

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**
DATE: **TUESDAY 18 DECEMBER 2012**
REPORT BY: **DIRECTOR OF ENVIRONMENT**
SUBJECT: **CIVIL PARKING ENFORCEMENT**

1.00 **PURPOSE OF REPORT**

1.01 To provide an update on the introduction of Civil Parking Enforcement (CPE) in Flintshire and to establish an off-street parking policy for the County.

2.00 **BACKGROUND**

2.01 The Regional Transport Plan (RTP) on pages 99 and 100 outlines a Network Management Strategy. As an introduction, it refers to :-

The Traffic Management Act 2004, which was applicable from April 2008, and which imposes a network management duty on all local traffic authorities, including Flintshire County Council states :-

“It is the duty of a local traffic authority to manage their road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives :

a) Securing the expeditious movement of traffic (all road users) on the authority’s road network

and

b) Facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority”.

2.02 The RTP then sets out the objectives of the Network Management Strategy and outlines a number of ways which local authorities will meet them, including :-

- Implementing and enforcing appropriate moving and stationary traffic regulations
- Periodically reviewing the appropriateness, adequacy and relevance of traffic regulations

- Developing and implementing appropriate policies relating to the management and enforcement of on and off street parking provision.

2.03 Currently, within Flintshire, all on-street parking enforcement is the responsibility of North Wales Police, whereas all off-street public car parking management is administered by Flintshire County Council.

2.04 The Council is the only North Wales authority which has not adopted CPE so far. A report was presented to Executive in March 2010 which approved work towards the introduction of a Civil Parking Enforcement Area within the County, with the exception of high speed dual carriageway lengths of trunk roads.

2.05 The effective enforcement of on-street parking regulations is essential for:

- Improving safety for both pedestrians and drivers through de-cluttering streets of illegally parked vehicles which often obstruct clear safe views of the highway network by both pedestrians and other road users
- Improving the general flow and efficiency of pedestrians, vehicles and cyclists through the road network
- Improving the local environment by preventing parking on grass verges, pavements and through such activity causing damage and tripping hazards
- Meeting the needs of people with disabilities through the increased provision of specific parking bays which are easily accessible and close to local shops
- Supporting the local economy through improving the general flow of traffic through our highway network, and regularising journey times; and in doing so improving the quality, accessibility and overall reliability of public transport which uses the network
- Improving the general ambience of our car parks which are, for many visitors, the first visible arrival point within our towns
- Management and enforcement of Residents Parking Permits and on street parking where applicable

2.06 Any application for CPE has to be associated with a Parking Policy and Business Case.

3.00 CONSIDERATIONS

3.01 The process of applying for CPE powers includes a number of steps:-

- Reviewing the County's Traffic Regulation Orders (TROs) and confirming that they are consistent with the position 'on the ground' in terms of lines and signage. This process is now complete.
- Writing to all Town & Community Councils to seek their observations. The Council has written out to all Town and Community Councils seeking their observations on the location and effectiveness of current markings, signage etc, with a view, at some future point after the implementation of CPE, to review such observations. In addition, the Council also holds a list of historic requests for modifications/additions; these will, as a priority, be considered immediately after the implementation of CPE.
- Reviewing the current IT software and its ability to interface with other Third Party systems and other local authority applications. In some instances it may be necessary to upgrade existing systems.

3.02 As part of the general process of approvals, Members will need to agree a number of measures which will have to be reflected in the Order. Of particular significance will be the need to confirm the adoption of Civil Parking Enforcement Powers. Within this report Appendices 'A', 'B' and 'C' are documents relating to Contravention codes, Residents Permits and Disabled Parking Bays which will require confirmation and adoption.

3.03 The majority of Local Authorities in North Wales process any Penalties through Denbighshire County Council (Wales Penalty Processing Partnership {WPPP}). This is an efficient and cost effective service and links into a regionalised approach to service delivery and cross regional partnership working. Flintshire County Council, as part of the implementation of CPE, proposes to take advantage of this regional service. Under CPE this will create a single enforcement regime that will provide members of the public with a more easily understood parking enforcement system.

3.04 As part of the CPE process, it will be necessary for the Council to nominate a Councillor to serve on the Adjudication Joint Committee. The Joint Committee Lead Authority is Manchester City Council and a Memorandum of Participation will be issued for subsequent signature before the commencement date of CPE within Flintshire. It is proposed that the nominated Councillor will be the Cabinet Member for Environment.

Note: Within the Traffic Management Act guidance on CPE, there is provision for appeal to an adjudicator, should anyone having received a Parking Contravention Notice (PCN) wish to make

representation and challenge the decision of the local authority.

