



## **ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE**

**Thursday, 22 October 2020**

<b>REPORT TITLE:</b>	<b>PARKING POLICY REPORT ON PARKING ENFORCEMENT</b>
<b>REPORT OF:</b>	<b>NICOLA BUTTERWORTH, DIRECTOR OF NEIGHBOURHOOD SERVICES</b>

### **REPORT SUMMARY**

At the meeting of Council on 14 October 2019 a motion was proposed prioritising safety around schools to help encourage children to walk or cycle to school [Minute 80 refers]. Council considered that enhanced priority to safety around schools should be included within the existing Parking and Enforcement Policy and requested that the Cabinet Member for Community Services reviews the Policy and adopts the suggested amendments to prioritise illegal parking enforcement around schools.

This report reviews and updates the Council's Parking Enforcement Policy that was last reported to Cabinet on 15 March 2012 [Minute 344 refers]. Parking enforcement within Wirral is undertaken through the provisions of Part 6 of the Traffic Management Act 2004 (TMA 2004), enacted in March 2008 and which requires local highway authorities to produce and publish its policies and strategies on parking and enforcement.

The decision supports Objective 2 of the Wirral local plan 2020 – 2035 to 'Promote safe, efficient and sustainable travel, improve accessibility, connectivity, and ease of movement, which reduces the need to travel by private car and encourages healthy lifestyles. Direct new development to locations which will provide easiest access to existing centres, high-frequency public transport corridors, pedestrian, and cycle routes'

This matter affects all Wards within the Borough.

This decision is a key decision.

### **RECOMMENDATIONS**

The Environment, Climate Emergency and Transport Committee is recommended to

1. approve the revised parking enforcement policy included at Appendix A to this report.

## **SUPPORTING INFORMATION**

### **1.0 REASONS FOR RECOMMENDATIONS**

- 1.1 The recommendations support the notice of motion as approved at the meeting of Council on 14 October 2019. The Council is also required to produce and publish its policies and strategies on parking and enforcement to comply with the statutory guidance relating to Part 6 of the TMA 2004, and to carry out regular reviews of those policies and strategies.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 Options were explored to best meet the notice of motion that enhanced priority to safety around schools should be included within the policy. Not changing the existing policy or changing it in another way were considered, however, the options presented in the proposed policy are considered to be the most appropriate in supporting the notice of motion.

### **3.0 BACKGROUND INFORMATION**

- 3.1 At the meeting of Council on 14 October 2019 a motion was proposed prioritising safety around schools to help encourage children to walk or cycle to school [Minute 80 refers]. The three suggested amendments to prioritise illegal parking enforcement around schools have been adopted and sections 1.1, 1.3 and 1.4 in Appendix A of this report have been revised accordingly.
- 3.2 On the 21<sup>st</sup> October 2003 the Secretary of State for Transport, Local Government and the Regions, in exercise of powers conferred by Schedule 3 to the Road Traffic Act 1991 (RTA 1991), gave Wirral Council powers of decriminalised parking enforcement through the following Order:-
- The Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Wirral) Order 2003.*** The Order came into force on 17<sup>th</sup> November 2003.
- 3.3 As a consequence, on 17<sup>th</sup> November 2003, the responsibility for enforcing on-street parking restrictions transferred from Merseyside Police to Wirral Borough Council.
- 3.4 More recent legislation, which came into effect on 31<sup>st</sup> March 2008, has superseded the RTA 1991 and Civil Parking Enforcement (CPE), as it is now called, is now undertaken in accordance with Part 6 of the TMA 2004.
- 3.5 Wirral Council has adopted an Enforcement Concordat, which sets out general standards and principles that should be applied when undertaking any type of enforcement activity including parking. The principle of the concordat is that when enforcement or regulation is necessary it is undertaken in a firm but fair manner that is transparent, consistent, and proportionate. The concordat was originally adopted by the Council on 5<sup>th</sup> April 2001 [Minute 150 refers].
- 3.6 Part 6 of the TMA 2004 provides for a single framework in England for the civil enforcement of parking, bus lanes and some moving traffic offences. The aim of

CPE is to provide for a reasonable, transparent, and proportionate system of parking enforcement that is applied consistently across the country. The objective is to increase public confidence by providing a system that can be seen to be balanced and fair to the motorists whilst satisfying the Council's transport and parking duties and its policy aspirations.

