

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

26th OCTOBER 2017

CIVIL PARKING ENFORCEMENT: SERVICE ENHANCEMENT AND EXPANSION

REPORT OF THE SERVICE DIRECTOR, HIGHWAYS & STREETCARE IN DISCUSSIONS WITH THE LEADER OF THE COUNCIL

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1 PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to seek approval from Cabinet to pursue and implement an enhanced and expanded civil parking enforcement service following a recent review of existing back-office arrangements and front-line enforcement operations.

2 RECOMMENDATIONS

It is recommended that:

- (a) Following the recent delegated officer decision and notice of termination of the existing SLA with Merthyr Tydfil CBC regarding bringing the provision of the back-office Penalty Charge Notice (PCN) processing function of the Council's Civil Parking Enforcement (CPE) service in-house, a new SLA is developed with Rhondda Cynon Taff CBC committing to providing said PCN processing function on behalf of both Councils and moreover, with a view to potentially becoming a regional hub for the processing of PCNs on behalf of other Council's in the area. (This will require the employment of an initial 2 additional highways support staff).
- (b) The employment of an additional 2 Civil Enforcement Officers (CEO) to tackle the continual abuse of parking restrictions outside schools and in response to an increase in demand for out of hours, (e.g. evenings and weekends), parking enforcement at priority locations such as newly implemented residential parking zones.
- (c) A mobile camera enforcement vehicle, plus any associated software and hardware, be procured to help facilitate an enhancement to the Council's civil parking enforcement operations outside schools, adjacent to pedestrian crossing points and in bus stop clearways. Prior to purchase of a vehicle consideration will be given to more efficient use of existing fleet vehicles for dual purpose use. Prior to enhanced enforcement



commencing outside schools, schools will be contacted to highlight the roll-out of these enhanced enforcement measures. This will enable schools to notify parents/guardians of pupils attending the schools of the changes giving the opportunity for drivers to modify their parking habits.

3 REASONS FOR RECOMMENDATIONS

- 3.1 The Council is seeking to regain control of the CPE back-office PCN processing function from Merthyr Tydfil CBC. As the larger of the two parties, and the party which generates most PCN's, it would seem more prudent that Rhondda Cynon Taff CBC assume the responsibility of undertaking the PCN back-office processing function of the service for both Councils. This will require a new SLA, which reverses the current arrangements. (Following previous discussions with Officers from Merthyr Tydfil CBC, the operational decision was taken to serve notice in order to affect the termination of the existing SLA by 1st April 2018).
- 3.2 Since the commencement of the Council's CPE service in 2012, concerns regarding unlawful and dangerous parking outside schools have not abated and it has become clear that additional enforcement resources are required in order more effectively tackle this issue. In addition, several new and / or extended residential parking zones have been implemented across the County Borough, some with restrictions up until 8pm and applicable on weekends as well, which, in line with parking permit charges that were not in place when the service commenced in 2012, have further heightened residents' expectations of more regular enforcement.
- 3.3 While standard foot patrol enforcement resources are appropriate for the majority of parking infringements, it is of great concern that it has been suggested that enforcement consistently fails to meet expectations in the areas of schools, bus stops and other locations where short-term parking is prohibited, e.g. zigzag markings associated with pedestrian crossing facilities. Consequently, the purchase and operation of a bespoke mobile parking enforcement vehicle will extend the Council's capability to more effectively tackle such key enforcement priorities.

4 BACKGROUND

- 4.1 Following the demise of the former South Wales Police Traffic Warden service in December 2010, the CPE Service, a combined on and off-street parking enforcement service, was introduced by the Council in Rhondda Cynon Taf in August 2012.
- 4.2 There are over 1600 Traffic Regulation Orders, (marked and / or signed traffic restrictions), installed across the County Borough and in addition to such on-street restrictions, the Council also provides high quality and well maintained car parking facilities in all our town centres.

