

Committee: **Community Services Scrutiny Committee**
Date of meeting: **15th November 2021**
Report Subject: **Civil Parking Enforcement – Service Update**
Portfolio Holder: **Cllr. Joanna Wilkins, Executive Member Environment**
Report Submitted by: **Head of Community Services, Clive Rogers**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
26/10/21	28/10/21	04.11.21			15/11/21			

1. Purpose of the Report

- 1.1 The purpose of this report is to provide the Scrutiny Committee with an update on Civil Parking Enforcement (CPE) since the last update of Autumn 2020. The time period of this report is 1st November 2020 to 30th September 2021.

2. Scope and Background

Civil Parking Enforcement (CPE)

- 2.1 Blaenau Gwent CBC has had the powers to enforce its own Traffic Regulation Orders (TROs) since 1st July 2019. Enforcement proper commenced on the 10th September 2019, whereby any Penalty Charge Notices (PCNs) issued carried a financial penalty.
- 2.2 Civil Parking Enforcement gives the Council the powers to tackle wider transport and environmental issues such as traffic congestion and road safety, and safeguards the interests of residents, blue badge holders, transport operators and local businesses. It also allows the Council to target enforcement in key areas such as town centres and other areas where parking contraventions create potential risks to pedestrians and other road users, such as parking on School Keep Clear markings and double yellow lines in the immediate vicinity of schools. This is in line with the Council's priorities including Healthy and Safe Communities and Managing our Highways Network and Infrastructure.

The introduction of CPE has allowed the Council to successfully monitor and target areas where complaints of illegal and dangerous parking are received. However, the Council is currently seeing an increase in demand for parking enforcement from residents, businesses and the Police, and our current resource provision cannot meet the demand.

- 2.3 Caerphilly CBC (CCBC) is continuing to provide enforcement resource via a Service Level Agreement. This provides Blaenau Gwent CBC with two part-time civil parking enforcement officers.

2.4 Rhondda Cynon Taff CBC (RCTCBC) provides a PCN processing service, under the name of the South Wales Parking Group. RCTCBC provides the ongoing processing service and is the first point of contact for anyone wishing to pay or challenge a PCN.

2.5 Agreed Business Case Model

The approved business case model and associated financial modelling considered the following items: -

- Size of population within the five main towns
- Number of enforceable traffic regulation orders within the five main towns
- The cost of deployment of Civil Enforcement Officers for a total of 52hrs per week @£17.50/hr (6 day a week operation)
- Issue of 1.28 Parking Charge Notices(PCN) per hour
- **3500 PCNs issued annually**
- Projections based on the band 2 level of PCN set at £70/£50 in the Traffic Management Act 2004
- **A 75% collection rate of PCNs.**
- £5.25 administrative charge per PCN
- 3% inflation over a 5-year term
- 0.2 FTE Internal Parking Management
- 0.2 FTE Internal Administration Staff

Capital set up costs

TRO review	£40k
TRO remedial work	£190k
New TRO	£5k
Misc.	£28k

Annual Operational costs

Enforcement resource

@52 hrs per week including CCBC management	£59k
Back Offices Licences (2 No.)	£3k
PCN administrative fee (approx 3500@£5)	£17.5k

Surplus (Deficit), after 5 years if capital set up costs included (£232k)

Average annual operational surplus/(deficit) over 5 years £32k

2.6 Since enforcement proper commenced on the 10th September 2019, the following information is to be noted by Committee:

- **A total of 3777 PCN's have been issued since CPE began in September 2019**
- **1029 PCN's have been issued between 1st Nov 2020 to 30th Sept 2021**

- **95% collection rate of PCN's (this figure relates to the percentage of PCN's paid)
This is an improvement on last year's collection rate (88 %)**

2.7 Between 1st November 2020 and 30th September 2021, 1029 PCNs were issued, which is lower than the business case model. This is due to Covid restrictions rather than an increase in compliance with our TROs. Details on factors impacting number of PCNs is provided in Section 2.9 of this report.