- 3.7 The policy contained in Appendices A to E sets out a framework for parking enforcement within Wirral based upon the above legislation and principles. The document will be reviewed on a regular basis and updated when necessary; for example, to accommodate changes in legislation, corporate and departmental objectives, best practice, and local parking needs.
- 3.8 This policy is intended to ensure the Council delivers its parking enforcement service in a timely, fair and consistent manner in relation to all aspects from the issuing of penalty charge notices to dealing with any subsequent challenges or appeals.
- 3.9 The delivery of the parking enforcement service contributes towards the delivery of many of the broader aims and themes comprised within the Wirral Traffic Network Plan, Wirral Plan 2025 and Climate Change Strategy including; having a safe highway network through reducing dangerous and inconsiderate parking, reducing Wirral's carbon footprint by assisting in maintaining a free flow of traffic and reducing congestion, improving the quality of life of residents by reducing non-residential parking within residential areas, and ensuring compliance with on and off street parking controls to generate a turnover of parking space necessary for a prosperous local economy. Other benefits include maintaining access to facilities for persons with disabilities for example by ensuring that only valid blue badge holders park in designated spaces, ensuring that dropped crossing points are not obstructed and reducing the inconvenience and dangers posed by inconsiderate footway parking and parking across residential driveways.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 The report reviews and updates existing policies. There are no financial implications arising out of this report. Any income raised through parking fines is spent on running parking services. Any surplus from fines or surplus from parking charges has historically been used to contribute to the council's overall highways and infrastructure service's net overall budget, which is £7.4million in 2020/21. This service delivers statutory functions

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 The Council have powers to undertake Civil Parking Enforcement in accordance with Part 6 of the Traffic Management Act (TMA), 2004. It also has powers under sections 32 and 35 of the Road Traffic Regulation Act (RTRA), 1984 to charge parking fees. The Council is also required to produce and publish its policies and strategies on parking and enforcement to comply with the statutory guidance relating to Part 6 of the TMA 2004, and to carry out regular reviews of those policies and strategies.

#### **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

6.1 The existing and proposed policies will be implemented by existing staffing and suppliers as part of their normal duties. There are no resource implications.

## **7.0 RELEVANT RISKS**

7.1 Failure to review regularly and publish policies on parking enforcement would be contrary to the statutory guidance issued by the Secretary of State.

7.2 In order to ensure that the service continues to deliver Council aims and objectives a regular review of the policy is required. It is also a means of demonstrating accountability and transparency in how the service is delivered.

## **8.0 ENGAGEMENT/CONSULTATION**

8.1 Relevant Cabinet Members and senior Council officers were consulted on the application of the intention of the notice of motion into the policy. During the application of the policy, ongoing engagement will be carried out with the Blue Badge issuing Department and Wirral Information Resource for Equality and Diversity (WIRED) to ensure there are no implications as a result of the policy changes.

## **9.0 EQUALITY IMPLICATIONS**

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a policy, decision or activity.

9.2 This parking policy on parking enforcement has been subject to an Equality Impact Assessment. A copy can be found at: -

<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 The link between poor air quality, the climate emergency and emissions from vehicles is well documented and evidenced. Effective control and management of car parking can have a positive impact in reducing the effects of transport on the environment. Encouraging modal shift away from the private motor car towards cleaner, more sustainable modes of transport will have a positive environmental/climate change impact.

The content and/or recommendations contained within this report are expected to:

- Reduce emissions of greenhouse gases.

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## **APPENDICES**

APPENDIX A – Parking Enforcement Policy

APPENDIX B - Contravention Codes, Observation Periods and Penalty Charge Amounts

APPENDIX C - Conventionally Served PCN - Flowchart

APPENDIX D - Postal Served PCN – Flowchart

APPENDIX E - Schedule of circumstances

## **BACKGROUND PAPERS**

Statistical information contained within this report has been obtained from the Debt Management system used by the Council to manage and administer parking enforcement cases. Further information can be obtained by contacting the Network Operations Parking Services Team.

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
Council	14 October 2019.