- 4.3 Both the above mentioned Traffic Regulation Orders and off street car parks require regular enforcement in order to ensure the effectiveness and continued success of the Service.
- 4.4 The back office PCN processing function, including the provision of back office systems for the processing of issued PCNs, all payment functions, production of correspondence letters and support during the challenge and representation processes has been undertaken by colleagues in Merthyr Tydfil CBC since the inception of the service in 2012 via an agreed SLA.
- 4.5 Ahead of the introduction of CPE, the Parking Services section underwent a re-structure to include an initial team of 10 CEOs to undertake enforcement duties via foot patrols.
- 4.6 Approximately a quarter of all complaints received by the Council about unlawful parking relate to issues outside schools. However, although the physical presence of CEOs helps to deter parking at such locations whilst they are in attendance, once the CEOs have left an area, indiscriminate parking re-occurs. This dilemma is one replicated across the country and many Local Authorities have procured mobile camera enforcement vehicles in order to tackle the issue.
- 4.7 Almost 50,000 PCNs have been issued to date, which has so far realised in excess of £1.8M in parking fine revenue being received by the Council. Additionally, a further c.£250k of parking fine revenue remains outstanding; (the CPE debt recovery process has thus far indicated that the Council can expect to recoup upwards of 40% of the outstanding debts).

5 CURRENT SITUATION

- 5.1 At present, approximately 9,000 PCNs are issued to unlawfully parked vehicles per year. Of these 9,000 PCNs, approximately 9% are cancelled upon appeal and 80% are paid.
- 5.2 Around 150 informal challenges are received by the back-office team each month, which requiring addressing within a timely manner in order to comply with legislative timescales.
- 5.3 The Gwent Councils are looking to implement civil parking enforcement across their region within the next 18 – 24months. Moreover, having had recent dialogue with representatives of a number of Gwent Councils, it is increasingly clear that they are not looking to undertake the back-office processing function internally.
- 5.4 Having begun the service in 2012 with 10 permanent FTE CEOs, the departmental People Plan currently shows provision of an additional



temporary 2 FTE CEO posts, however, at the present time only 11 out of the total of 12 posts are filled.

- 5.5 Aside from regular planned enforcement operations, in a typical month the department receives more than 100 additional requests for enforcement from members of the public, Elected Members, local businesses, etc. Parking problems can be reported via E-mail, (parkingservices@rctcbc.gov.uk), phone, (01443) 425001, or via the Council's website, (www.rctcbc.gov.uk).
- 5.6 Moreover, not only does there appear to be an increase in demand for greater enforcement in short-stay car parks following changes to the Council's car parks regime earlier in the year, but there is also an ever-greater demand for more evening and weekend enforcement, especially following recent reviews of residential parking restrictions, which have led to the implementation of several new residential parking zones.
- 5.7 Furthermore, whilst approximately 25% of enforcement requests relate to schools, less than 1% of PCNs issued per month are actually issued for contraventions outside of schools. This is because a CEO presence in itself is deterrent enough to force would-be unlawful parkers to move their vehicles elsewhere. Thus, with very little actual enforcement repercussions for motorists due to the fact that vehicles often move-on before PCNs can be issued in such locations, existing school enforcement operations only have a limited short-term impact at best.
- 5.8 At present the Council does not have the equipment to allow these problem areas to be more effectively addressed. Whilst visits are made to schools and bus stops, this is having little or no effect on reducing the number of Traffic Regulation Order contraventions.

6 BACK-OFFICE PCN PROCESSING FUNCTION

- 6.1 The back-office PCN processing function is a vital part of the civil parking enforcement service with many items of correspondence associated with the parking penalty enforcement process, (including responses to formal representations, DVLA queries and Traffic Enforcement Centre debt registrations), having legislative timescales to be adhered to.
- 6.2 If a PCN case timescale is not met, then the case expires; the Council may not be able to recoup any outstanding debts associated with the PCN and the PCN payment rate, a key metric of the success of the service, drops in line with a reduction in income.
- 6.3 The Council raises approximately £350k per year via issued PCNs, of which a proportion comes from those PCNs paid following a rejection of a challenge or representation.