However, notwithstanding the effects of Covid, the CPE operation is performing in line with the agreed business case model.

The number of PCN's issued during this period has been sub-divided into geographical areas as detailed in table 1 below.

Table 1:

<u>Location</u>	<u>Number of PCN's Issued</u>
ABERTILLERY	218
BLAINA & NANTYGLO	5
BRYNMAWR & BEAUFORT	244
EBBW VALE*	406
TREDEGAR	145
Total	1029

* Note The Ebbw Vale total includes 212 PCNs issued at The Works

2.8 Financial Update

For the financial year 2020/21 a positive variance of £11,466.66 was recorded. This was due to a Welsh Government Covid Grant of £27,000, which was received to off-set payments lost during the redeployment of enforcement officers during the national lockdown between March 2020 and July 2020.

For financial year 2021/22 (April 2021 to Sept 2021) an adverse variance of -£8042.89 is recorded.

Budget monitoring will continue to be undertaken by officers going forward.

Table 2 below shows the income and expenditure so far for 2021/22, which has been based on monthly pay-over reports received from RCTCBC and invoices from CCBC.

Table 2:

Month	Number of PCNs Issued	PCN Payments In (£)	Payments Out (£) (RCTCBC & CCBC)	Balance
Apr-21	52	1390	3711.1	-2321.1
May-21	77	2175	3839.35	-1664.35
Jun-21	85	1971	3880.39	-1909.39
Jul-21	114	3448	4029.16	-581.16
Aug-21	110	3345	4008.64	-663.64
Sep-21	107	3090	3993.25	-903.25
Total	545	15419	23461.89	-8042.89

2.9 Factors Impacting PCNs

A combination of factors has affected the CPE provision during this time period. The contributing factors are as follows:

Lockdown restrictions: The national and regional lockdown restrictions of Autumn and Winter 2020 adversely impacted on the CPE service as fewer cars were observed in town centres and schools were closed for a number of months.

Staff sickness: Interim periods of sickness during the reporting period.

2.10 Type of Contraventions

There are over 35 different on-street and off-street parking contraventions in the Blaenau Gwent Enforcement Policy. The most common type of contravention within the reporting period is Code 30 Overstay, which is where a car exceeds the allowed time in a limited waiting bay. A total of 451 PCNs were issued against this code, almost 50 per cent of the total PCNs issued. Contravention Code 01, Waiting Prohibited (parking on single or double yellow lines), was the second most common contravention with 417 PCNs issued against this code. Table 3 below lists the number of PCN's issued against contravention code for the reporting time period.

Table 3:

Code	Type of Contravention	No. of PCNs issued
1	Waiting Prohibited	417
2	Loading Restricted	2
12	No Resident Permit	14
22	No Return	6
23	Prohibited Vehicle Class	0
24	Out of Marked Bay	0
25	Loading Area	17
26	Double Parked	1
27	Dropped Footway	45
30	Overstay	451
40	No/Invalid Blue Badge	73
45	Taxi Rank	0
47	Bus Stop Clearway	1
48	Outside School	0
99	Pedestrian Crossing	2

2.11 Update on the Traffic Regulation Order Review

Traffic Regulation Orders (TROs) are the legal orders that govern the regulations along streets and in car parks (on-street and off-street respectively). In Blaenau Gwent these have been consolidated into two single orders –on-street parking and off-street parking.

2.12 Following on from the implementation of these orders, the Council has received a significant number of requests from Members, Town Centre business forums and the general public to review existing parking restrictions at various locations throughout the county borough. Due to the significant level of requests received the Council has had to prioritise this work, with our town centres and strategic routes being considered first.

Work is ongoing to review the current TROs and make changes where it is deemed appropriate. This work is currently being progressed. Five schemes are programmed for completion by the end of this financial year, with procurement for each scheme imminent (2021/22). Table 4 provides a list of the five schemes below.

