

**TELFORD & WREKIN COUNCIL****CABINET - 3 JANUARY 2019****APPLYING FOR CIVIL PARKING ENFORCEMENT POWERS****REPORT OF THE ASSISTANT DIRECTOR – CUSTOMER & NEIGHBOURHOOD SERVICES****LEAD CABINET MEMBER: CLLR RICHARD OVERTON, DEPUTY LEADER AND CABINET MEMBER FOR HOUSING AND ENFORCEMENT****PART A) – SUMMARY REPORT**

- 1.1 Following approval by Cabinet on 31 May 2018 to develop a business case to apply for CPE powers a four week consultation was undertaken to understand the issues in relation to illegal parking across the Borough. The summary of results (**See Appendix A**) confirm that there are illegal parking hot spots across our borough particularly outside of schools, misuse of disabled parking bays along with a problem with on street parking. The results of the survey will feature in our application to the Department for Transport (Dft) to take over the powers from West Mercia Police. In doing so illegal parking will move from a criminal to a civil offence.
- 1.2 Subject to Cabinet approval our application will be submitted in January however Dft have confirmed that due to their current workload they are unlikely to consider transfer of powers until Autumn 2019. In the interim the Police will continue to oversee illegal parking in our borough.
- 1.3 The recommendation to take on these powers has been assisted by the £200,000 transitional funding, over the first 4 years of the scheme, provided by the Police and Crime Commissioner. Following positive discussions with a number of town and parish councils, who have already engaged in partnership deals to tackle parking enforcement through funding Police Community Support Officers (PCSO's), that their funding will also be diverted to continue to support the new Neighbourhood enforcement model as described below.
- 1.4 Having considered a number of operating models it is recommended that we adopt an in house model employing a team of 5 Neighbourhood Enforcement Officers. These officers would hold a number of powers not only to enforce on illegal parking offences but also on other crimes such as abandoned vehicles, fly tipping, littering and dog fouling. An in house team will allow the council to reflect the values and culture of the council. We will adopt an education first approach with enforcement being the last resort. We will not be a council that is chasing an income target as can be seen in other parts of the country. With the additional funding secured

through other partners our Neighbourhood Enforcement Officers would not be given any targets to meet.

- 1.5 The Council's cross party Finance and Enterprise and Community Scrutiny Committees have been assisting in the consideration of the business case for applying for CPE powers for the last 12 months. At their meeting on 28<sup>th</sup> November, 2018 they gave their support for the council to apply for these powers at the earliest opportunity.

## **2 RECOMMENDATIONS**

- 2.1 Cabinet note the findings of the consultation on parking in **Appendix A**
- 2.2 Cabinet approve the submission of the council's application to adopt Civil Parking Enforcement powers to the Department for Transport at the earliest opportunity.
- 2.3 Cabinet to endorse the in house model of 5 Neighbourhood Enforcement Officers providing borough wide coverage for parking enforcement and other aspects of ASB.
- 2.4 Delegated authority be given to the Assistant Director: Customer & Neighbourhood Services in consultation with the Deputy Leader & Cabinet Member for Communities, Housing and Enforcement to approve the Council's Parking Strategy currently being finalised.
- 2.5 Delegated authority be given to the Assistant Director: Customer & Neighbourhood Services in consultation with the Deputy Leader & Cabinet Member for Communities, Housing and Enforcement to implement CPE subject to receiving approval from the Department for Transport.

## **SUMMARY IMPACT ASSESSMENT**

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes/No	These powers will assist in addressing illegal parking problems in many of our borough towns and high streets as well as addressing issues outside of schools thereby helping to improve safety within our communities.
	Will the proposals impact on specific groups of people?	
	Yes/No	Borough wide impact.

