a minimum notice period of 3 working days.,

This meeting will be recorded and made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals speaking will be publicly available to all via the recording on the Council website at www.caerphilly.gov.uk

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy'.

Christina Harrhy
CHIEF EXECUTIVE

AGENDA

1 To receive apologies for absence.

2 Declarations of Interest.

Councillors and Officers are reminded of their personal responsibility to declare any personal

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and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

To receive and consider the following reports: -

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|---|--|---------|
| 3 | Caerphilly County Borough Council Car Parks Task and Finish Group. | 1 - 30 |
| 4 | Enforced Sale Policy. | 31 - 42 |

Circulation:

Councillors D.T. Davies, A. Hussey, A. Whitcombe, Mrs C. Forehead, M.A. Adams, A. Collis, C. Elsbury, M. Evans, A. Gair, G. Kirby, Ms J. Gale, S. Kent, Mrs A. Leonard, B. Owen, D.W.R. Preece, J.E. Roberts, J. Scriven, T.J. Williams, J. Bevan, D. Cushing, R.W. Gough, L. Harding, A.G. Higgs, Ms P. Leonard, Mrs G.D. Oliver, Mrs D. Price, Mrs M.E. Sargent, W. Williams and B. Zaplatynski

And Appropriate Officers

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**JOINT SCRUTINY COMMITTEE
(ENVIRONMENT & SUSTAINABILITY SCRUTINY AND
HOUSING & REGENERATION SCRUTINY COMMITTEES)
– 15TH DECEMBER 2020**

**SUBJECT: CAERPHILLY COUNTY BOROUGH COUNCIL CAR PARKS
TASK AND FINISH GROUP**

**REPORT BY: CORPORATE DIRECTOR EDUCATION AND CORPORATE
SERVICES**

1. PURPOSE OF REPORT

- 1.1 This report seeks to inform a joint meeting of the Environment and Sustainability and the Housing and Regeneration Scrutiny Committees of the findings of the joint task and finish group that was established to review car parks managed by Caerphilly County Borough Council. The joint scrutiny committee is asked to consider the recommendations of the review group and determine its recommendations to Cabinet.

2. SUMMARY

- 2.1 This report outlines the findings and recommendations of the joint scrutiny task and finish group established to consider car parks in the Caerphilly county borough. The review group agreed its terms of reference as 'to determine if the current strategy and regime for the management and operation of the Councils Highway owned off-street car parks is still appropriate and what alternative options should be considered in future.'

3. RECOMMENDATIONS

- 3.1 The Environment and Sustainability and Housing and Regeneration Scrutiny Committees are asked to consider the findings of the Caerphilly County Borough Council Car Parks Task and Finish Group. The scrutiny committees are asked to consider the following recommendations and make their recommendations to Cabinet.
- 3.2 Current hourly tariffs at pay and display highway owned car parks available for the public should be standardised across county borough for long term and short-term parking respectively it is suggested that charges are set at a current lower level.

- 3.3 To remove the parking charges at the 5 country parks agreed in 2014 in order to recognise the significant health benefits to residents
- 3.4 Caerphilly County Borough offer local businesses reduced charge parking permits for their staff to park in car parks, therefore officers to investigate most appropriate car parks where this could be offered, with the aim to reduce use of central car parks by workers and free them up for visitors/shoppers.
- 3.5 Where there are car parks in close proximity to schools, that are having parking issues during school drop off and pick up times, officers are given discretion to allow a free parking concession to parents/carers for a limited time and in consultation with local ward members.
- 3.6 Remove Sunday parking charges at Twyn Car park on Sundays – this has been an historical arrangement that is no longer required and will provide parity.
- 3.7 That the council not enforce car park charges on St David's day.
- 3.8 That Cabinet review their position on not charging at Park and Ride in view of the costs to maintain these car parks.
- 3.9 That consideration of charging at free car parks is deferred and reviewed at a later date once the coronavirus is no longer having an impact on people's ability to shop and socialise freely in the county borough.
- 3.10 That priority is given in the county wide review for consideration of zoning of residential parking areas of main towns.
- 3.11 That the criteria for residential parking permit areas is reviewed to offer a more flexible approach that takes into account areas outside of principal towns where customer parking to access local businesses impacts on residential areas.
- 3.12 That the current non-enforcement of parking charges at council owned car parks is extended after 31st December 2020 for three months and then reviewed to consider if the impact of covid-19 on town centres is ongoing at that time.
- 3.13 That the current approach to the use of car parks for trading and events be allowed to continue and officers are permitted to continue to use discretion in respect of applications that have community benefit.
- 3.14 That consideration should be given to cease locking the car parks at Thorncombe 3 and Wesley Road Blackwood during the night upon the retirement of the member of staff. To be done in consultation with local ward members. If night-time locking ends the impact should be monitored and options to install additional CCTV and/or upgrade the quality are explored if required.
- 3.15 All surplus income generated from parking charges to be ring fenced for maintenance and improvement of car parks, through a planned maintenance programme, including improved directional signage and lighting improvements.
- 3.16 That opportunities to improve existing CCTV be explored where grant funding or match funding is available.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 These recommendations have been suggested to improve the car park provision across the county borough.

5. THE REPORT

- 5.1 The review of council owned car parks was first considered by the Regeneration and Environment Scrutiny Committee at the meeting held on 29th March 2016. The scrutiny committee considered a scoping report that set out a proposed review of the operation and management of the council car parks and the potential for future changes to the parking regime and parking tariffs. A member task and finish group was subsequently established and was made up of the following Members;

Councillor L Aldworth
Councillor J Bevan
Councillor N Dix - Chair
Councillor C Elsbury
Councillor R Gough – Vice Chair

The scrutiny committee were also informed that because of the size of the group there were instances where only three members attended meetings. Therefore, Regeneration and Environment Scrutiny Committee were asked to nominate additional members to the group. The additional nominees were:

Councillor M Adams
Councillor L Harding – subsequently withdrew.
Councillor D Price

- 5.2 The task and finish group completed a significant amount of work carrying out site visits to main car parks and meeting with representatives from Community and Town Councils as well as business representatives. However, with the anticipated implementation of Civil Parking Enforcement the group felt that any recommendations they might make should be with the benefit of CPE already in place in order to deal with any parking infringements that may result from changes. Therefore, the group agreed to report to the Regeneration and Environment Scrutiny Committee with their findings at that time and set out a few options. The scrutiny committee agreed at its meeting on 4th July 2017 to revisit the task and finish group later once civil enforcement was determined and review the terms of reference accordingly.
- 5.3 A further report was then considered by the Environment and Sustainability Scrutiny Committee on 29th October 2019 giving an update on Civil Parking Enforcement and asking if the scrutiny committee wished to reconvene the car park task and finish group, Members agreed to re-establish but also wished to invite the Housing and Regeneration Scrutiny committee to establish it as a joint task and finish group, the Housing and Regeneration scrutiny committee agreed at the meeting held on 26th November 2019.
- 5.4 The Members of both Environment and Sustainability and Housing and Regeneration Scrutiny Committees were subsequently contacted on 28th November 2019 and on 7th January 2020 asking for expressions of interest to join the task and finish group. The task and finish group was then established and made up of the following Members:

Councillor J Ridgewell
Councillor R Gough - Chair
Councillor C Elsbury
Councillor Tom Williams
Councillor Denver Preece - Vice-Chair
Councillor Lindsey Harding
Councillor John Roberts

- 5.5 The group met for the first time on 21st February 2020 but subsequently Councillor J. Ridgewell became the Cabinet Member for Environment & Infrastructure and was invited as an observer at the remaining meetings. The Independents group also asked that one of their group join in July 2020 and subsequently Councillor B. Owen was invited to the meetings from September 2020 alongside Councillor N. Dix who was invited as an observer/witness because of his interest and previous involvement.
- 5.6 The group held its first meeting on 21st February 2020 to review the background to the previous work of the task and finish group and agree the terms of reference and methodology. The terms of reference agreed were 'to determine if the current strategy and regime for the management and operation of the Councils Highway owned off-street car parks is still appropriate and what alternative options should be considered in future.' The group also agreed to write to Community and Town Councils who had submitted their views previously to allow them the opportunity to update their submissions. Members also agreed to carry out site visits to familiarise themselves with the car parks, particularly because 5 Members were not on the original group. However, following this meeting and before the site visits could be organised the Coronavirus pandemic lockdown was implemented, with all meetings cancelled. The next meeting of the group was held on 21st September 2020, with further meetings held on 14th October and 28th October 2020.
- 5.7 The group reviewed the previous reports considered by the group and responses from the Community and Town Councils at the 21st September meeting and agreed to consider each issue that had been identified and draw their conclusions. Members also agreed to review car park charges at the 5 country parks where charging was introduced in 2014 (Cwmcarn already charged for parking prior to this) in their deliberations. The group also considered the recent impact of non-enforcement of car parking fees across the county borough because of the coronavirus pandemic.

Car Parks

- 5.8 The review group was provided with a list of all car parks (appendix 1), the tariffs charged for pay and display (appendix 2), for which the group agreed to only consider car parks with 25 or more spaces. The group agreed to contact Town and Community Councils to inform them that the group had been established to outline the terms of reference and invite them to submit their views and attend a meeting of the group to give evidence.
- 5.9 The review group received a variety of responses during its consultation on car parks, a summary of the views expressed is outlined below:

Argoed Community Council – There should be consistency across the county borough, all free or all charging.

Bargoed Town Council – Strongly stated that the introduction of charges at their free car parks would have a detrimental impact on the Town centre which is struggling.

People will go elsewhere or park in side streets, it will have a negative impact on low paid shop workers. The regeneration hasn't been fully completed and they were told no parking charges would be introduced until it was complete.

Blackwood Town Council – In 2017 the town council highlighted that 64% of annual car park income is generated by Blackwood and didn't feel that the town benefitted and mentioned that the town council has recently taken over floral displays in the summer. The town council felt that other towns were treated far better and if charges were introduced in line with Blackwood the level of charges could be reduced. Suggested short term free parking at the Bus Station Car park to assist people using the Library & Cash office and 2 hours free parking at Christmas. In 2020 the town council welcomed the free parking during the pandemic.