- 3.05 The Council has already submitted a draft application to Welsh Government (WG) for their consideration and has received some initial feedback on this document. Generally the feedback was positive and has been taken account of in current proposals.
- 3.06 Integral to Civil Parking Enforcement (CPE), which takes place “On Street”, is the issue of “Off- Street” parking, as a significant proportion of vehicles displaced from roads are likely to resort to public and privately owned car parks.
- 3.07 There is an historic inconsistency in the way the Council’s car parks are managed across the County which goes back to the precursor authorities of Delyn and Alyn & Deeside. Delyn had a policy of charging, whereas Alyn & Deeside did not and, as a result of this position not having been reviewed since local government re-organisation, we now have the situation where the Council charges for the use of its car parks in Mold and Holywell, whereas all of the other Council car parks are free. Furthermore, the level of charges have not been reviewed for over 18 years. It is therefore clearly appropriate to review the current situation and to implement proposals aimed at addressing this inconsistency. This review has been carried out and is included in the Off Street Parking Policy attached to Appendix ‘D’.
- 3.08 Based on the proposed Off-Street Parking Policy shown in Appendix ‘D’, a Summary Business Case has been prepared for the introduction of CPE. This takes account of factors such as the level of fines generated by enforcement, the anticipated income from the Council’s car parks, and the cost of Civil Enforcement Officers required. This Summary Business Case is shown in Appendix ‘E’.
- 3.09 To accord with legislation, the Council, in addition to other powers set out within this report, need to approve the following :-
- Clamping and removal powers, even if the Council chooses not to use them in the future
 - A formal start date
 - The use of Bailiffs
 - The style, colour and type of uniform to be used by Civil Parking Enforcement Officers
 - How the Council will deal with TUPE issues should they arise
 - The formal SLA with the Central Ticketing Unit
- 3.10 The Council wishes to ensure that it maximises the use of the enforcement staff and does not wish, if legal and practicable to do so, to see the Civil Enforcement Officers solely allocated to CPE. Ideally it would be preferable to have the team undertake other enforcement activity such as littering and dog fouling. Whilst this is seen as

positive, in reality it is more complex and the legal framework within which the Officers would operate does not easily accommodate such flexibility. Research is continuing in relation to other local authorities who may also have multi-tasking Enforcement Officers. For instance, whilst this is being undertaken in Manchester, Officers record different penalties on different systems as currently there seems to be no ability to integrate the different Penalty Notices.

- 3.11 It is proposed to submit the application for Civil Parking Enforcement powers in January 2013. Following submission, Welsh Government will take a period of up to six months to review the details within the application. If approved, there will then be a period of recruitment and training of new and existing staff (Civil Enforcement Officers ([CEOs])). It is anticipated that, on the above timetable, CPE could be implemented in October 2013.

4.00 RECOMMENDATIONS

4.01 That Members:

- 4.01.1 Approve the list of Contravention Codes and Policies on Residents Permits and Disabled Parking Bays shown in Appendices 'A', 'B' and 'C'.
- 4.01.2 Approve the 'Off-Street' Parking Policy shown in Appendix 'D'.
- 4.01.3 Approve the Summary Business Case shown in Appendix 'E' for submission to WG, as a formal request for CPE powers to be conferred upon Flintshire County Council.
- 4.01.4 Approve the use of Wales Penalty Processing Partnership {WPPP} to process all Parking Contraventions Notices (PCNs).
- 4.01.5 To grant delegated authority to the Director of Environment, following consultation with the Cabinet Member for Environment, to finalise all detailed aspects of the process, including the matters listed in paragraph 3.09.
- 4.01.6 Approve the Cabinet Member for Environment, or their nominated substitute, as the Council's representative on the Adjudication Joint Committee outlined in paragraph 3.04.

5.00 FINANCIAL IMPLICATIONS

- 5.01 Civil Parking Enforcement has specific resources of £186k allocated to the project, which will require approval for carry forward into 2013/14.

6.00 ANTI POVERTY IMPACT

6.01 None as a direct result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 Should be positive in terms of parking controls and general street improvement.

8.00 EQUALITIES IMPACT

8.01 Positive in creating increased access opportunities for those with disabilities.

9.00 PERSONNEL IMPLICATIONS

9.01 The figures shown in the Summary Business Case in Appendix 'E' assume there are 9 employees compared to the current team of 6.5. The roles of affected employees will need to be reviewed to take account of these proposals.

10.00 CONSULTATION REQUIRED

10.01 Key stakeholders and Members is an ongoing activity.

11.00 CONSULTATION UNDERTAKEN

11.01 Initial report into Executive March 2010.

11.02 Update report to Environment Scrutiny Committee, 17 November 2010.

11.03 Meetings with staff and other key stakeholders, such as Town & Community Councils.

12.00 APPENDICES

12.01 Appendix 'A' - Contravention Codes

12.02 Appendix 'B' - Draft Policy for Resident Parking Schemes

12.03 Appendix 'C' - Disabled Parking Bays

12.04 Appendix 'D' - Off-Street Parking Policy

12.05 Appendix 'E' - Summary Business Case

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

Contact Officer: Neal Cockerton
Telephone: 01352 703169
Email: neal.cockerton@flintshire.gov.uk