

Cabinet – 6 September

DECRIMINALISED PARKING ENFORCEMENT (DPE) – RECOMMENDATIONS OF THE NEIGHBOURHOOD SCRUTINY AND PERFORMANCE PANEL.

Summary of report:

At a meeting on June 14 2006, cabinet received a report that detailed; the actions undertaken by officers to understand how best DPE could be implemented, what practice exists within the country as a whole; and the findings of consultants on the viability of adopting DPE.

Following this report, members of the neighbourhood scrutiny and performance panel have considered proposals for the implementation of DPE. The panel 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.

Recommendations:

That;

- The implementation of DPE proceeds and is monitored by scrutiny on a regular basis.
- The application to the secretary of state for DPE powers is received by scrutiny prior to seeking cabinet approval.
- The implementation of DPE proceeds in the following way:
 - DPE is implemented with the management of service, notice process and appeals service undertaken in house with the enforcement service contracted out.
 - 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.
 - The multifunctional enforcement / ambassadorial role is encompassed and developed within the DPE enforcement remit as legislation permits.
 - 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.

Reasons for Scrutiny

Cabinet referred the issue of DPE to the neighbourhoods scrutiny and performance panel for consideration with particular reference to:

- The merits of introducing DPE with the management of service, notice processing and appeals service undertaken in house and the enforcement service contracted out.
- 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.
- The extent to which DPE wardens can be used as multi-functional enforcement wardens.
- 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.

Resource and legal considerations:

DPE allows the transfer of parking enforcement from the police to local authorities as permitted under the Road Traffic Act 1991. However, the decision to implement DPE would have financial resource implications for the Council.

As part of the West Midlands LTP programme, the funding for development and implementation of red route package 1 schemes was conditional upon local authorities demonstrating a commitment to adopt DPE. Walsall's package 1 funding was in the order of £5m with package 2 allocations likely to be in the region of £10m over the next 3 years. The failure to demonstrate significant development of DPE proposals will prevent Walsall from sourcing package 2 funding and risk a refund request from the department for transport of package 1 funding.

Citizen impact

The implementation of DPE will enable the authority to address directly incidents of inappropriate and illegal parking that creates additional road safety hazards at the same time as increasing congestion and pollution levels. The improved management of the existing network will have a considerable impact upon the well being and satisfaction of all citizens of the borough.

In addition, there is clearly a wider agenda of linkages to street-scene management in broad terms. The use of enforcement wardens as 'ambassadors' of the borough reporting such issues as litter, dog fouling, fly-tipping, graffiti, vandalism, abandoned vehicles, highway defects and even crime and disorder would clearly find support within. This approach has been endorsed by the findings of the recent local authority parking enforcement study and the recent environmental enforcement workshop organised by the council, and clearly supports current best practice recommendations.

Community safety

The implementation of multi functional enforcement wardens will not only provide conditions that should be safer for pedestrians and drivers alike, but will have a considerable impact upon the perception of the borough in terms of its appearance and how it deals with issues of community safety. In particular, the current problems associated with school-gate parking will benefit enormously from the ability to target enforcement staff into areas generating road safety concerns to the local community.

Environmental impact:

Illegal parking and concerns regarding litter, food, graffiti and other types of anti social behaviour have been, and remain, at the forefront of community concern. This initiative would have a significant impact upon the environment of the borough; both in terms of appearance and how it is perceived by the community.

Performance and risk management:

The traffic management act 2004 places a statutory duty of network management on all local authorities. The aim of the act is to improve the management of the existing highway network through the reduction of unnecessary congestion. It is expected all local authorities will implement DPE as a major tool to meet this aim. However, to ensure this is achieved the act allows the secretary of state the powers to force a local authority to apply for DPE powers should it fail to progress its own DPE plans.

The main financial risk to the scheme could be that parking compliance would improve to a point where the scheme would not be self-supporting or that wardens would be drawn away too much from their primary functions. However, the first of these concerns would appear unlikely to occur and even if it did the primary, statutory function of maintaining the capacity of the highway network would have been achieved, whilst the second would need to be balanced against the environmental improvements that are likely to occur. Such risk will be minimised through appropriate project management and the progressive increase in enforcement staff giving time to review and refine the role, with any growth in staff being flexible enough to allow for possible changes in income.

Equality Implications:

Improved parking enforcement will significantly improve the management of dedicated general on street waiting restrictions, blue badge parking provision, bus lanes and taxi ranks for the benefit of the whole community.

Consultation:

The department for transport circular 1/95 "Guidance on Decriminalised Parking Enforcement outside London" clearly requires local authorities to undertake detailed consultation with the police, neighbouring local authorities and the general public prior to implementing DPE.

Consultation with West Midlands police must ensure necessary support for the local authorities DPE plans as well as ensuring appropriate arrangements are in place for the transfer of traffic wardens under TUPE regulations. West Midlands police has indicated it will support the principle of DPE within Walsall and across the wider Black Country region, indicating they will cooperate with the handover of powers in an agreed manner as they have in Birmingham and Sandwell. Further detailed consultation will be necessary throughout the implementation process.

Consultation with neighbouring local authorities is well advanced both at the strategic and local level. All West Midlands authorities have given a commitment to implement DPE in support of a range of local transport plan initiatives, with individual implementation progress monitored through CEPOG. At the local level operational experience, policy and progress is extensively shared to ensure as much as possible the coordinated application of DPE across the West Midlands. In particular across the Black Country borough's discussions have taken place to examine the potential for a common approach to parking management and enforcement, learning from the wealth of experience gained through Sandwell's operation of DPE.

The council's parking strategy will be used as the basis of further consultation with the general public, ensuring how and why it intends to implement DPE is clearly understood, whilst giving the opportunity to influence its implementation and future operation.

Vision 2008:

A key priority in the council's vision for 2008 is to 'make it easier for people to get around' and by rigorously enforcing parking restrictions, including vehicles illegally parked on footways and verges and in the vicinity of schools, the roads and footways of the borough would be kept clear for the free passage of both vehicles and pedestrians.

Decriminalisation would also help to 'ensure a clean and green borough' by reducing air pollution from exhaust fumes and vehicle noise. It would also result in reducing the congestion caused by illegally parked vehicles and the general eyesore of indiscriminate parking.

The priority to 'strengthen the local economy' would be met by improved enforcement of existing waiting restrictions in town and district centres. This would ensure a faster turnover of parked vehicles and allow increased numbers of visitors and shoppers supporting the regeneration aspirations of the borough.

The council's traffic management team receives numerous complaints from householders and businesses about illegal parking outside their premises, but at present is powerless to take any action and simply refers complaints to the Police. If DPE is adopted this would enable the authority to be in a position to 'listen to what people want' and react to their wishes.

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Background papers

- (1) West Midlands Local Authorities Decriminalised Parking Enforcement Study – Report by RTA Associates Ltd.
- (2) Walsall Council Decriminalised Parking Enforcement Study – Report by RTA Associates Ltd.
- (3) Local Authority parking Enforcement -Defining Quality – Raising Standards – University of Birmingham
- (4) Decriminalised Parking Enforcement report to Cabinet – 14 June 2006

Signed:

Councillor C.Towe

Chair of Neighbourhood Scrutiny and Performance Panel

Date: 17 August 2006