- 6.4 The Council's existing Parking Services section already possesses considerable administrative skills and subject knowledge in this area and, with some limited additional staffing resources and a new computer software system, it is envisaged that the team will be able to deliver this service on behalf of both Councils.
- 6.5 Moreover, by demonstrating the ability to successfully deliver this key service function, there could be also an opportunity for the Council to position itself for more business in the future with regards to on-going plans in the Gwent area for its Local Authorities to commence CPE operations. Preliminary, separate, scoping discussions with representatives of Caerphilly CBC, Torfaen CBC, Newport CBC and Monmouthshire CBC have indicated that these authorities would be looking to externalise the back-office function.

7 MOBILE CAMERA ENFORCEMENT VEHICLE

- 7.1 Local authorities have a duty to tackle dangerous parking and the Traffic Management Act (TMA) 2004 allows councils to enforce parking at problem areas, where motorists are putting the safety of others at risk and causing unnecessary congestion. Statutory Guidance associated with the TMA recommends that "approved devices", (such as mobile CCTV vehicles), are used only in problem areas where enforcement is difficult or sensitive and enforcement by CEOs is not practical. The Guidance limits the use of this approach to outside schools, on pedestrian crossings and in bus stops.
- 7.2 Whilst Civil Enforcement Officers, (CEOs), are regularly deployed to deal with complaints of vehicles parked on Keep Clear markings outside schools, on zig-zag lines approaching pedestrian crossings and in Clearways at bus stops, their physical presence prevents parking only whilst they are there. Once CEOs leave the area, indiscriminate parking re-occurs.
- 7.3 Furthermore, as CEOs often approach such areas on foot, motorists will often remove their vehicles before any action can be taken, and subsequently return when the CEOs are no longer in the area. Therefore, it is clear that foot patrols alone are not an effective deterrent to unlawful and dangerous parking at such sites.
- 7.4 The abuse of zig-zags associated with pedestrian crossing facilities has significant safety implications as it restricts the visibility of any pedestrian crossing. In town centres in particular, drivers will quickly evaluate an area and take a chance if they do not observe a CEO on foot patrol as it may offer the most convenient location for the shop they are visiting. Unfortunately the driver is generally oblivious to the safety issues that they are causing.
- 7.5 Yet, due to the relative short-term nature of the parking stay, again, it is difficult to provide an effective deterrent to this type of parking transgression with foot patrols alone, (and this similarly applies to bus stop clearways as well).

- 7.6 The Council has invested heavily in improving bus stop facilities with over 30% of our bus stops now having raised bus boarders to allow those with mobility issues to access public transport with a step free access. Obstructive parking in the vicinity of the stop prevents buses aligning their doors with the raised kerbs or it means they have to stop in the road remote from the actual stop. This means users have to walk out into the road to access or alight the bus, which is potentially hazardous and may be a barrier to use.
- 7.7 A mobile camera enforcement vehicle, fully equipped with Automated Number Plate Recognition (ANPR) technology, offers the advantage of being able to both quickly capture images whilst moving past an area before vehicles can be removed and it can also be parked in unattended mode, which will capture images whilst also acting as a visual deterrent. (The vehicle would not be covert in any way and would be clearly liveried as a mobile enforcement unit).
- 7.8 Mobile CCTV would capture images of those vehicles parking unlawfully, allowing PCNs to be sent to offending drivers in the post. However, mobile enforcement would not remove the need to have traditional on-foot enforcement patrols.
- 7.9 Notwithstanding any of the above, it has not proven feasible to enforce each school effectively with foot patrols alone because a foot patrol is only be able to deal with a single school at a time. Whereas, it is envisaged that this method of enforcement will help to ensure that CEOs can enforce a greater geographical area, utilising staggered school arrival and departure times to help ensure that motorists who contravene parking restrictions understand that there is a likelihood of them receiving a Penalty Charge Notice, (PCN), even if there is no CEO foot patrol in the area.
- 7.10 Other than hopefully reducing in the numbers of unlawfully parked vehicles outside schools, in bus stops or on pedestrian crossing, (thus leading to safer environments outside schools and pedestrian crossing points), the impact of a mobile enforcement vehicle may realise a significant increase in the number of PCNs issued annually, (plus a corresponding increase in back office parking penalty processing work).
- 7.11 Moreover, the deterrent value of mobile enforcement should ensure that the enforceable areas are not only safer but perceived by the public to be safer which may mean that there is a greater propensity to travel in more sustainable ways such as walking, cycling and by public transport which will ultimately lead to a modal shift and potentially healthier lifestyles.
- 7.12 The Welsh Government legislates for the enforcement of parking contraventions by “approved devices” under The Civil Enforcement of Parking Restrictions (Approved Devices) (Wales) Order 2013. Consequently, the Council would be required to obtain official certification of its preferred “approved device” from the Welsh Government prior to the commencement of any such enforcement operations.