Caerphilly Town Council – asked that the council consider the introduction of free parking allowances for schools during drop off and pick up hours. To also consider enhanced lighting or the provision of CCTV coverage at car parks for those parking late at night and safer routes to and from car parks.

Gelligaer Community Council - Ystrad Mynach area – limited car parking serving a town with 2 primary schools and a secondary school, a hospital and college. There are issues with traffic volume and limited park and ride capacity causing commuters to park in residential areas. Ask the council to consider more car park spaces and some free parking hours agreed with giving free parking for parents taking children to school. Also asked if there could be a buffer after ticket has expired before penalty is given.

Gelligaer Community Council – Hengoed & Pengam area - strongly opposed the introduction of any charges to Park and Ride Car parks. This essential provision takes cars away from residential areas and congested town and city centres and the impositions of a charge would cause an unfair and unreasonable burden on commuters and would result in additional cars on the road, illegal parking and increased pollution. The car park is in close proximity to a well-used community centre and provides a safe parking environment for its users. Hengoed park and ride is near to the community centre so if a charge is introduced to park and rides a request is made that a concession to the centre users after 4.30pm.

Llanbradach & Pwllypant Community Council - The continuation of free parking be upheld and that the first hour free of charge be implemented in car parks in Ystrad Mynach and other towns to fully support our highstreets. Improved car parking signage and free park & ride parking for sustainability and to encourage the use of public transport.

Risca Town Council – the current provision be maintained, and that consideration be given to improving directional signage to the car parks. Parking required for the school and local businesses. Highlighted parking on streets and vehicles using pavements, which is very dangerous, better road safety measures required.

Pay and Display Car Parks

- 5.10 The group were advised that pay and display car parks are located in the main towns of Bargoed, Blackwood, Caerphilly and Ystrad Mynach. Parking tariffs are shown at appendix 2. The group were advised that differences apply for various reasons. In Ystrad Mynach the tariff is set at the lowest rate because it is the only car park available with the first hour set at 60p up to a daily charge of £2,20. The Twyn in Caerphilly is in high demand because of its location, hence has the highest rate

which is to encourage turnover and starts at 80p for the first hour up to £6.20 daily charge. Some car parks allow a weekly charge £10 (£8.50 Ystrad Mynach), a quarterly charge £105 and an annual charge £385, with some lower annual rates offered to residents in Blackwood at £83.

- 5.11 Members felt that where charging at car parks is currently in place that there should be parity across the county borough, so that residents can feel assured that everyone makes the same payment. Members noted Welsh Government Research found that visitors were more interested in available spaces, traffic flow, signage to direct them to car parks and the vibrancy of the towns. Therefore, there is a need to retain pay and display to support the provision but on a fairer basis across the county borough. There was no support to offer an initial free parking period as it was felt that this would be used by people working in towns and not encourage visitors and shoppers.

Country Parks

- 5.12 Charges at Country Parks were introduced following a report to Cabinet in July 2014. The charges were introduced at the following country parks, Bargoed Woodland park; Parc Cwm Darran; Parc Penallta; Pen-y-Fan Pond; Sirhowy Valley Country Park. Cwmcarn already charged for parking before 2014 and because of the level of visitors and need to ensure turnover of spaces Members agreed not to include Cwmcarn in their review. Charges at Country Parks are £1.00 for up to 2 hours and a daily fee of £3.00. Season tickets are available at all of our country parks and Cwmcarn Forest, and currently cost £50 for an Annual Season Ticket and £25 for a Half Season Ticket. The review group considered the projected income when the car parking fees were introduced in 2014, when it was anticipated that based on the existing visitor numbers it was estimated that an annual income of £85,000 would likely be generated. However, it was acknowledged that the exact level of income would not be known until the scheme became operational.
- 5.13 The group reviewed the actual income generated since 2016 (appendix 3) and the total income for the 5 country parks is £274,737 over a 6-year period. There has been no income in 2020/21 as there has been no charging due to Covid 19. However, including Cwmcarn the total income has been £729,729 showing that Cwmcarn generates the most, followed by Pen-y-fan Pond. When comparing the full years (2015/16 to 2019/20) since the charges were introduced the average income for the 5 country parks is £49,626 per annum.
- 5.14 Members discussed the benefit to the public in accessing green spaces during the current pandemic and agreed that the relative low income generated per annum for the 5 country parks against the benefits to peoples mental and physical wellbeing were not justified. Reference was made to a recent Welsh Government publication on the importance of public access to open green spaces to benefit health.
- 5.15 It was agreed that the charges at the 5 country parks, car parks should be ended but retain the charges at Cwmcarn which has high visitor numbers and would need to control parking use and turnover through charging.

Parking by staff employed in local businesses

- 5.16 The task and finish group had received consultation responses from Bargoed Town Council highlighting that many people working in towns are often low paid and charging for car parking would have an adverse effect by dispersing car parking into residential areas. In Caerphilly where there are pay and display car parks workers are often parking in residential areas and returning and moving their cars during the

day to avoid enforcement action. There are also towns where some pay and display car parks are underutilised because they are less convenient, and it was suggested that these could be offered to workers in towns at reduced rates.

- 5.17 Members also received feedback that people employed in Blackwood and Caerphilly towns are currently using the central and most convenient car parks since free parking has been introduced since the coronavirus pandemic. This has resulted in spaces occupied all day from early morning with little turnover of spaces thereby preventing other visitors from using the car parks.

School Parking

- 5.18 Members considered the feedback from Caerphilly Town Council and agreed that the current informal concession at Crescent Road Car Park in Caerphilly to allow Parents and Carers to park for a short period of time whilst dropping off children and picking them up is useful in reducing congestion. There are still people choosing to park close to the school but it was recognised that without this concession the situation would be much worse. Members were also advised that Libanus School in Blackwood is taking part in an exclusion zone so parents and carers are using the current offer for free parking in car parks close to the school and there is concern that the once free parking ends that there may be issues with the exclusion zone.

Sunday Parking

- 5.18 During the consultation carried out with Town and Community Councils the group were asked to consider allowing free parking at the Twyn car park in Caerphilly on Remembrance Sunday. Members were inclined to agree that this was a reasonable request. It was subsequently identified during discussion that this is the only car park in the county borough to charge on Sundays and it appears to be an historical matter. Members were advised that to remove this charge altogether would have no significant adverse impact. Therefore, in order to provide parity and in line with the Members views of consistency the group agreed that charges should no longer be applicable at the Twyn car park on Sundays.

Free parking concessions

- 5.19 Following discussion about the Twyn Members considered if the Council could offer free car parking on St David's day across the whole county borough. It was agreed that this would be best done by a general message through Communications as opposed to changing signage and covering payment machines as this would have resource and time implications.

Park and Ride

- 5.20 During the discussion on the costs to maintain car parks such as maintenance, energy and NNDR it was clarified that the council is responsible for all costs associated with maintaining and running park and ride car parks. Members expressed concerns that residents paying car park fees and using our towns were effectively subsidising free parking for those travelling to Cardiff on the train. The group were advised that Welsh Government has indicated that it is interested in having a dialogue with regional transport bodies on the possibility of introducing charges to P&R car parks. This is something they will consider as part of developing their P&R strategy. Members considered that a small charge would be reasonable and agreed to suggest that Cabinet consider the introduction of a small charge.

Free Car Parks

- 5.21 The previous task and finish group in 2016/17 were able to visit a number of car parks in the main towns and villages giving the members an opportunity to see the condition of the car parks and locations. Members also took into account the views submitted by Community and Town Councils as well as some business representatives. The views summarised in 5.9 of this report show that concerns regarding parity and perceived fairness, alongside provisions for local workers as impact on the high street were submitted.
- 5.22 The group were provided with research reports commissioned by Welsh Government 'Assessing the Impact of Car Parking Charges on Town Centre Footfall – 2015' and some of the findings are highlighted below:

Charging for car parking is a complex issue. It is only one aspect of a complex interplay of factors influencing willingness to travel by car, time and money spent, and business activity in town centres. It is very difficult to separate the influence of car parking charges from other factors.

Whilst a 'blanket' free parking strategy has been suggested to encourage more car park users, these were generally found not to benefit target visitors (for example, the spaces were used primarily by town centre workers who were taking up the spaces all day, rather than shoppers) and consequently had an unexpectedly negative impact on footfall

Beyond anecdote, there is very little published evidence which links changes in car park charges to changes in town centre footfall. Local Authorities and other stakeholders similarly rely mostly on anecdote when relating car park charges to footfall. However, their feedback does suggest that a relationship exists.

Visitors to town centres suggested that car park charges impact on how long they remain in the centre and, consequently, how much they spend whilst there. However, the general availability of spaces is felt by visitors to be more important than cost in their overall decision about visiting. Traffic flow and parking signage are felt by visitors to have the same, if not greater, effect on their decision to visit the town centre, how long they spend there, and how much money they spend.