<b>TARGET COMPLETION/ DELIVERY DATE</b>	Business Case Submission – January 2019 Implementation – Autumn 2019 onwards (subject to Parliamentary time)	
<b>FINANCIAL/ VALUE FOR MONEY IMPACT</b>	Yes/No	<p>The business case on CPE for the DfT demonstrates that no financial burden is placed upon the Council in taking on CPE powers. Should a surplus be generated from CPE it must be reinvested back into the highways and transport infrastructure.</p> <p>Funding from the Police Crime Commissioner of £200k in total will be received in the first 4 years to help support the implementation in the early years and running costs.</p> <p>At present 5 Town and Parish Councils contribute £120k in total per annum to the PCC towards work undertaken by the PCSO's. The work undertaken by Council officers under CPE will include enforcement activity currently carried out by the PCSO's. The Council will work closely with Town and Parish Councils to secure equivalent funding for the council run in house team deploying CPE.</p> <p>The CPE financial model includes costs of existing staff within the Councils own Enforcement Team and funding from the Police and Crime Commissioner and Town and Parish Councils. The net costs of the CPE model after accounting for external funding is estimated to break even with any risks of deficits being funded from existing budgets available for staffing and supplies and services in the Councils own Enforcement Team.</p> <p>MLB 22.11.18</p>
<b>LEGAL ISSUES</b>	Yes	<p>Legal Services have been advising the CPE Operational Board on this matter in respect of consultation, the application, implementation and subsequent enforcement of the CPE provisions.</p> <p>The relevant legal requirements have been identified and will be addressed in the Council's Parking Strategy and related Enforcement Policy.</p> <p>PM 29.11.18</p>
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	Yes/No	<p><b>Risks</b></p> <p>Our residents may perceive this is a revenue-raising exercise however that is certainly not the case and our efforts will be on prevention and education rather than adopting a culture of finding where we chase an income target as has been seen in other areas across the country and largely where an external company is fulfilling the role. The council is proposing an in-house</p>

		<p>team where the culture and approach on the ground can be managed and developed appropriately.</p> <p>Further education exercises will be undertaken prior to implementing CPE to ensure the public understand how CPE works to address poor illegal parking. Any income raised over and above the operating costs of CPE must by law be reinvested into improving highways and transport in the Borough such as maintaining our free car parking or investing in sustainable transport and improving off street parking.</p> <p><b>Opportunities</b>          Capability to enforce waiting restrictions and respond positively to community and school concerns over illegal and unsafe parking across our borough which has not been prioritised by our colleagues in the Police as their priorities more recently have been on tackling serious and organised crime in our borough.</p>
<b>IMPACT ON SPECIFIC WARDS</b>	Yes/No	Borough wide impact

## **PART B) – ADDITIONAL INFORMATION**

### **3. INFORMATION**

- 3.1 The enforcement of parking restrictions in the borough has been identified as an area of concern for town and parish councils and residents, following the withdrawal of the police's traffic wardens in 2009. At present the only organisation with powers to enforce on-street parking offences are the police, primarily through local policing teams. West Mercia police have locally acknowledged that parking enforcement is unlikely to be a long term priority, and that in many instances it is not possible to allocate the level of policing resource that parking enforcement requires.
- 3.2 In order adopt CPE powers the Local Authority must submit a business case to the DfT which considers the strategic, policy and financial case in respect of CPE. The application must cover five key areas: -
- A parking strategy for on-street and off-street parking.
  - A review of parking management identifying enforcement arrangements relating to CPE.
  - A financial assessment detailing the costs of a scheme and expected income.
  - A full review of all traffic regulation orders (TROs) in the borough.
  - That the authority has consulted as required and taken account of consultees' views in finalising the application.
- 3.3 Having adopting CPE powers a local authority can issue Penalty Charge Notices (PCNs) to motorists who have contravened parking restrictions (for example parking on double yellow lines, school keep clear or on the footway). Income raised through enforcement must first be used to cover the cost of enforcement and adjudication of any disputed PCNs. Any surplus revenue has to be reinvested into highways and transport for example:
- Maintaining free car parking in our local centre's
  - Helping to improving residential car parking
  - Investing in sustainable transport including cycling, walking, electric vehicle charging and public transport.
- 3.4 The consideration of adopting CPE powers has been subject to a review by the Council's Finance and Enterprise and Community Scrutiny Committee at the request of the leader of the Council in 2017. This included engagement with Parish and Town Council's and West Mercia Police. Following the Leaders discussions with the West Mercia Police and Crime Commissioner (WMPCC) Mr Campion confirmed his support and aspiration for the council to take on the powers and in doing so agreed to provide £200,000 in transitional funding. As a result it was agreed to seek approval to submit the business case to the DfT which was approved by Cabinet in May 2018.