Table 4:

Schemes ready for Procurement and Delivery by 31st March 2022
Bethcar Street, Ebbw Vale
Tillery Street, Abertillery
Church Street, Abertillery
Rees Street, Ebbw Vale
Lime Avenue, Ebbw Vale

Tredegar Town Centre was part of the original TRO review, but this area is now being looked at by Regeneration with a study being commissioned to look at the pedestrianisation of Commercial Street.

The TRO review for Blaina has been put on hold due to budget constraints, but will be looked at in the next financial year (2022/23)

A full list of the TRO review areas is attached as Appendix 1.

2.13 CEO's Safety & Welfare

On occasion, CEOs have been the target of abuse, threats and intimidating behaviour whilst on patrol. All incidents of threats and physical abuse have been reported to the Police.

2.14 Update on Pavement Parking

The Welsh Government is proposing to give Local Authorities the power to fine people who are parked on pavements.

Pavement parking is where one or more wheels of a stationary motor vehicle are on the pavement (also known as the footway). Pavement parking obstructs pedestrians and is a serious and widespread problem across Wales. It puts people in danger when they are forced to walk in the carriageway where they may come into conflict with moving traffic. It is a particular problem for disabled people as well as anyone with a child or a pushchair

Although there is no specific offence of parking on pavements in Wales (as in most of England), causing unnecessary obstruction of any part of the highway is an existing criminal offence. The police have powers to enforce against vehicles obstructing the highway, which includes the pavement, under a number of statutes and regulations. However, these powers are little used, mainly due to a lack of resources, but also because of the burden of proof necessary to achieve a criminal conviction for obstruction. As a result, little enforcement against pavement parking currently takes place in Wales.

There will be places, for example narrow residential streets with no off-street parking, where some parking on pavements will need to be tolerated. Local authorities should indicate those locations where pavement parking is permitted through Traffic Regulation Orders.

Clear, workable and detailed guidance will need to be produced by Welsh Government, in partnership with local government and other stakeholders, to guide local authorities in the execution of their new powers. This should be achieved by amending the existing statutory and operational guidance on civil parking enforcement. Changes will be needed to the Highway Code to make it clear to drivers that they will be subject to penalties issued by local authorities if they park on pavements in Wales. Local authorities will need to extend their existing enforcement operations to discharge their new powers and some additional resources may be required, but this will depend largely on the extent to which enforcement is proactive, rather than by complaint, which will be a matter for local policies.

The aim is to commence civil enforcement of pavement parking in Wales by July 2022. However, the Council is still awaiting operational guidance from Welsh Government.

3. Options for recommendation

3.1 Option A

Members accept the latest annual progress update relating to Civil Parking Enforcement (CPE) since its introduction in 2019 and the current business case model.

3.2 Option B

Members accept the update on progress relating to Civil Parking Enforcement (CPE) since its introduction in 2019, but present alternative business case model.

4. Evidence of how does this topic support the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan

4.1 The report has been developed to provide an update on progress of the current civil parking enforcement service, which is a statutory responsibility of Blaenau Gwent CBC. Strong and Environmentally Smart Communities, and their economic development and regeneration are key priorities within the Corporate Plan. Good accessibility and connectivity are critical in allowing our residents to achieve these, and the management and efficiency of the core highway network is key for this.

From an environmentally smart perspective, residents may consider using active travel (walking and cycling for purposeful journeys) as an alternative to the car when collecting their child/grandchild from school or nursery, or when visiting the shops/pharmacy/Post Office, if they believe there is a risk of being issued a PCN if parked in contravention of a TRO. This will help increase the amount of exercise residents participate in, which should help improve their health and wellbeing. In addition, using active travel to replace car journeys will help to reduce the amount of carbon emissions and support the Council's Decarbonisation Plan 2020 – 2030.