8 EQUALITY AND DIVERSITY IMPLICATIONS

- 8.1 An Equality Impact Assessment screening form has been prepared for the purpose of this report. It has been found that a full report is not required. There are no negative or adverse equality or diversity implications associated with this report.
- 8.2 Moreover, from a camera enforcement perspective, as such a service enhancement would be primarily concentrated on enforcement outside schools, the equality impact assessment has identified an improvement for people with disabilities, and vulnerable road users such as children.
- 8.3 In having a more effective enforcement regime outside schools, the number of unlawfully parked vehicles at such locations will likely reduce over time and as such school environments and pedestrian crossing facilities will be made safer and easier to use, not to mention that it could also promote healthier lifestyles amongst parents by encouraging more walking.

9 CONSULTATION

- 9.1 Whilst there are no specific statutory consultation requirements associated with this report, there are some key stakeholders that require informing of the services changes outlined above.
- 9.2 Preliminary discussions have already been held with colleagues in Merthyr Tydfil CBC with respect to developing a new SLA and the potential for the transfer of staff, that Transfer of Undertakings (Protection of Employment) (TUPE) Regulations may apply to.
- 9.3 Formal approval needs to be sought from the Welsh Government prior to using a mobile enforcement camera vehicle.
- 9.4 A public consultation exercise involving local schools should be undertaken in the run-up to the implementation of the camera enforcement service. Due to the potential for negative publicity in a relation to a public perception that camera enforcement may be seen as a big-brother style money making scheme rather than a road safety initiative, all schools will be asked to write to parents to make them aware of the forthcoming changes and urge parents to change their parking habits for the safety of pupils.

10 FINANCIAL IMPLICATION(S)

- 10.1 The cost to the Council of the existing SLA with Merthyr Tydfil CBC is approximately £42k pa. By terminating the SLA in its current format and reversing the responsibilities contained therein so that it is RCT whom process



PCNs on behalf of Merthyr Tydfil, the Council can expect to receive an initial annual income from Merthyr of approximately £24k.

- 10.2 The £42k annual saving plus the additional £24k annual income, (total £66k), will be re-invested into the service to fund the employment of two additional highways support staff within the Parking Services team, (whom will be required in order for the Council to undertake its additional responsibilities), as well as an upgrade to the existing parking enforcement software system and hardware used by CEOs. This will improve the efficiency of the service, both in the back-office and on the front-line.
- 10.3 The cost of employing an additional 2 highways support staff would be approximately £54k pa; it is anticipated that the costs of upgrading software would be in the region of £18k pa if the system is hosted externally *and* new enforcement hardware is utilised. (It is envisaged that these costs would be reduced if the system is hosted internally).
- 10.4 The cost of employing an additional 2 CEOs would be approximately £54k pa and an additional pool vehicle *may* also be required to be purchased to help maintain the mobile reactionary aspect of the enforcement service. An additional pool vehicle for use by the CEOs would cost around £15k.
- 10.5 It is estimated that set-up costs for a mobile camera enforcement vehicle will be circa £70k for the purchase of the vehicle and enforcement system supply plus installation. The ongoing annual vehicle and technical system maintenance costs are anticipated to be £10k per annum.
- 10.6 It is anticipated that the ongoing costs will be financed through income generated from the additional PCNs issued as a result of the introduction of the mobile enforcement vehicle.