- 5.23 Welsh Government has also commissioned a report – Research into Car Parking Charging Strategies – 2017. This report found that there are contrasting views on the importance of completely free car parking and there was insufficient evidence on the relationship between car park charging and town centre footfall. The report did look at two case studies within Wales mentioned in the report in 5.22 above in respect of Wrexham and Denbighshire county which both implemented completely free all day parking for a period of time and measured the impact on usage and footfall. In Denbighshire County, similarly to Wrexham, the free all day car parking was taken up by workers in the town rather than visitors.
- 5.24 There were a variety of viewpoints expressed by members of the group on whether to consider charging at car parks that are currently free to use. One member stated that all car parks should charge, and it should be the same across the county borough. Another member felt it was important to agree in the first instance why charging would be imposed and was it to raise income to maintain the car parks or to encourage turnover. If there is no turnover issue because of limited footfall and a high number of available spaces, imposing a charge would have an adverse impact particularly where the Town is struggling. Another Member felt that because of the

impact of Covid-19 upon Towns and footfall that any changes should wait until the coronavirus is no longer having an impact. Members received a copy of the footfall figures for the main towns over the past few years and compared the same three months over the previous three years, as outlined in the table below:

Month	Bargoed	Blackwood	Caerphilly	Newbridge	Risca	Ystrad Mynach
Apr 18	44681	134320	106805	30164	33076	60678
Aug 18	49924	149020	115388	33371	35324	52810
Dec 18	37609	182377	109144	52969	32240	53904
Apr 19	46500	130453	98607	65901	32207	57738
Aug 19	50912	139405	106797	67330	32712	48571
Dec 19	40696	153988	107411	53069	30987	52447
Apr 20	13943	29810	32449	21481	16947	23838
Aug 20	35040	82943	81645	26866	22561	37169

- 5.25 A Member provided a personal account that he had recently visited Blackwood just before the new national lockdown was due to start. He informed the group that people were queuing to get into car parks which are all currently free. However other Members stated that free car parks in Bargoed and Risca are never full and there is no turnover issue. There was some discussion on the planned site visits that were cancelled in March 2020, due to the coronavirus lockdown, and whether it was possible to arrange them before deciding on free car parks. Members agreed it was difficult to make a recommendation until they had visited the free car parks which is not possible at the present time. The group also took into account the severe impact of the coronavirus on Towns at the present time. Therefore, it was agreed to defer making any recommendation until the impact of the pandemic has receded.

Zoned Parking

- 5.26 Members discussed parking in side streets in Caerphilly with limited times of 1 or 2 hours which are often used by people who work in the town to park for free. This often results in them returning to their cars during the day in order to move their cars to another free space nearby, thereby frustrating the purpose of the limited waiting areas. Members asked if zoning certain areas to prevent this could be considered and were advised that zoning is already used and may be applicable, but each situation would need to be considered on its merits. Priorities for county wide traffic regulation order reviews had already been agreed with Members and this includes looking at residential parking areas. Each review will engage with local ward members in order to decide what restrictions are most appropriate for their areas.
- 5.27 Members agreed it would be useful to look at zoning across the main towns, to make it consistent and encourage use of car parks and if agreed this will link into the recommendation to offer reduced parking permits for certain car parks to employees of local businesses.

Residential Parking

- 5.28 The group considered the application of the policy criteria for resident parking areas. The residents' parking scheme has mainly been implemented in principal town centres, and the policy criteria stipulates that any location can be considered provided that they are immediately adjacent to major shopping areas, large employment sites, main transport interchanges and colleges. Residents parking schemes are intended to respond to residents' concerns in circumstances where

there is limited available on-street parking (and generally no available off-street parking) that is under pressure from non-residential parking.

- 5.29 Members gave examples where residents parking is impacted by local businesses attracting customers who then park in streets where they could use nearby car parks. However, because these areas are not considered a principal town and/or does not meet the current criteria, residents parking is not considered. The group agreed that they would like to see the criteria reviewed and more responsive to the needs of areas.

Temporary Free Parking - Covid-19

- 5.30 The current administration implemented free car parking across the county borough at the beginning of the coronavirus lockdown. This is due to end on 31st December 2020 and car parking charges are due to be reinstated in January 2021. The group considered this and agreed that it was evident during the discussion on town centres and footfall that areas have seen a considerable reduction in visitors, and this is likely to have an impact into the new year and beyond.
- 5.31 The group also heard that there have been complaints from businesses in Blackwood and Caerphilly that central car parks are being filled early and all day, probably by people working in the towns, thereby preventing visitors from parking in those locations. Options such as charging up until 10am followed by free parking afterwards were discussed. The group agreed that they would like to see free car parking extended beyond 31st December 2020.

Use of Car Parks for Trading and Events

- 5.32 Members discussed the use of car parks for other purposes other than parking. The group were advised that trading in car parks is not allowed but there are some exceptions for community benefit. Examples were provided of trading such as a butcher's van at Rhymney Car Park, a mobile bank or a cancer screening at other car parks. Commercial users would be expected to pay a charge whereas if it is of community benefit it would be free of charge. Members agreed that the current approach should continue, and officers be allowed to use discretion in respect of what is community benefit and which car parks are suitable.

Night Closure at Thorncombe 3 and Wesley Road Blackwood

- 5.33 Members were advised that at present a long-standing arrangement has been in place where the car parks at Thorncombe 3 and Wesley road car parks in Blackwood are locked at night. This work is carried out by one member of staff who may retire in the foreseeable future. Members asked if there were any particular issues that required the car park to be closed at night and were advised that it appears to be an historical arrangement. The group agreed that consideration should be given to cease locking these car parks at night when this staff member retires but the local ward members should be consulted alongside monitoring and options to install CCTV explored.

Income and Maintenance

- 5.34 The Group were advised that the council must pay considerable amounts to maintain and manage car parks, there are charges for energy, NNDR and enforcement to be recouped. The group received details of income and costs for pay and display car parks which shows the surplus income, detailed in Appendix 4. 1. The group were

mindful that should the recommendations to reduce car parking tariffs to the lowest rate and removal of charging on a Sunday in the Twyn will have an impact on income. However, should Cabinet agree to implement fees for park and ride car parks and also encourage a permit scheme for town centre workers (thereby encouraging use of the under used car parks) that will go towards offsetting some of this reduced income.

5.35 Members felt that the purpose for charging in car parks should be to support the service and maintain the car parks. There were specific areas that could improve the current provision such as improved lighting and directional signage, that were identified by consultees which would make car parks more user friendly.

5.36 The group were interested to discover what maintenance inspections are carried out and were advised that only ad hoc responsive inspections are undertaken, and a formal asset management plan has yet to be completed. Members were keen to see a planned maintenance programme be developed that is informed by a condition survey instead of relying upon a reactive maintenance provision.

CCTV

5.37 Members were advised that CCTV is installed at some car parks and varies in quality. Not all pay and display car parks have CCTV however there are constraints in respect of the capacity of the CCTV control room which would impact if additional CCTV were to be considered. In some instances, the quality of the CCTV is limited by the broadband bandwidth. The group would want to see CCTV retained where it is of good quality and agreed that it can act as a deterrent and provides reassurance. Members would like to see opportunities to improve CCTV provision where it is poor by exploring grant opportunities and by providing match funding from council budgets.

5.38 Conclusions

The task and finish group considered a wide range of issues across the county borough car parks and were mindful of the consultation responses received. Members have drawn conclusions in respect of parity on parking charges, removing charges at country parks and offering reduced permits to workers. The group felt that charging on a Sunday at the Twyn should be ended and be free at all car parks on St Davids Day would be a generous concession by the council. The group considered the difficulty of congestion around schools and would like to see opportunities to allow limited free parking in nearby car parks explored.

There were strong views that there should be some charge for park and ride car parks to offset the costs incurred by the Council to maintain them. The group felt that at the present time because of the impact of the coronavirus that any recommendations on free car parks should be deferred because of the impact upon footfall in town centres. The group also felt that the temporary offer of free parking at all car parks should be extended whilst the pandemic is ongoing.

There were some specific issues that the group were asked to provide a view, on trading and events at car parks and night closure at Thorncombe 3 and Wesley Road car parks in Blackwood.

The group considered the impact of parking upon residential areas by people working in the area and visiting local businesses and have made suggestions in respect of zoned parking and a review of the criteria for residential parking.

Finally, having listened to feedback in respect of a need to improve directional signs and lighting and noting that there is no comprehensive condition survey. The group would like to see a condition survey carried out at all car parks and a planned maintenance programme established. The group agreed that surplus income from parking fees should be ringfenced to support this maintenance programme. The group were also supportive of improvement to CCTV were possible.

6. ASSUMPTIONS

- 6.1 It is assumed that having reviewed the previous information considered by the task and finish group and the consultation responses that the group have had sufficient information to form their conclusions and recommendations. The group did not feel it was appropriate to make any changes to the free car parks at this time because of the adverse impact upon footfall in town centres.

7. LINKS TO RELEVANT COUNCIL POLICIES

- 7.1 Set out here which of the council's policies are relevant to the decision being requested.

7.2 Corporate Plan 2018-2023.

Objective 4 - Promote a modern, integrated and sustainable transport system that increases opportunity, promotes prosperity and minimises the adverse impacts on the environment.

Objective 5 - Creating a county borough that supports a healthy lifestyle in accordance with the sustainable Development Principle within the Wellbeing of Future Generations (Wales) Act 2015.

8. WELL-BEING OF FUTURE GENERATIONS

- 8.1 This review of Highway owned car parks within Caerphilly County Borough contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:

- A prosperous Wales
- A Wales of cohesive communities
- A globally responsible Wales

This report 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 Members reviewing car parks within the county borough should consider the goals of a prosperous Wales, a Wales of cohesive communities and a globally responsible Wales.

9. EQUALITIES IMPLICATIONS

9.1 Equalities Impact drafted as attached.

10. FINANCIAL IMPLICATIONS

10.1 The financial implications of the recommendations are as follows:

Recommendation 3.2 - Standardised lower tariff county wide: this would result in a loss of income of approximately £40k per annum (based on 2019 figures). There would also be a one-off implementation cost of approximately £20k for the reprogramming of P&D machines and new car park signage.

Recommendation 3.3- Remove charges from 5 country parks: this would result in an average loss of income of £49,626 per annum.

Recommendation 3.4 - Reduced charge for parking permits for local business staff: the existing range of season tickets already offer a substantial discount on the daily tariffs of between 25-60% (depending on the duration of the season ticket and location of the car park).

Recommendation 3.5 - Parents/carers concession for schools: no appreciable financial impact.

Recommendation 3.6 - Remove Sunday charging at the Tywn: based on average ticket sales, this would result in a loss of income of approximately £10k per annum.

Recommendation 3.7 - Free parking for St. David's Day: depending which day this falls on, this would result in a loss of income of approximately £2-3k per annum.

Recommendation 3.8 - Introduce charging at P&R car parks: The potential income would depend on the tariff chosen. There would also be one-off capital costs for implementation and additional annual operational costs.

Recommendation 3.9 - Consideration of charging at free car parks: no impact at this time. The potential income would depend on the tariff chosen. There would also be one-off capital costs for implementation and additional annual operational costs.

