



CABINET – 25TH JULY 2018

SUBJECT: DECriminalisation of Parking – Stage 2 Report

REPORT BY: CORPORATE DIRECTOR OF EDUCATION AND CORPORATE SERVICES

- 1.1 The attached report, which was presented to the Regeneration and Environment Scrutiny Committee on 26th June 2018, updated Members on the progress made with pursuing Civil Parking Enforcement Powers, and sought the views of the Scrutiny Committee on the proposals for implementation and issues to be considered, prior to the proposals being presented to Cabinet for approval.
- 1.2 Members were reminded that in light of the feasibility study of creating a Civil Enforcement Area and Special Enforcement Area across the Council's administrative area, Cabinet resolved on 28th February 2018 to adopt an implementation model for Civil Parking Enforcement (CPE) where on street enforcement is undertaken in house and to collaborate with another (or other) local authorities for the back office notice processing and administration. The decision also included an instruction to undertake the Traffic Regulation Order review necessary to prepare the application to Welsh Government to secure the CPE powers. The current planned 'Go live' date for CPE is April 2019. The report set out the proposals and recommendations to be undertaken to implement the decision and the issues requiring further consideration that will assist in achieving this implementation date.
- 1.3 Officers outlined the key actions planned and progress made in regards to CPE preparations, and it was noted that the proposals and issues were presented to a Members Seminar on 6th June 2018. The main topics of discussion arising from this seminar were highlighted and referred to during the course of the meeting, and in particular, Members were asked to note the statutory guidance from the Secretary of State (Section 10.16 of Traffic Management Act 2004 CPE) which states that "...elected members and unauthorised staff should not under any circumstances play a part in deciding the outcome of individual challenges or representations. This is to ensure that only fully trained staff make decisions on the facts presented". Members were also asked to consider and support the formal resolutions and delegations as set out in Section 5 of the report which are required in order to progress the actions necessary for implementation, including an application for CPE powers to Welsh Government.
- 1.4 The Scrutiny Committee also received representations from a local ward member in respect of the proposals, who suggested a need for staff consultation regarding the potential duality of the Civil Enforcement Officers role, and expressed the need for effective scrutiny regarding the delivery of the new CPE powers.
- 1.5 Detailed discussion took place on the proposals and in response to a Member's query, it was explained that although the majority of enforcement will focus on main urban areas, the Authority will deploy resources to best effect across all areas of the county borough, and assess the types of enforcement approaches to be undertaken.
- 1.6 Several queries were received in respect of staff recruitment arising from the new enforcement processes, including whether the proposed staff levels would be sufficient, and if they are able to cover dual enforcement roles (such as that of Community Safety Wardens (CSWs)). It was confirmed that staffing levels will be reviewed once the new enforcement

processes are embedded to determine whether there is a need for additional staff. Members were advised of the complications surrounding dual enforcement, in that the CEO role is only covered by civil legislation whereas CSWs are covered by both criminal and civil legislation, and therefore provide completely separate functions. Officers also outlined the recruitment process for CEOs, implications for the grading structure, the training to be provided, and the working arrangements for these staff.

- 1.7 Members discussed the wide scope of the area to be covered and queried whether CCTV and a mobile enforcement vehicle could be used to monitor and act upon parking infringements. It was explained that CCTV cannot be utilised for such purposes due to considerations around image quality and the requirement to use 'approved devices'. Officers confirmed that consideration is being given to the use of a mobile vehicle at a future point in time.
- 1.8 Reference was made to the issue of parking on pavements and it was confirmed that this type of enforcement will remain under the remit of Gwent Police unless there are double yellow lines where the car is parked on the pavement. Concerns were also raised regarding the three-month gap between the withdrawal from parking enforcement duties by Gwent Police and the planned implementation date by the Council. Officers explained that discussions are ongoing with Gwent Police to negotiate an extension to mitigate this period and ensure a smooth transition of responsibilities. Additionally, discussion took place regarding fixed fee charges for Penalty Charge Notices (PCNs) and the rationale behind the anticipated level of PCNs for the Caerphilly county borough.

Points of Clarification

- 1.9 Progressing the legally related, procedural matters set out in the recommendations 1.11(i) to 1.11(viii) (particularly submission of the scheme to WG as it can take up to 6 months for a decision to be issued to the authority) will enable the authority to implement the scheme from 8th April 2019.
- 1.10 Cabinet is asked to note that the recommendations set out in paragraphs 5.1 2) and 3) of the original report to the Regeneration and Environment Scrutiny Committee were duplicated and need to be referred on to Council for a formal decision in accordance with the Authority's constitution. These recommendations have been incorporated as one recommendation within this covering report and is set out in paragraph 1.11(x) below.
- 1.11 Following consideration of the report the Regeneration and Environment Scrutiny Committee unanimously recommended to Cabinet that for the reasons contained therein:-
- (i) CCBC reach a formal agreement with RCTCBC for them to manage the back office on CCBC's behalf;
 - (ii) For consistency, that responsibility for enforcement of all Countryside and Tourism car parks be transferred to the Civil Enforcement team;
 - (iii) all existing resident permit parking schemes within the borough be consolidated (as part of the TRO consolidation order) to bring them in line with the policy and ensure consistency across the borough;
 - (iv) new customer relation protocols and/or systems via the Customer Services team be developed;
 - (v) any cashless parking system be procured remotely and separate to a Civil Parking Enforcement (CPE) IT service provider;
 - (vi) that the CEO role initially be implemented under CPE to avoid any delays to its implementation. In parallel work on combining the role with CSWs will be progressed and implemented at the earliest possibility, if viable;

- (vii) any financial surpluses from the operation be ring fenced to CPE activities and provisions in accordance with the requirements detailed within Section 55 (as amended) of the Road Traffic Regulation Act 1984;
- (viii) the recommendations and delegations as set out in Section 5.1 of the report be sought to facilitate the CPE application to WG and subsequent implementation.
- (ix) the additional costs of £431k for the TRO review and CPE set up costs be funded from SEW and Communities Directorate reserves (i.e. £291k from SEW reserve and £140k from Communities Directorate reserve).
- (x) To endorse and nominate to Council that the Deputy Leader and Cabinet Member for Economy, Infrastructure, Sustainability and Well-being of Future Generations be the Representative appointed to stand on the Joint Committee of England and Wales for the Civil Enforcement of Parking and Traffic Regulations outside London, which oversees the adjudication service known as the Traffic Penalty Tribunal (TPT) and that a substitute representative is also nominated and appointed.

Cabinet are asked to consider the above recommendations.

- 1.12 Cabinet is also asked to note that the interface between Community Safety, CPE and the resultant staff roles needs further consideration and a further report will need be presented to Cabinet in due course in relation to these matters. Cabinet approval is therefore sought for a further report to be presented in the near future which addresses these interface issues.

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Appendices:-

Appendix 1 Report to Regeneration and Environment Scrutiny Committee on 26th June 2018 – Agenda Item 10