11 LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 11.1 Local authorities have a duty to tackle dangerous parking and the Traffic Management Act (TMA) 2004 allows councils to enforce civil parking contraventions accordingly.
- 11.2 In Wales, such contraventions are enforced under the auspices of The Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013, with the Welsh Government further legislating for the enforcement of parking contraventions by “approved devices” under the terms of The Civil Enforcement of Parking Restrictions (Approved Devices) (Wales) Order 2013.

12 LINKS TO THE COUNCILS CORPORATE PLAN / OTHER CORPORATE PRIORITIES

- 12.1 As set out in the Community Strategy, *“Transport is vital to the economic, health, environmental and social progress of the County Borough and it is a concern to many residents, with traffic flow, road maintenance, and public transport, being areas where we need to make progress.”* The core aims of the CPE service are to improve traffic flow and road safety, improve public transport reliability and reduce parking problems in town centres, residential areas and outside schools. The creation of safe walking environments outside schools is also likely to lead to healthier lifestyles.

13 CONCLUSION

- 13.1 The CPE Service ensures that Traffic Regulation Orders are better enforced, which maintains the highways in a condition that are freer of vehicles which would otherwise be restricting the traffic flow and thus the highways would be better able to undertake their primary purpose of the unrestricted passage of vehicles in a safe manner.
- 13.2 However, the lack of resilience in the back-office processing function that Merthyr Tydfil CBC currently undertake for the Council is of great concern. As a frontline service, when support systems fail, the effects are usually quick to materialise and financially, painful to bear.
- 13.3 Moreover, with the Gwent Council’s looking to undertake their own civil parking enforcement operations in the near future, but without wishing to undertake PCN processing duties internally, there is a real opportunity for the Council to establish itself as a regional parking ticket processing hub.
- 13.4 Parking is a unique work sector, with CEOs required to have specific training in a number of fields such as conflict resolution, traffic management, road safety and parking enforcement. By employing additional CEOs initially, the Council will be able to maximise the potential of its CPE Service with talented Officers capable of working in a hostile environment delivering a high quality public service.
- 13.5 From a financial perspective, whilst the Service duly recognises that a balance has to be struck between the competing demands of ongoing efficiency programmes and the maintenance of a high quality and important public service, it is nevertheless possible to infer that the ongoing annual costs of employing a team of CEOs can be recouped through consistent levels of revenue generated from parking enforcement operations. Moreover, additional enforcement resources would enable the Council to enhance its role in tackling parking problems that blight our local communities; the safety of school children being of paramount importance.



- 13.6 The purchase and operation of a bespoke mobile parking enforcement vehicle fully equipped with Automated Number Plate Recognition technology will extend the Council's capability to tackle key enforcement priorities such as dangerous and unlawful parking:
- outside schools;
 - pedestrian crossings;
 - bus stops.
- 13.7 Furthermore, effectively controlled parking should also aid punctuality of local bus services and convenience for service users, especially passengers with mobility issues.
- 13.8 All residents benefit from the services provided via the safe use of the highway and it may also be seen that the introduction and subsequent development of the Service has helped to support and improve the management of the highway network in Rhondda Cynon Taf, which is entirely supportive of the aspirations of the Community Strategy.

Other Information:-

Relevant Scrutiny Committee –

Public Service Delivery, Communities & prosperity Scrutiny Committee