Recommendation 3.10 - Review criteria for resident permit parking: no impact at this time.

Recommendation 3.11 - Consideration of zoning for residential permit parking areas: no impact at this time.

Recommendation 3.12 - Extension of suspension of parking charges: estimated loss of income is £50k per month.

Recommendation 3.13 - Trading and events in car parks: nil impact.

Recommendation 3.14 - Cease overnight closures of Thorncombe Road No. 3 and Wesley Road car parks: following the retirement of the Parking Attendant, there would be a reduction in cost for this part time post of approx. £7k.

Recommendation 3.15 - Ring fencing of parking charges for maintenance and improvement of car parks: this would mean approximately £270k (based on actual 2019/20 income and expenditure) per annum reduction in budget available for other parking, transportation, highway and engineering services. Note this rises to approximately £445k if calculated on 2020/21 budgets.

Recommendation 3.16 - Additional/upgraded CCTV: depending on the equipment procured, this could lead to some additional maintenance costs.

- 10.2 Members should note that any loss of income or reduction in budget would result in a direct reduction in available budget for other parking, transportation, highway and engineering services. Therefore, there would be a corresponding reduction in service delivery unless this loss/reduction was covered by other funding.
- 10.3 The total financial impact of those recommendations that could be implemented as a first phase (i.e. 3.2, 3.3, 3.6 & 3.7 above) is estimated to result in an annual reduction in income of £103k and require a one off cost for changes to/removal of signage and P&D machines of up to £40k.

11. PERSONNEL IMPLICATIONS

- 11.1 If the decision was made to introduce charges in the car parks that are currently free and similarly with the Park and Ride facilities a review of resources would be needed to ensure sufficient levels of enforcement could be maintained.

12. CONSULTATIONS

- 12.1 Whilst it is for Members to determine which recommendations they support, the following Officer comments on some of the specific recommendations (using the same enumeration as in section 10) are intended to ensure Cabinet is able to make a fully informed decision:

Recommendation 3.4 - The existing package of season tickets already offers a substantial reduction for all users on what are relatively low parking charges. Therefore, Officers do not endorse this recommendation.

Recommendation 3.8 -The introduction of charges in P&R car parks could lead to more on street parking and illegal on street parking in the areas surrounding these car parks. In addition, the overall “message” that this potentially conveys is not conducive to encouraging the use of public transport to reduce traffic on our roads

Recommendation 3.9 Parking in the outer lying free to use highway owned off street car parks are largely used by residents where there is limited or congested on street parking provision and little or no private off street parking provision. Some also support smaller shopping and business areas. The introduction of charges in these car parks could lead to more on street parking, illegal on street parking and significant objections from local residents.

Recommendation 3.15. - Whilst there is no dedicated budget for asset renewal and replacement, investment is required on an infrequent basis, and often not for years at a time. The ring fencing of the net car parking budget would tie up this funding year on year whilst waiting for necessary refurbishment and replacement works. This would be an inefficient way of managing scarce resources (note; this assume CPE

income is excluded). The net car parking budget provides essential funding for the wider transportation, highway and engineering services. Any budget reduction would mean a reduction in service in these areas or that other funding would need to be found to make up the shortfall.

- 12.2 It should be noted that any recommendation supported that results in reduced income will have budgetary consequences. This would have to be funded from additional budget allocation or from reduction in some other Infrastructure service provision.

13. STATUTORY POWER

- 13.1 Section 21 of the Local Government Act 2000.

Author: Catherine Forbes-Thompson, Scrutiny Manager

Consultees: Caerphilly County Borough Car Park Task and Finish Group
Councillor John Ridgewell Cabinet Member for Environment & Infrastructure
Councillor Tudor Davies Chair Environment & Sustainability Scrutiny Committee
Councillor Adrian Hussey Vice Chair Environment & Sustainability Scrutiny Committee
Councillor Andrew Whitcombe Chair Housing and Regeneration Scrutiny Committee
Councillor Christine Forehead Vice Chair Housing and Regeneration Scrutiny Committee
Mark S. Williams Interim Corporate Director of Communities
Marcus Lloyd, Head of Infrastructure
Clive Campbell, Transportation Engineering Manager
Dean Smith, Principal Engineer – Traffic Management
Steve Wilcox, Principal Officer – Town Centres & Business Support
Rob Tranter, Head of Legal and Monitoring Officer
Steve Harris, Head of Financial Services and Section 151 Officer

Background Papers:

Regeneration & Environment Scrutiny Committee Report 29th March 2016 – Scoping Report
Welsh Government Report – Assessing the Impact of Car Parking Charges on Town Centre Footfall - 2015
Welsh Government – Research into Car Parking Charging Strategies - 2017
Regeneration & Environment Scrutiny Committee Report 4th July 2017 – Update report
Environment & Sustainability Scrutiny Committee 29th October 2019 – CPE Update Report

Appendices:

Appendix 1 List of all car parks
Appendix 2 Charging Tariffs
Appendix 3 Country Parks Car Parks Income since 2016
Appendix 4 Income and Expenditure

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LIST OF HIGHWAY OWNED PUBLIC CAR PARKS

Item	Location	Car Park Name	Charges	Bays	CCTV
	Aberbargoed	Pant Street	Free	12	no
	Abercarn	Dan-y-Rhiw Terrace	Free	15	no
	Abercarn	Bridge Street	Free	8	no
	Abercarn	Gwyddon Road	Free	10	No
	Abertysswg	Walter Street	Free	44	no
	Bargoed	Bargoed Station Park & Ride	Free	89	no
	Bargoed	Bus Station Free	Free	18	no
	Bargoed	Emporium	Pay and display & season ticket	44	yes
	Bargoed	Bristol Terrace	Free	12	no
	Bargoed	Gateway	Free	30	no
	Bargoed	Hanbury Road	Free	114	yes
	Bargoed	Restaurant Site Free	Free	34	no
	Bargoed	St Gwladys	Pay and display & season ticket	24	Yes
	Bedwas	Bridgend Inn	Free	25	no
	Bedwas	Church Street	Free	12	No
	Blackwood	Bus Station	Pay and display	45	yes
	Blackwood	Cliff Road	Pay and display & season tickets	89	yes
	Blackwood	Court House	Pay and display & season ticket	37	no
	Blackwood	Gordon Road	Season ticket for residents only	9	yes
	Blackwood	Highland Terrace	Season ticket for residents only	10	no
	Blackwood	High street	Pay and display	188	yes
	Blackwood	Libanus Road	Season ticket for residents & non residents only	20	no
	Blackwood	Market Traders	Pay and display	21	yes
	Blackwood	Montclair avenue	free	25	no
	Blackwood	Thorncombe 2	Pay and display & season ticket	35	yes
	Blackwood	Thorncombe 3	Pay and display & season ticket	69	yes
	Blackwood	Wesley Road	Pay and display	28	yes
	Blackwood	Woodbine Road	Pay and display	34	Yes

Appendix 1

Item	Location	Car Park Name	Charges	Bays	CCTV
	Caerphilly	Aber Station	Park & Ride (Free)	130	no
	Caerphilly	Bedwas Road	Pay and display & season ticket	18	no
	Caerphilly	Caerphilly Station	Station Park & Ride (Free)	270	no
	Caerphilly	Crescent Road	Pay and display & season ticket	168	Yes
	Caerphilly	Energlyn & Churchill	Park & Ride (Free)	15	no
	Caerphilly	Lawrence Street	Free & Season tickets (Limited waiting – 2 hours)	14	no
	Caerphilly	Station Terrace	Pay and display & season ticket	24	no
	Caerphilly	Twyn	Pay and display	62	Yes
	Caerphilly	White Street	Free	10	no
	Cefn Fforest	Waunborfa Road	Free	16	No
	Crosskeys	Gladstone Street	Free	40	No
	Crumlin	Crown Street	Free	12	No
	Crumlin	Kendon Road	Free	13	No
	Crumlin	Pen-Y-Fan	Free	40	No
	Cwmfelinfach	Alexandra Road	Free	25	No
	Cwmfelinfach	Commercial Buildings	Free	25	No
	Cwmfelinfach	Maindee Road	Free	10	No
	Fleur-de-lis	Ivor Street	Free	30	No
	Hengoed	Hengoed Station	Park & Ride (Free)	45	no
	Llanbradach	Station Road	Free	20	yes
	Llanbradach	Station Road	Free	13	No
	Machen	Siloam Hill Free	(Limited waiting - 1 hour)	4	No
	Machen	The Crescent 55 -	Free	55	No
	Markham	Bryn Road	Free	12	No
	Nelson	Dynevor Terrace	Free	35	No
	Newbridge	High Street	Free	25	No
	Newbridge	Meredith Terrace	Free	10	No
	Newbridge	Newbridge Station	Park & Ride (Free)	75	yes
	Newbridge	Pantside Cottages	Free	6	No
	Newbridge	Victoria Terrace	Free	12	No
	Newbridge	West View	Free	14	No

Appendix 1

Item	Location	Car Park Name	Charges	Bays	CCTV
	New Tredegar	Dyffryn Terrace	Free	26	No
	New Tredegar	Jubilee Road	Free	6	No
	New Tredegar	Morgan Street	Free	12	No
	Oakdale	Pen-Rhiw Avenue	Free	15	No
	Pengam	Pengam Station	Park & Ride (Free)	155	yes
	Pontllanfraith	Bryn Lane	Free	10	No
	Pontllanfraith	Sir Ivors Road	Free	42	No
	Pontymister	Foundary Road	Free	20	No
	Pontymister	Herbert Avenue	Free	38	No
	Pontymister	Mill Street	Free	22	No
	Pontymister	Risca Station	Park & Ride (Free)	87	Yes
	Rhymney	Lower Row, Bute Town	Free	6	No
	Rhymney	Rhymney Station	Park & Ride (Free)	23	No
	Risca	Longbridge	Free	37	No
	Risca	Raglan Street	Free (Lorry parking permitted - 2 long bays)	6	No
	Risca	Rifleman Street	Free	17	No
	Risca	Tredegar Terrace	Free	64	No
	Senghenydd	Commercial Street	Free	15	No
	Trethomas	Navigation Street	Free	30	No
	Wattsville	Islwyn Street	Free	10	No
	Ynysddu	High Street	Free	25	No
	Ystrad Mynach	Oakfield street	Pay and display	64	yes
	Ystrad Mynach	Ystrad Station	Park & Ride (Free)	93	yes