5. Implications Against Each Option

Option A - Members accept the latest annual progress update relating to Civil Parking Enforcement (CPE) since its introduction in 2019 and the current business case model.

Option B - Members accept the update on progress relating to Civil Parking Enforcement (CPE) since its introduction in 2019, but present alternative business case model.

If it is proposed that the existing business model is changed, by way of additional CPE operational resources, this will potentially increase the revenue costs for delivering the service. For the service to remain financially positive this would require the serving of additional PCN's to cover these additional costs.

5.1 Impact on Budget (short and long term impact)

Funding

Option A: Members accept the latest annual progress update relating to Civil Parking Enforcement (CPE) since its introduction in 2019 and the current business case model.

In line with the agreed business model the CPE enforcement service will potentially remain cost neutral to the authority (small surplus).

Option B - Members accept the update on progress relating to Civil Parking Enforcement (CPE) since its introduction in 2019, but present alternative business case model.

If it is proposed that the existing business case model is changed, by way of providing additional CPE operational resources, this will increase the revenue costs for delivering the service. For the service to remain financially positive this would require the serving of additional PCN's to cover these additional costs.

5.2 Risk including Mitigating Actions

Option A: Members accept the latest annual progress update relating to Civil Parking Enforcement (CPE) since its introduction in 2019 and the current business case model.

Option B: Members accept the update on progress relating to Civil Parking Enforcement (CPE) since its introduction in 2019, but present alternative business case model.

Alternative member priorities and options would require changes to the current business case model and the current service level agreement with Caerphilly CBC. Whereby any increase in CPE enforcement hours would need to be off-set by increasing the number of PCN's issued in order to deliver a sustainable revenue budget going forward. Any resource changes would need to be agreed with Caerphilly CBC and the existing service level agreement will need to be amended accordingly.

5.3 Legal

There are no legal implications associated with this report.

5.4 Human Resources

There are no staffing implications associated with this report. Any changes to the current CPE staffing/ enforcement hours would however need to be suitably resourced.

6. Supporting Evidence

6.1 Performance Information and Data:

Performance is currently monitored in the following ways:

- Monthly Pay-Over Reports from RCT CBC
- Imperial 360 Database Access
- Quarterly Meetings Held with Caerphilly CBC

6.2 Expected Outcome for the Public

Improved and consistent levels of service delivery across civil parking enforcement.

6.3 Involvement (Consultation, Engagement, Participation)

Informal discussions are held with neighbouring authorities to ensure that BGCBC's delivery of civil parking enforcement is consistent with other local authorities. Where relevant, consultation, engagement and involvement with the public, members and interested parties will be carried out as part of any traffic order review consultation process.

6.4 Thinking for the long term (forward planning)

The ability for the Council to operate a Civil Parking Enforcement function is critical for the safe and efficient management of the Borough's highway network.

6.5 Preventative Focus

The CPE service provides appropriately trained and qualified staff to ensure key services are efficiently and effectively delivered in line with the Corporate Plan 2018 to 2022 and any other relevant statutory or legislative requirements.

6.6 Collaboration / partnership working

The service delivery of Civil Parking Enforcement is a collaboration between Blaenau Gwent CBC, Caerphilly CBC and Rhondda Cynon Taff CBC (who provide a PCN processing service under the name of the South Wales Parking Group).

CPE will wherever and whenever possible look to work with local communities and businesses to maximise economic and regeneration benefits associated with both revenue & capital services and projects.

6.7 Integration (across service areas)

CPE will wherever and whenever possible look to work with others service areas. For example, with the Education Department to provide parking enforcement at schools to supplement road safety initiatives.

6.8 EQIA (screening and indemnifying if full impact assessment is needed)

An EQIA is not relevant to the content of this report.

7. Monitoring Arrangements

7.1 The ongoing management of the Civil Parking Enforcement function is undertaken by the Community Services department.

8. Background Documents / Electronic Link

8.1 Appendix 1 – List of traffic order review requests