

AT A MEETING  
of the  
**NEIGHBOURHOOD SCRUTINY AND  
PERFORMANCE PANEL  
DECIMALISED PARKING ENFORCEMENT (DPE)  
WORKING GROUP**  
held at The Council House, Walsall on  
**Thursday 13 July 2006** at 6.00pm.

**PRESENT**

Councillor Towe  
Councillor Ault  
Councillor Bott  
Councillor K. Phillips

**OFFICERS PRESENT**

Glyn Oliver – Service Manager, Traffic &  
Transportation Services  
Paul Leighton – Group Leader, Traffic  
Management/UTC/Car Parks  
Helen Dudson – Scrutiny Support

**APOLOGIES**

There were no apologies submitted.

**LEAD MEMBER**

**AGREED**

That Councillor Towe be appointed Lead Member of the working group.

**RECEIPT OF DECLARATIONS OF INTEREST AND PARTY WHIP**

There were no declarations of interest or party whip for this meeting.

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

Members noted that there were no items for consideration in private at this meeting.

## SCOPE THE WORK OF THE GROUP

Members agreed to receive the presentation on decriminalised parking enforcement (DPE) prepared by officers to aid the discussion and to agree a way forward. The presentation (annexed) was delivered by Paul Leighton.

Members asked questions during the presentation and the following points were clarified during the discussion: -

1. There was clarification that proposals included all car parks, even those that you do not pay to park on.
2. The main drive is not to generate revenue but to support local and national transport policies.
3. Police will still be able to prosecute certain offences that are classed as criminal (e.g. parking on zigzag lines).
4. Enforcement is low priority for police.
5. Revenue from enforcement is restricted in how spent by government policy.
6. Difficult to enforce parking on pavements (depends on local arrangements). Nationally this is likely to change following the recent publication of the Transport Select Committee report on Decriminalised Parking Enforcement. The report recommends a national pavement parking ban is introduced without delay. An officer task group is looking at obstruction caused by parking on pavements; e.g. parking outside Bescot Stadium Sunday market.
7. Need to inform government in 6-7 months what our plans are.
8. Congestion charges are not being looked at in Walsall but being considered regionally.
9. Policy decision to enter into decriminalised parking enforcement but no timescale.

**ACTION:** Summary of recommendations from Transport Select Committee report June 2006 to be circulated to all members.

10. Police can withdraw their enforcement role and are not measured on enforcement (e.g. only two traffic wardens for Walsall). This could happen in the near future, hastened by the development and implementation of DPE undertaken by neighbouring Authorities.
11. DPE would mean our own officers will have the power to enforce and we would control and guide their work.
12. Currently we can only enforce car parking offences but this remit may be widened by government and could include, for example, dog fouling.
13. Red Route package 2 funding bids need to be submitted to the Department for Transport by November/December 2006. Failure to demonstrate the progression of DPE could result in a claw back £3m already funded from package 1.
14. Funding for red route has been received and used as planned but progressing DPE is key and will affect any future funding for red routes.
15. Wolverhampton will be progressing in February 2007.
16. Sandwell is nationally recognised as a leading authority on this.

As part of the scoping of the work of the group Members considered the recommendations contained in the Cabinet report from 14 June 2006 and received more detail regarding each recommendations.

Recommendation 1 – “The merits of introducing DPE with the management of service, notice processing and appeals service undertaken in house and the enforcement service contracted out.”

In discussion about this recommendation the following points were verified:

Officers confirmed proposal mirrors arrangement in Sandwell. The consultants used to conduct the research did so at regional level as well as borough level.

It was also confirmed that tendering may or may not be necessary depending on other proposals.

Members were keen that enforcement should be used to ensure traffic is kept moving and were concerned if targets for issuing tickets were set as this may affect the focus of the enforcement officer. It was agreed this was not relevant yet as needed to move to DPE first.

When asked, officers confirmed that new guidance on DPE defines persistent offenders.

Members asked if fines deteriate will the revenue from residents subsidise the in-house staff. Officers confirmed that this point had been posed at many authorities and evidence does not support that a decrease in revenue from enforcement will occur. In Sandwell revenue has increased. Risk to revenue from residents is minimal.

During discussions it was confirmed that there had been a verge parking initiative by the strategic partnership with police which had been particularly successful and raised awareness and expectations.

Members asked if CCTV could be used to identify problem areas where officers could then be sent to. Officers confirmed this would depend on the operating agreement already in existences and that there would potentially be some issues in relation to data protection but that in theory it should be possible. They also informed members that legislation is changing to allow CCTV as a means of enforcement.