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CAERPHILLY COUNTY BOROUGH COUNCIL**PAY AND DISPLAY CAR PARK CHARGES**

Town	Car Park	1 hr	2 hrs	3 hrs	4 hrs	Day	Week	Quarter	Year
BARGOED	Emporium	70p	£1.00	£1.40	£2.20	£3.70	N/a	£105	£385
BARGOED	St Gwladys	70p	£1.00	£1.40	£2.20	£3.70	N/a	£105	£385
CAERPHILLY	Twyn	80p	£1.40	£2.00	£3.70	£6.20	N/a	N/a	N/a
CAERPHILLY	Crescent Road Short stay	70p	£1.00	£1.40	£2.20	£3.70	N/a	N/a	N/a
CAERPHILLY	Crescent Road Long Stay	70p	90p	£1.10	£1.40	£2.20	£10.00	£105	£385
CAERPHILLY	Bedwas Road	70p	90p	£1.10	£1.40	£2.20	£10.00	£105	£385
CAERPHILLY	Station Terrace	70p	90p	£1.10	£1.40	£2.20	£10.00	£105	£385
CAERPHILLY	Lawrence Street	N/a	N/a	N/a	N/a	N/a	N/a	£83	£275
BLACKWOOD	Court House	70p	90p	£1.10	£1.40	£2.20	£10.00	£105	£385
BLACKWOOD	Thorncombe Road No 2	70p	90p	£1.10	£1.40	£2.20	£10.00	£105	£385
BLACKWOOD	Thorncombe Road No 3	70p	90p	£1.10	£1.40	£2.20	£10.00	£105	£385
BLACKWOOD	Cliff Road	70p	90p	£1.10	£1.40	£2.20	£10.00	£105	£385
BLACKWOOD	Wesley Road	70p	90p	£1.10	£1.40	£2.20	N/a	N/a	N/a
BLACKWOOD	High Street	70p	£1.00	£1.40	£2.20	£3.70	N/a	N/a	N/a
BLACKWOOD	Woodbine Road	70p	£1.00	£1.40	£2.20	£3.70	N/a	N/a	N/a
BLACKWOOD	Bus Station	70p	£1.00	£1.40	£2.20	£3.70	N/a	N/a	N/a
BLACKWOOD	Market Traders	70p	£1.00	£1.40	£2.20	£3.70	N/a	N/a	N/a
BLACKWOOD	Libanus Road (non-residents)	N/a	N/a	N/a	N/a	N/a	N/a	£220	N/a
BLACKWOOD	Libanus Road (residents)	N/a	N/a	N/a	N/a	N/a	N/a	N/a	£83
BLACKWOOD	Highland Terrace (residents only)	N/a	N/a	N/a	N/a	N/a	N/a	N/a	£83
BLACKWOOD	Gordon Road (residents only)	N/a	N/a	N/a	N/a	N/a	N/a	N/a	£83
YSTRAD MYNACH	Oakfield Street	60p	70p	90p	£1.20	£1.70	£8.50	N/a	N/a

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Countryside Country Parks Car Park Charging Income (nn charges 20/21 due to Covid 19)

						per Year	Per Year
						Per Year	Exc Cwmcarn
2019/2020							
C.C.	Description	Period Movement	Actual Balance	Revised Annul Bud	Variance		
	2762 CWMCARN VISITOR CENTRE	-5530.66 -	64,998.33	-72500	-7501.67		
	3001 NORTHERN RHYMNEY VALLEY (Parc Cwm Darren)	-1396.72 -	15,502.78	-15755	-252.22		
	3004 PENYFAN POND COUNTRY PARK	-2500.86 -	18,296.06	-21569	-3272.94		
	3005 SIRHOWY VALLEY COUNTRY PK	-294.22 -	2,577.44	-3891	-1313.56		
	3010 PENALLTA COMM PARK	-1132.25 -	6,681.13	-13369	-6687.87		
	3013 BARGOED COUNTRY PARK	-178.4 -	1,989.27	-3270	-1280.73		
						- 110,045.01	- 45,046.68
2018/2019							
C.C.	Description	Period Movement	Actual Balance	Revised Annul	Variance		
	2762 CWMCARN VISITOR CENTRE	-901.63 -	52,038.31	-62500	-10461.7		
	3001 NORTHERN RHYMNEY VALLEY (Parc Cwm Darren)	-215 -	12,199.34	-19755	-7555.66		
	3004 PENYFAN POND COUNTRY PARK	-395 -	22,135.33	-21569	566.33		
	3005 SIRHOWY VALLEY COUNTRY PK	-40 -	2,609.16	-4891	-2281.84		
	3010 PENALLTA COMM PARK	-215 -	10,717.71	-16369	-5651.29		
	3013 BARGOED COUNTRY PARK	-30 -	1,652.44	-4491	-2838.56		
						- 101,352.29	- 49,313.98
2017/2018							
C.C.	Description	Period Movement	Actual Balance	Revised Annul	Variance		
	2762 CWMCARN VISITOR CENTRE	-5847 -	59,210.14	-61000	-1789.86		
	3001 NORTHERN RHYMNEY VALLEY (Parc Cwm Darren)	-931.49 -	12,196.63	-28755	-16558.4		
	3004 PENYFAN POND COUNTRY PARK	-1608.38 -	21,059.60	-21569	-509.4		
	3005 SIRHOWY VALLEY COUNTRY PK	-157.77 -	2,078.48	-7191	-5112.52		
	3010 PENALLTA COMM PARK	-845.02 -	11,064.45	-21569	-10504.6		
	3013 BARGOED COUNTRY PARK	-151.99 -	1,990.16	-7191	-5200.84		
						- 107,599.46	- 48,389.32
2016/2017							
C.C.	Description	Period Movement	Actual Balance	Revised Annul	Variance		
	2762 CWMCARN VISITOR CENTRE	-1.67 -	57,704.03	-61000	-3295.97		
	3001 NORTHERN RHYMNEY VALLEY (Parc Cwm Darren)	-1858.48 -	13,155.05	-28755	-15600		
	3004 PENYFAN POND COUNTRY PARK	-3401.96 -	24,132.38	-21569	2563.38		
	3005 SIRHOWY VALLEY COUNTRY PK	-472.49 -	3,340.83	-7191	-3850.17		
	3010 PENALLTA COMM PARK	-1787.6 -	12,675.18	-21569	-8893.82		
	3013 BARGOED COUNTRY PARK	-354.37 -	2,494.64	-7191	-4696.36		
						- 113,502.11	- 55,798.08
2015/2016							
C.C.	Description	Period Movement	Actual Balance	Revised Annul	Variance		
	2762 CWMCARN VISITOR CENTRE	-1507.42 -	53,236.94	-61000	-7763.06		
	3001 NORTHERN RHYMNEY VALLEY (Parc Cwm Darren)	-1606 -	11,878.54	-28755	-16876.5		
	3004 PENYFAN POND COUNTRY PARK	-2796 -	20,693.43	-21569	-875.57		
	3005 SIRHOWY VALLEY COUNTRY PK	-447 -	3,136.37	-7191	-4054.63		
	3010 PENALLTA COMM PARK	-1639 -	11,884.92	-21569	-9684.08		
	3013 BARGOED COUNTRY PARK	-265.07 -	1,991.68	-7191	-5199.32		
						- 102,821.88	- 49,584.94
2014/2015 (not introduced until late August/September in Country Parks so figures lower than later years)							
C.C.	Description	Period Movement	Actual Balance	Revised Annul	Variance		
	2762 CWMCARN VISITOR CENTRE	-1002.21 -	61,259.84	-57000	4259.84		
	3001 NORTHERN RHYMNEY VALLEY (Parc Cwm Darren)	-1566.06 -	6,655.30	-28330	-21674.7		
	3004 PENYFAN POND COUNTRY PARK	-2004.55 -	8,531.99	-21250	-12718		
	3005 SIRHOWY VALLEY COUNTRY PK	-469.67 -	2,000.81	-7085	-5084.19		
	3010 PENALLTA COMM PARK	-1941.29 -	8,219.45	-21250	-13030.6		
	3013 BARGOED COUNTRY PARK	-280.67 -	1,196.79	-7085	-5888.21		
						- 87,864.18	- 26,604.34
2013/2014							
C.C.	Description	Period Movement	Actual Balance	Revised Annul	Variance		
	2762 CWMCARN VISITOR CENTRE	-1146.42 -	51,497.63	-50000	1497.63		
						- 51,497.63	
2012/2013							
C.C.	Description	Period Movement	Actual Balance	Revised Annul	Variance		
	2762 CWMCARN VISITOR CENTRE	-2108.88 -	46,046.81	0	46046.81		
						- 46,046.81	
GRAND TOTAL							
	2762 CWMCARN VISITOR CENTRE		- 445,992.03	since 2012/2013 when introduced			
	3001 NORTHERN RHYMNEY VALLEY (Parc Cwm Darren)		- 71,587.64	since 2014/2015 when introduced			
	3004 PENYFAN POND COUNTRY PARK		- 114,848.79	since 2014/2015 when introduced			
	3005 SIRHOWY VALLEY COUNTRY PK		- 15,743.09	since 2014/2015 when introduced			
	3010 PENALLTA COMM PARK		- 61,242.84	since 2014/2015 when introduced			
	3013 BARGOED COUNTRY PARK		- 11,314.98	since 2014/2015 when introduced			
			-720,729.37			-720,729.37	- 274,737.34
Country Parks excluding Cwmcarn VC			-274,737.34				