## **4 CONSULTATION**

- 4.1 A four week consultation was carried out between 17 September and 14 October 2018.
- 4.2 The national CPE guidance for Local Authorities states that the Council should undertake consultation including all stakeholders but specifically:
- Those with a disability that affects their mobility including eye sight and hearing
  - Shop owners including local High streets businesses
  - Town and Parish Councils particularly those funding PCSOs
  - Driving interest groups
  - Plus statutory organisations such as the Parking Tribunal
- 4.3 As a result of the above, with the exception of the last point that will be undertaken as part of the application phase, the consultation was developed with these key stakeholders in mind.
- 4.4 The purpose of the consultation was to improve the public's understanding of what CPE is, how it will operate, and to understand the public's key priorities and issues with regards to illegal parking.
- 4.5 Consultation was carried out via an online survey in which respondents were asked a series of questions relating to the following areas:
- Off street car parks
  - Disabled parking
  - School parking
  - Pavement parking
  - Permit parking schemes
  - Business waivers
  - Electric Vehicle Charging Points
- 4.6 In total 1,002 completed surveys were submitted. 957 of these responses were from people who identified themselves as borough residents (96%). The summary details are attached as an appendix to this report and will be used to finalise the Parking Strategy for Telford & Wrekin. Headlines from the consultation include 78% of respondents experiencing bad parking outside of most of our schools, 82% confirmed they found pavement parking to be a problem and there was evidence of misuse of disabled parking bays.

## **5 PROPOSED OPERATING MODEL**

- 5.1 Work has been ongoing to assess potential operating models for CPE. This work has included reviewing partial or fully outsourced methods as well as an in house team.

- 5.2 It is clear that it would not be practical or cost effective for the authority to set-up its own back office operation which involves the management of appeals and given the high operating costs these functions should be managed externally. This is already the current operating model we use for managing council run car parks and a model we propose to deploy having adopted CPE powers.
- 5.3 The option to outsource our neighbourhood enforcement officers (the physical issuing of notices) has also been considered. However, due to the risk of losing an element of control, particularly around the 'education' element of enforcement it is recommended that the Council retains these functions in house to ensure the culture is managed appropriately. Retaining these functions support the Councils approach in ensuring that CPE is not driven by profit making that requires strict targets to be met, but is one that seeks to appropriately address parking issues fairly and sensibly across the Borough.
- 5.4 As part of introducing the new model there will need to be a transition period between the current PSCO's employed by the police and the new Neighbourhood Enforcement Officers being recruited to. Therefore, it has been agreed with the Police that they will continue to provide parking enforcement until the council has secured the powers and has the staff in place ready to operate.
- 5.5 The new Neighbourhood Enforcement Officers will continue to work closely with the existing Integrated Community Management model (ICM) in operation with the support of a number of town and parish councils. The model currently helps in responding to local community issues in relation to litter, fly tipping, highway encroachment and anti-social behaviour and is attended by the local neighbourhood policing team as well as council enforcement offers.
- 5.6 Assuming a Neighbourhood Enforcement Officer model, the financial business case has been updated, taking into account current expenditure around council owned car park management.
- 5.7 The Police & Crime Commissioner has stated that the Police will fund up to £200,000 in the first 4 years of CPE operation.
- 5.8 This business case overleaf shows that the net cost of implementing CPE for the first four years of the scheme which is cost neutral to the council. The model includes for a very low number of parking fines to be issued supporting an education first culture, the £200,000 funding from the PCC and funding from those town and parish councils who entered into a partnership deal with the council to enhance parking enforcement in their area currently facilitated by a Police Community Safety Officer (PSCO). The council's revenue budget used for car parking enforcement on council owned car parks has also been included. This revenue budget reduces overtime to facilitate savings already approved in a previous budget strategy. See table overleaf.

	Year 1 2019 £000's	Year 2 2020 £000's	Year 3 2021 £000's	Year 4 2022 £000's
Net Cost of Scheme (Yr1 including set up costs)	£223	£190	£190	£190
Police & Parish funding	£108	£140	£140	£140
Existing Council Revenue Enforcement Budgets	£115	£50	£50	£50
Impact on Council budgets	£0	£0	£0	£0

A review of the business model will be undertaken at the end of Year 3 with results presented to both Cabinet and Scrutiny.

## **6 PREVIOUS MINUTES**

n/a

## **7 BACKGROUND PAPERS**

Appendix A – Consultation Summary Report