Members queried if a vehicle will be forced to move if a parking ticket has been issued to which officers stated that in certain circumstances we will be able to call on the police to do so but this is why it is important to review current traffic regulation orders (TROs) for ongoing relevance and appropriateness.

Recommendation 2 – “The opportunity to investigate the extent that consistency of implementation and economies of scale can be realised through the shared utilisation of the Sandwell enforcement contract, in collaboration with other Black Country authorities.”

Officers informed members that the Sandwell contract has already been costed and proved to be very competitive. It will potentially will run for ten years depending on performance which will give a stability in service. There would also be the advantage of adopting common protocols re: enforcement activities as defined with our neighbours (in this case Sandwell, Wolverhampton and Dudley).

Recommendation 3 – “The extent to which DPE wardens can be used as multi-functional enforcement wardens.”

Officers explained to members that as a CPA 3\* authority the use of revenue from enforcement is restricted to enforcement, traffic issues and local environment improvements. 4\* (excellent) authorities do not have these restrictions but the use of enforcement revenue is still monitored by government.

Recommendation 4 – “The merits of introducing limited on street charging for Walsall town and district centres, taking account of the implications of its introduction both in financial and traffic management terms.”

Members asked how proposals would impact on disabled drivers, particularly with regards to charging for parking and those that park on double yellow lines and potentially cause an obstruction. Officers confirmed there were no plans to charge disabled drivers for parking and that the TRO review was vital to checking to see if use of yellow lines needs to be changed in some areas to allow or prevent inappropriate parking.

Officers informed members that charging for street parking was seen as an effective way of restricting where parking on streets occurred and therefore supporting the flow of traffic, supporting the local economy as it ensured vehicles would only be parked for the period paid for and hence spaces would be more available to passing trade. Officers confirmed that the charges being considered were minimal and would be consistent across the region. They also suggested that this potential additional source of revenue could be utilised to support the number of enforcement officers employed in the borough.

Members again expressed the view that the drive to move to DPE is primarily concerned with traffic flow and the management of traffic around the borough and all initiatives within the scheme should be with that aim first and full most.

Officers also informed members that Walsall cannot become an excellent authority if we are deemed to be failing in our statutory duty of network management imposed by the Traffic Management Act 2004. The Act gives the Secretary of State the power to impose a traffic director on any authority failing to deliver its network management duty and specifically states the Authority will then be classified as a failing authority. Local Authorities are expected to implement DPE as part of their network management arrangements.

Members asked about the process for appeal following the issue of a parking ticket and officers confirmed that guidelines for appeal will come to members and that the process for appeal means that legal representation is not allowed until at national

appeal level (standard approach). There are a locally agreed set of conditions for appeal. National appeal is to court appointed barrister and their say is final.

When asked officers confirmed that DPE arrangements could not be implemented until early April 2008 because of the process involved.

Members felt that they had received enough information about the proposal to progress the DPE to be able to make recommendations to the full panel. All members of the work group agreed that two points in particular should be noted in the report to the full panel. Firstly that the drive to move to DPE is primarily in the interest of keeping traffic flowing and that the time taken following the cabinet decision in principal to procedure with DPE in December 2004 to the involvement of scrutiny was both disappointing and frustrating as put officers and members under pressure to progress quickly. Members acknowledged that there had been various drafts of the report finally submitted to cabinet on 14 June 2006 since December 2004 but felt the amount of time taken was concerning and meant progress of DPE in Walsall was far behind that of neighbouring authorities.

### AGREED

To recommend to the Neighbourhoods Scrutiny and Performance Panel the following recommendations to Cabinet:

1. The implementation of DPE proceeds and is monitored by scrutiny on a regular basis.
2. The application to the Secretary of State for DPE powers is received by scrutiny prior to seeking cabinet approval.
3. The implementation of DPE proceeds in the following way:
  - i. DPE is implemented with the management of service, notice process and appeals service undertaken in house with the enforcement service contracted out.
  - ii. Further work is undertaken to ensure as far as possible that consistency of implementation and economies of scale can be realised through the shared utilisation of the Sandwell enforcement contract, where possible.
  - iii. The multifunctional enforcement / ambassadorial role is encompassed and developed within the DPE enforcement remit as legislation permits.
  - iv. The introduction of limited on street charging is initially implemented within Walsall Town Centre, with charges comparable to neighbouring authorities operating on street charging. This will be to ensure the Network Management Duty requirements imposed by the Traffic Management Act 2004 are achieved. Further evaluation of the need to widen on street charges to the District Centres to be undertaken and the findings reported to scrutiny and Cabinet after year one of DPE operation.