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Car Park Name	*Split % Staff & Resources	2019/20	2019/20	2019/20	2019/20	2019/20	2019/20	2019/20
		#Income (Ticket Sales)	^Income (PCNs)	*Total Income	Energy Costs	*Staff & Resources	NNDR	Total Cost
Court House, Blackwood	1%	4569	Unavailble	4569	48	1687	1105	2840
Thorncombe 2, Blackwood	5%	13406	Unavailble	13406	429	8437	2393	11260
Thorncombe 3, Blackwood	5%	34789	Unavailble	34789	833	8437	8416	17686
High Street, Blackwood	20%	190001	Unavailble	190001	1835	33749	34979	70563
Wesley Road, Blackwood	10%	21653	Unavailble	21653	215	16875	4997	22087
Woodbine, Blackwood	5%	30511	Unavailble	30511	107	8437	6970	15514
Bus Station, Blackwood	5%	25604	Unavailble	25604	1313	8437	8285	18034
Market Traders, Blackwood	5%	5753	Unavailble	5753	332	8437	7627	16396
Cliff Road, Blackwood	5%	37815	Unavailble	37815	291	8437	8548	17276
Oakfield Street, Ystrad Mynach	2%	25377	Unavailble	25377	718	3375	4155	8248
Twyn, Caerphilly	13%	108270	Unavailble	108270	239	21937	22487	44663
Crescent, Caerphilly	15%	36544	Unavailble	36544	795	25312	8285	34391
Bedwas Road, Caerphilly	5%	9280	Unavailble	9280	79	8437	2288	10804
Station Terrace, Caerphilly	2%	12418	Unavailble	12418	219	3375	10126	13720
Emporium, Bargoed	1%	11123	Unavailble	11123	211	1687	2130	4028
St Gwladys, Bargoed	1%	16287	Unavailble	16287	280	1687	2893	4860
TOTAL	100%	583400	Unavailble	583400	7945	168743	135682	312369

Notes

2019/20 Ticket Income per site not available so allocated as percentage based on 2018/19

~ 2018/19 Ticket Income per site not available so allocated as percentage based on 2017/18

^ PCN income split per site not available so allocated as percentage based on ticket income in same year.

* Staff & Resources allocated on percentage split as not seperated on ledger

All income is net of VAT and excludes Service Review Costs

2019/20 Ticket Income includes a price increase in Car Parking from July 2019

2019/20 PCN Income unavailable as saw the introduction of Civil Parking Enforcement (on street parking enforcement) from April 2019

2019/20 Staff & Resources based on original staff (exc new CPE Officers) - but included regarding and contracted hours changes

Car Park Name	*Split % Staff & Resources	2018/19	2018/19	2018/19	2018/19	2018/19	2018/19	2018/19
		~Income (Ticket Sales)	^Income (ECNs)	*Total Income	Energy Costs	*Staff & Resources	NNDR	Total Cost
Court House, Blackwood	1%	4516	641	5157	44	1172	1079	2295
Thorncombe 2, Blackwood	5%	13122	1862	14984	392	5859	2339	8590
Thorncombe 3, Blackwood	5%	34053	4831	38884	761	5859	8224	14844
High Street, Blackwood	20%	185981	26386	212367	1675	23437	34181	59293
Wesley Road, Blackwood	10%	21195	3007	24202	196	11719	4883	16798
Woodbine, Blackwood	5%	29866	4237	34103	98	5859	6811	12768
Bus Station, Blackwood	5%	25062	3555	28617	1271	5859	8096	15225
Market Traders, Blackwood	5%	5631	799	6430	303	5859	7453	13615
Cliff Road, Blackwood	5%	37015	5251	42266	273	5859	8353	14485
Oakfield Street, Ystrad Mynach	2%	24840	3524	28364	655	2344	4061	7060
Twyn, Caerphilly	13%	105980	15035	121015	218	15234	21974	37426
Crescent, Caerphilly	15%	35771	5075	40846	765	17578	8096	26438
Bedwas Road, Caerphilly	5%	9084	1289	10373	50	5859	2236	8145
Station Terrace, Caerphilly	2%	12155	1724	13879	200	2344	9895	12439
Emporium, Bargoed	1%	10888	1545	12433	193	1172	2082	3446
St Gwladys, Bargoed	1%	15942	2262	18204	265	1172	2827	4264
TOTAL	100%	571101	81023	652124	7358	117185	132586	257130

Notes

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^ PCN income split per site not available so allocated as percentage based on ticket income in same year.

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2019/20 Staff & Resources based on original staff (exc new CPE Officers) - but included regarding and contracted hours changes

Car Park Name	*Split % Staff & Resources	2017/18	2017/18	2017/18	2017/18	2017/18	2017/18	2017/18
		Income (Ticket Sales)	*Income (ECNs)	Total Income	Energy Costs	*Staff & Resources	NNDR	Total Cost
Court House, Blackwood	1%	4420	469	4889	41	990	1048	2079
Thorncombe 2, Blackwood	5%	12844	1364	14208	368	4952	2270	7590
Thorncombe 3, Blackwood	5%	33333	3539	36872	714	4952	7984	13650
High Street, Blackwood	20%	182046	19328	201374	1573	19811	33184	54567
Wesley Road, Blackwood	10%	20747	2203	22950	184	9904	4741	14828
Woodbine, Blackwood	5%	29234	3104	32338	92	4952	6612	11656
Bus Station, Blackwood	5%	24532	2604	27136	1193	4952	7859	14004
Market Traders, Blackwood	5%	5512	585	6097	284	4952	7236	12472
Cliff Road, Blackwood	5%	36232	3847	40079	256	4952	8109	13317
Oakfield Street, Ystrad Mynach	2%	24315	2581	26896	615	1981	3942	6538
Twyn, Caerphilly	13%	103738	11014	114752	205	12875	21332	34412
Crescent, Caerphilly	15%	35014	3717	38731	718	14856	7859	23433
Bedwas Road, Caerphilly	5%	8892	944	9836	47	4952	2171	7169
Station Terrace, Caerphilly	2%	11898	1263	13161	188	1981	9606	11774
Emporium, Bargoed	1%	10658	1132	11790	181	990	2021	3192
St Gwladys, Bargoed	1%	15605	1657	17262	249	990	2745	3983
TOTAL	100%	559020	59351	618371	6907	99042	128717	234666

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Car Park Name	*Split % Staff & Resources	2016/17	2016/17	2016/17	2016/17	2016/17	2016/17	2016/17
		Income (Ticket Sales)	*Income (ECNs)	Total Income	Energy Costs	*Staff & Resources	NNDR	Total Cost
Court House, Blackwood	1%	4886	653	5539	39	1241	851	2130
Thorncombe 2, Blackwood	5%	11958	1598	13556	345	6205	2406	8956
Thorncombe 3, Blackwood	5%	31323	4185	35508	670	6205	8384	15258
High Street, Blackwood	20%	176426	23570	199996	1475	24822	29646	55943
Wesley Road, Blackwood	10%	23125	3090	26215	173	12410	4228	16811
Woodbine, Blackwood	5%	30343	4054	34397	86	6205	6561	12852
Bus Station, Blackwood	5%	20828	2783	23611	1119	6205	7047	14371
Market Traders, Blackwood	5%	5591	747	6338	267	6205	4811	11283
Cliff Road, Blackwood	5%	36274	4847	41121	240	6205	8991	15436
Oakfield Street, Ystrad Mynach	2%	24219	3236	27455	577	2482	4714	7773
Twyn, Caerphilly	13%	110799	14804	125603	192	16133	20534	36859
Crescent, Caerphilly	15%	34831	4654	39485	673	18615	10449	29737
Bedwas Road, Caerphilly	5%	9793	1308	11101	44	6205	2211	8460
Station Terrace, Caerphilly	2%	12623	1687	14310	176	2482	8262	10920
Emporium, Bargoed	1%	11005	1470	12475	170	1241	4082	5493
St Gwladys, Bargoed	1%	16203	2165	18368	233	1241	3694	5168
TOTAL	100%	560227	74851	635078	6479	124102	126870	257451

Notes

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2019/20 Staff & Resources based on original staff (exc new CPE Officers) - but included regarding and contracted hours changes

Car Park Name	*Split % Staff & Resources	2015/16	2015/16	2015/16	2015/16	2015/16	2015/16	2015/16
		Income (Ticket Sales)	*Income (ECNs)	Total Income	Energy Costs	*Staff & Resources	NNDR	Total Cost
Court House, Blackwood	1%	4762	747	5509	38	1064	844	1945
Thorncombe 2, Blackwood	5%	12962	2034	14996	337	5320	2386	8043
Thorncombe 3, Blackwood	5%	38196	5994	44190	654	5320	8315	14288
High Street, Blackwood	20%	172124	27011	199135	1440	21283	29402	52125
Wesley Road, Blackwood	10%	23073	3621	26694	168	10640	4193	15002
Woodbine, Blackwood	5%	31645	4966	36611	84	5320	6507	11911
Bus Station, Blackwood	5%	24829	3896	28725	1092	5320	6989	13401
Market Traders, Blackwood	5%	6785	1065	7850	260	5320	4772	10352
Cliff Road, Blackwood	5%	38717	6076	44793	235	5320	8917	14472
Oakfield Street, Ystrad Mynach	2%	21185	3324	24509	563	2128	4975	7667
Twyn, Caerphilly	13%	107579	16882	124461	188	13833	20365	34385
Crescent, Caerphilly	15%	37039	5812	42851	657	15961	10363	26981
Bedwas Road, Caerphilly	5%	8573	1345	9918	43	5320	2193	7556
Station Terrace, Caerphilly	2%	12161	1908	14069	172	2128	8194	10494
Emporium, Bargoed	1%	10281	1613	11894	166	1064	4049	5278
St Gwladys, Bargoed	1%	16913	2654	19567	228	1064	3663	4955
TOTAL	100%	566824	88948	655772	6325	106405	126126	238856

Notes

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**JOINT SCRUTINY COMMITTEE
(ENVIRONMENT & SUSTAINABILITY SCRUTINY AND
HOUSING & REGENERATION SCRUTINY COMMITTEES)
– 15TH DECEMBER 2020**

SUBJECT: ENFORCED SALE POLICY

REPORT BY: INTERIM CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To seek the views of the Scrutiny Committee on a proposed Enforced Sale Policy, prior to its presentation to Cabinet for approval. This is a mechanism by which problematic, long-term empty private sector dwellings, derelict commercial properties and land are brought back into beneficial use where Council debts have been registered against the property but not discharged."

2. SUMMARY

- 2.1 The purpose of this policy is to set out a framework for Caerphilly County Borough Council to use statutory powers under the Enforced Sale Procedure with a view of targeting long-term problematic empty properties, and to bring these properties back into use where possible.
- 2.2 Caerphilly County Borough Council recognises the importance of bringing problematic empty properties back into use, as they can be a source of many problems and are a wasted resource. Long-term empty properties can have a negative impact on the visual amenity in the immediate neighbourhood and cause nuisance to adjacent occupiers. They can also lead to increased fly-tipping, vandalism, arson, potential squatting and other anti-social behaviour.
- 2.3 An Enforced Sale Policy will aim to free up public sector resources, recoup debts owed to the Authority, improve local communities and may increase the supply of affordable housing.

3. RECOMMENDATIONS

- 3.1 That Members recommend to Cabinet the adoption of an Enforced Sale Policy as an enforcement tool for Caerphilly County Borough Council's use.
- 3.2 That Members recommend to Cabinet that a figure of £500 be adopted as the level of debt at which this policy can be implemented.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 Implementation of this policy has the potential to bring problematic empty properties back into beneficial use, recoup debts owed to the Authority, improve local communities and increase the County Borough's affordable housing supply. However, each individual property needs to be considered on its own merits and financial viability.

5. THE REPORT

- 5.1 The purpose of this policy is to set out a framework for Caerphilly County Borough Council to use the Enforced Sale Procedure utilising relevant statutory powers with a view of targeting long-term problematic empty properties, and to bring these properties back into use where possible.
- 5.2 Caerphilly County Borough Council recognises the importance of bringing empty properties back into use, as they are a wasted resource and can be a source of many problems. Long-term empty properties can have a negative impact on the visual amenity in the immediate neighbourhood and cause nuisance to adjacent occupiers. They can also lead to increased fly-tipping, vandalism, arson, potential squatting and other anti-social behaviour.
- 5.3 As a result of problems caused by empty properties, the Authority has to increasingly resort to enforcement activity to deal with them. Such enforcement usually consists of the Authority having to undertake works to the property in default of a notice with a view to recharging the owner the cost of these works. However, such debts are not always paid and become a Charge on the property. Such Charges are only retrievable when the property is sold, which may not be for many years, resulting in a long-term outstanding debt. Enforced Sale is a power contained in Statute, which triggers sale under the Law of Property Act 1925 (Section 103), which allows Local Authorities to act as mortgagors in possession and sell the problematic property to retrieve monies owed.
- 5.4 Whilst there are various actions a Local Authority can take in respect of an empty property, a change in ownership brought about by use of the Enforced Sale Policy is intended to introduce a new owner who it is anticipated will be more able and willing to invest in the property, ensure its occupation and maintain its upkeep in order to bring such properties back into use.
- 5.5 A full copy of the proposed Enforced Sale Policy is included at Appendix One.
- 5.6 In order to utilise the Enforced Sale procedure, a minimum level of debt must be specified. Any debts above this limit will allow utilisation of the Enforced Sale Policy. It is proposed that this level is set at £500, which is comparable with the level set by other Local Authorities in the region who utilise such a procedure.
- 5.7 In addition to the agreed debt threshold, the following criteria must also be met in order to consider an Enforced Sale:
- The debt must not be statute barred (generally under 12-years-old);
 - The debt must be more than 2 months old to give a property owner adequate time to redeem it;
 - The property must be vacant with no prospect of it becoming occupied in the next 6 months;

- If the owner can be traced, they must have demonstrated wilful non-compliance with legislation and compliance with legal notices served in relation to the property;
 - No response has been received to letters regarding the Enforced Sale and non-compliance with legal notices.
- 5.8 Enforced Sale will be considered as a last resort and Officers will attempt to work with the property's owner, if they can be traced and contacted, to provide advice and support in relation to bringing the property back into beneficial use. This can include:
- Informing the owner about the problems being caused by the property being empty, together with its impact upon the wider community;
 - Offering potential financial solutions, including the availability of loans/grants or negotiate the private sale of the property;
 - Highlighting the consequences of allowing the property to fall into further disrepair, including its market value depreciation and risk of enforcement action;
 - Inspecting the property to identify if it is suitable for letting and inform the owner of the works required to bring it up to current standards;
 - Guiding the existing and future owners through the legal requirements of Rent Smart Wales registration and licensing when applicable.
- 5.9 Where an owner cannot be traced or a property is unregistered, the Enforced Sale Policy can still be utilised but it will not be possible to work with the owner prior to action.
- 5.10 Marketing and sale of the property where the Enforced Sale Policy is utilised will differ from a traditional property sale. For example, there is no right of entry for prospective purchasers to view the property and there is no power to put up a 'For Sale' sign.
- 5.11 The Council has a duty to secure the best possible price on a sale. In the first instance, sale will be offered to a preferred bidder. Following a valuation of the property by a suitably qualified surveyor, closed tenders will be invited from all Registered Social Landlords zoned to develop in the County Borough and Caerphilly Homes, with the property being offered to the highest bidder, only if the valuation is met or bettered. Sales to a preferred purchaser or sale at auction must be approved by the relevant Director.
- 5.12 A sale through public auction will be considered if:
- No closed tenders were received for the property;
 - The valuation was not met.
- 5.13 Upon completion of the sale, a bank account will be setup to hold the proceeds of sale (less all costs and charges). Where the owner is known, they will be advised of the sale. Where the owner is not known, the proceeds of sale will be held. In both instances, if the money is not claimed within 12 years the Council is free to allocate such money as it pleases.
- 5.14 It should be noted that if, at any stage prior to sale, the owner should pay all outstanding debt, Enforced Sale is no longer an option.
- 5.15 As the legal process of Enforced Sale is complex, consultation with Legal Services will be carried out in each instance of Enforced Sale.
- 5.16 **Conclusion**

The adoption of an Enforced Sale Policy has the potential to bring many benefits to our local communities by reducing the issues associated with long-term empty properties. It can also increase the housing supply in the County Borough. Such a policy also reduces outstanding debts to the Authority.

6. ASSUMPTIONS

- 6.1 There are no assumptions made in this report.

7. LINKS TO RELEVANT COUNCIL POLICIES

- 7.1 The contents of the report links with *A Foundation for Success (Regeneration Strategy 2018-2023)* objectives in relation to “Supporting Quality of Life”:
- Improve the quality of the existing housing stock through targeted intervention – The utilisation of an Enforced Sale Policy can bring unutilised dwellings back into beneficial use to increase the amount of good quality rental housing in the County Borough.
- 7.2 The report supports the *Corporate Plan 2018-2023* under well-being objective 3 of addressing the supply, condition and sustainability of homes throughout the County Borough by increasing the supply and improving the condition of rental housing.
- 7.3 This report contributes to *Caerphilly Homes Service Plan 2018-23* objective 5 – tackle the determinants of poor health and well-being by improving housing conditions in the private sector.

8. WELL-BEING OF FUTURE GENERATIONS

- 8.1 The Well-being of Future Generations (Wales) Act 2015, sets out seven Well-being Goals which aim to make a positive impact upon the social, economic, environmental and cultural well-being of the area or community concerned. The Enforced Sale Policy aligns with the following Well-being Goals:
- A prosperous Wales;
 - A resilient Wales;
 - A healthier Wales;
 - A more equal Wales; and,
 - A Wales of cohesive communities.
- 8.2 The Well-being of Future Generations (Wales) Act 2015 sets out the sustainable development principles against which all public bodies in Wales should assess their decision-making. The aim of the legislation is to ensure the well-being of future generations through maximising the contribution public bodies make towards the well-being goals. The principle is also known as the five ways of working and the following are relevant in relation to this report:
- Long Term – Utilisation of the Enforced Sale Policy could bring currently empty, dilapidated, problematic properties back into beneficial use for many years to come. The objectives also link with creating sustainable communities by tackling those properties deemed problematic;
 - Prevention – Use of an Enforced Sale Policy can prevent problems associated with currently empty properties, such as squatting and vandalism, from escalating and

- reoccurring;
- Integration – Bringing properties back into beneficial use can impact upon the well-being goals of partner organisations such as Housing Associations and the Local Health Board;
- Collaboration – Enforced Sales can enable collaboration with local Registered Social Landlords and local property owners;
- Involvement – Identifying and addressing problematic properties under this policy will be done in conjunction with local communities, property owners and Registered Social Landlords to bring about a mutually beneficial outcome.

9. EQUALITIES IMPLICATIONS

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

10. FINANCIAL IMPLICATIONS

- 10.1 The main aim of the policy is to recover outstanding debts, which is financially beneficial to the Authority.
- 10.2 Caerphilly Homes may purchase properties through this procedure, which would be subject to ensuring a viable Housing Business Plan for potential purchases utilising the Housing Revenue Account and/or prudential borrowing.

11. PERSONNEL IMPLICATIONS

- 11.1 There are no personnel implications in relation to this report.

12. CONSULTATIONS

- 12.1 The draft report has been circulated to the consultees listed below and all comments incorporated into this version of the report.

13. STATUTORY POWER

- 13.1 Building Act 1984, Public Health Act 1961, Housing Act 1985, Local Government (Miscellaneous) Provisions Act 1982, Environmental Protection Act 1980, Prevention of Damage by Pests Act 1949, Law of Property Act 1925.

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Consultees: Mark S Williams, Interim Corporate Director Communities
Rob J Tranter, Head of Legal Services/Monitoring Officer
Martin Woodland, Senior Solicitor
Anwen Cullinane, Senior Policy Officer

Lynne Donovan, Head of People Services
Rhian Kyte, Head of Regeneration & Planning
Stephen Harris, Head of Business Improvement Services and Section 151
Officer
Shaun Couzens, Chief Housing Officer
Claire Davies, Private Sector Housing Manager
Fiona Wilkins, Housing Services Manager
Jason Lear, Principal Building Control Officer
Cllr. S Morgan, Cabinet Member for Economy and Enterprise
Cllr. Lisa Phipps, Cabinet Member for Housing and Property
Cllr. D. Tudor Davies, Chair of Environment & Sustainability Scrutiny
Committee
Cllr. A. Hussey, Vice Chair of Environment & Sustainability Scrutiny
Committee
Cllr. A. Whitcombe, Chair of Housing & Regeneration Scrutiny Committee
Cllr. C. Forehead, Vice Chair of Housing & Regeneration Scrutiny
Committee

Appendices:
Appendix 1 Enforced Sale Policy



Caerphilly County Borough Council

Enforced Sale Policy

PURPOSE

The purpose of this policy is to set out a framework for Caerphilly County Borough Council to use the Enforced Sale Procedure utilising relevant statutory powers with a view of targeting long-term problematic empty properties, and to bring these properties back into use where possible.

Caerphilly County Borough Council recognises the importance of bringing empty properties back into use, as they are a wasted resource and can be a source of many problems. Long-term empty properties can have a negative impact on the visual amenity in the immediate neighbourhood and cause nuisance to adjacent occupiers. They can also lead to increased fly-tipping, vandalism, arson, potential squatting, dangerous structures and other anti-social behaviour.

POLICY BACKGROUND

The Enforced Sale Procedure is a process by which the Council brings about the sale of a privately-owned property. It is used as a means to bring problematic long-term vacant property (being residential/commercial or land) back into use, in circumstances where the present owner is either unwilling or unable to comply with legal notices issued by the Council, or the ownership is unknown.

By enforcing the sale, it is anticipated that a new owner will be more willing and able to invest in the property, and ensure its likely reoccupation, upkeep, and proper use.

The process of Enforced Sale is a method that can be utilised for the recovery of debt owing to the Council and could be used to recover debts where the owner of a property has made no attempt to make payment in respect of problematic property.

IDENTIFYING AND PRIORITISING POTENTIAL PROPERTIES FOR ENFORCED SALE

The Council uses a number of methods to identify empty private properties, including Council Tax information and referrals from members of the public, local Councillors, Police, Fire and Rescue Service, Planning Enforcement, Building Control, Private Sector Housing and Waste Enforcement.

In order to better utilise this policy, a database of empty private properties will be compiled and assessed for suitability of intervention under this policy. *(Note – Private Sector Housing already have a database of empty homes which identifies each residential unit that is a long term vacant - from information received annually from the Council Tax section. Each property is given a risk assessment score and they can therefore be ranked against each other).*

PRE-ACTION TO ENFORCED SALE

When an empty property has been identified as a priority for intervention, steps will be taken to trace and contact the owner.

Where an owner is identified, they will be contacted, if possible, and provided with advice and a range of potential solutions to bring the property back into use. For example:

- Informing the owner about the problems being caused by the property being empty and in need of repair, together with its impact upon the wider community;
- Offering potential financial solutions, including the availability of loans/grants or negotiating the private sale or rental of the property;
- Highlighting the consequences of allowing the property to fall into further disrepair, including its market value depreciation and risk of enforcement action;
- Inspecting the property to identify if it is suitable for letting and inform the owner of the works required to bring it up to current standards;
- Guiding the existing and future owners through the legal requirements of Rent Smart Wales registration and licensing when applicable.

The market value of the property should be discussed and the owner notified about any Charges registered against the property. The owner will be encouraged towards selling the property without our formal intervention at this stage. The Council is able to provide a service to the owner to facilitate the Voluntary Sale either privately, or to the Council (Caerphilly Homes) or to a Registered Social Landlord.

Each case will be assessed individually and the use of the Enforced Sale Procedure should be seen as a means of last resort. Properties will only be selected for Enforced Sale when the Council has exhausted all other reasonable options to resolve the existence of the empty property, remedy any associated problems caused by the poor condition of the property and the recovery of debt owed to the Council.

The lead officer will liaise with other relevant departments and agencies, particularly those with an enforcement or financial role with a view to putting pressure on the owner to deal with the property. Examples of matters to be considered include:

- Involvement of other Enforcement Authorities such as Building Control, Cleansing, Environmental Health, Private Sector Housing and Planning Enforcement;
- Removal of exemptions or relaxations for Council Tax/NNDR payments;
- Debt Recovery processes should be actively chased;
- Involvement of mortgage lenders if appropriate.

CRITERIA FOR ENFORCED SALE

In order for a property to be considered suitable for enforced sale, **all** of the following criteria must be met:

- The total recoverable debt must exceed £500;
- The debt must not be statute barred (generally under 12-years-old);
- The debt must be more than 2 months old;
- The property must be vacant with no prospect of it becoming occupied in the next 6 months;
- The owner, if they can be traced, must have demonstrated non-compliance with legislation in relation to the property;
- No positive/acceptable response has been received to letters regarding the Enforced Sale. If the response redeems the charge that ends the process sale can only be effected against a financial charge registered in the local land charges register.

SERVICE OF NOTICES & REGISTRATION OF CHARGES

The lead officer will ensure all the Statutory Enforcement Notices have been correctly served and will ensure the correct notices are served in accordance with the legal procedures.

Where works in default have been undertaken to comply with a notice, and a debt is owed to the Council, checks will be made to find out if the debt is registered against the property as a local land charge

Where debts are not Charges registered against the property, but are personal debts, the Council may be able to pursue the debt at the County Court and secure an order against the property.

LEGISLATIVE BASIS FOR ENFORCED SALE

The legal process for Enforced Sale is complex, and this section is provided for general information only.

There are various Acts of Parliament which allow the Council to register appropriate debts as a Charge against a property. These Acts give the Local Authority the power to enforce that Charge, so that the Enforced Sale Procedure under the Law of Property Act 1925 can be used to enforce the sale.

Section 7 of the Local Land Charges Act 1975, provides that a financial Local Land Charge takes effect, as if it had been created by a Deed of Charge by way of a legal mortgage within the meaning of the Law of Property Act 1925.

Section 101(1) of the Law of Property Act 1925, confers on a mortgagee a power of sale. An Order of the Court is not necessary as the legislation itself provides that power.

Section 87(1) of the Law of Property Act 1925, confers a right of possession. In addition, many of the statutes used by the Council, which enable works to be carried out in default, also give the Council a power of sale and a right of priority over other Charges.

The Council may not exercise the power of sale until a notice under Section 103 of the Law of Property Act 1925 is served. (requiring payment of the debt), and the payment of such debt has not been made for 3 months after the service of the Notice.

The Council should write to the Owner requesting the Land or Charge Certificate. The Council must also write to the Owner, and any other Chargee, stating that it intends to carry out an enforced sale. If another Chargee should pay the outstanding money, this prevents the Council taking priority over their Charge.

Likewise, if at any stage prior to the actual sale of the property the Owner should pay the outstanding debt, then Enforced Sale is no longer an option.

Once default of payment is apparent, the Council can apply to the Land Registry for registration of the Charge, claiming priority over all other Charges.

When the Charge Certificate is returned from the Land Registry, the property can be marketed for sale. Another letter will be sent to the Owner and any Chargees to warn them again that the charge is to be recovered by Enforced Sale.

PROCEDURE WHERE THE PROPERTY IS NOT REGISTERED

In some instances, properties may be identified which are not registered with the Land Registry. This may apply in relation to older properties, particularly where no recent sales have taken place, or the property has changed ownership without proper conveyancing. The Enforced Sale Procedure can be applied to unregistered property.

HUMAN RIGHTS ACT 1998

Consideration of the provisions of the Human Rights Act 1998 must be taken into account by the Council. In particular, the right to respect for private and family life, home and correspondence and peaceful enjoyment of possessions. These rights need to be balanced against the general benefits and rights of neighbours and the surrounding community. For example, the need to deal with any dangerous or health risk conditions, the desire to bring a long-term empty property back into use; and to reduce crime, arson, fly tipping and the negative impact of the empty property on the locality.

A statement that the intended action of the Council in exercising its power of sale is considered to be proportionate in accordance with the Act should be included in the decision-making document seeking authorisation to pursue an Enforced Sale.

RECOVERY OF COSTS

A debt can be registered as a Local Land Charge if the debtor has failed to pay the bill in relation to the works required under the notice and the works have been completed in default.

If the statute says a debt can be enforced as a charge then you can enforce that debt whether it is registered as a Local Land Charge or not. In most cases, it is not important on whom the notice was originally served.

Once the charge has been established, the land continues to be subject to the charge even if it has passed to subsequent owners. As such, it does not matter whether the property has subsequently changed ownership.

Debts are affected by the Limitation Act, in that any debts that are statute barred (generally 12 years old from the date when the expense was incurred) are no longer recoverable. Thus, any attempts to recover debts through Local Land Charges or by using the Enforced Sale Procedure, are generally not permissible after this time has passed.

All debts owed to the Council on the property are recovered on sale. In addition, reasonable costs incurred by the Council in pursuing the sale can also be deducted. This includes all legal, surveying, marketing and administrative costs.

MARKETING AND SALE

Some of the processes which might normally be associated with the sale of properties are not possible when using the Enforced Sale Procedure. For example, there is no right of entry for prospective purchasers to view the property or its condition and there is no power to put up a 'For Sale' sign.

The Council has a duty to secure the best possible price on a sale. In the first instance, sale will be to a preferred bidder following a valuation of the property by a suitably qualified surveyor. Closed tenders will be invited from Registered Social Landlords zoned to develop within the County Borough and Caerphilly Homes, with the property being offered to the highest bidder if the valuation is met or bettered. Sales to a preferred purchaser must be approved by the relevant Director linked to the initial Local Land Charge. In the event of two matching bids (that meet or exceed the valuation), the preferred bidder will be at the discretion of the relevant Director.

A sale through public auction will be considered if:

- No closed tenders were received for the property;
- The valuation was not met.

Upon completion of sale, a bank account will be setup to hold the proceeds of sale (less costs and charges). Where the owner is known, they will be advised of the sale. Where the owner is not known, the proceeds of sale will be held by the Council and, if the money is not claimed within 12 years, the money reverts to the Council.