



**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE OVERVIEW BOARD**

**TUESDAY 7TH JULY 2009**  
**AT 6.00 P.M.**

**COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE**

**MEMBERS:** Councillors S. R. Colella (Chairman), Mrs. M. Bunker (Vice-Chairman), Mrs. R. L. Dent, Mrs. J. M. L. A. Griffiths, Mrs. C. J. Spencer and L. J. Turner

**AGENDA**

1. To receive apologies for absence
2. Declarations of Interest and whipping arrangements
3. To confirm the accuracy of the minutes of the meeting of the Overview Board held on 2nd June 2009 (Pages 1 - 6)
4. Verbal update on progress of Older People Task Group
5. Overview Recommendation Tracker (Pages 7 - 14)
6. Draft Report on Civil Parking Enforcement (to consider any comments to forward to the Cabinet) (Pages 15 - 88)
7. Forward Plan of Key Decisions - 1st July to 31st October 2009 (Pages 89 - 100)
8. Anticipated reports due to be considered by the Cabinet between November 2009 and June 2010 (Pages 101 - 110)
9. Work Programme (Pages 111 - 112)
10. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the

commencement of the meeting and which the Chairman considers to be of so urgent a nature it cannot wait until the next meeting

K DICKS  
Chief Executive

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

26th June 2009

# Agenda Item 3

## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE OVERVIEW BOARD

TUESDAY, 2ND JUNE 2009

AT 6.00 P.M.

PRESENT: Councillors Mrs. M. Bunker (not present during Minutes Nos. 10/09 to 13/09), S. R. Colella, Mrs. R. L. Dent (not present during Minutes Nos. 10/09 to 13/09), Mrs. J. M. L. A. Griffiths, Mrs. C. J. Spencer and L. J. Turner

Observers: Councillor D. L. Pardoe

Officers: Mr. T. Beirne, Mr. P. Street, Mr. M. Bell, Mr. J. Godwin, Mrs. S. Sellers and Mr. A. C. Stephens

1/09 **ELECTION OF CHAIRMAN**

**RESOLVED** that Councillor S. R. Colella be elected Chairman of the Board for the ensuing municipal year.

2/09 **ELECTION OF VICE-CHAIRMAN**

**RESOLVED** that Councillor Mrs. M. Bunker be elected Vice-Chairman of the Board for the ensuing municipal year.

3/09 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

4/09 **DECLARATIONS OF INTEREST**

Councillor Mrs. J. M. L. A. Griffiths declared a personal interest in Minute No. 9/09 (Item 9 on the Agenda) in respect of the discussions as part of the Sports Hub Provision in that the Alvechurch Lions Football Club play on land owned by Alvechurch Parish Council, of which she is a Member.

5/09 **MINUTES**

The minutes of the meeting of the Overview Board held on 31st March 2009 were submitted.

**RESOLVED** that the minutes be approved as a correct record.

6/09 **CIVIL PARKING ENFORCEMENT**

The Head of Street Scene and Community addressed the meeting and informed Members that he would be submitting a report to Cabinet at the

meeting to be held on 29th July 2009 which would deal with issues relating to Civil Parking Enforcement.

Mr. Bell explained that there was a detailed and complicated process which had to be followed before Civil Parking Enforcement could be implemented, but added that the new system was anticipated to be introduced in conjunction with the regeneration proposals for Bromsgrove Town Centre. He stated that there were a number of issues which needed to be clarified with Worcestershire County Council which would, in turn, be reported to Members during the preparation and implementation processes.

Members of the Board expressed their concerns with the reasons for the Council having to introduce Civil Parking Enforcement but acknowledged that, in due course, there were benefits in terms of the parking pricing policy, the income which could be generated and the effects on car parking in general within the town centre.

**RESOLVED** that a draft copy of the report to be considered by Cabinet at its meeting to be held on 29th July 2009 be submitted to the next meeting of the Board on 7th July 2009 in order that:

- (a) Members can be informed further about the Civil Parking Enforcement requirements and the proposals to be considered; and
- (b) the comments of the Board on the draft report be forwarded to the Cabinet prior to making a decision.

7/09

#### **OLDER PEOPLE TASK GROUP - UPDATE**

At the invitation of the Chairman, Councillor Mrs. M. Bunker addressed the meeting and updated Members on the work of the Older People Task Group.

Councillor Mrs. Bunker stated that the Task Group had held only one meeting to date, on 12th May 2009 at which Members of the Group identified areas within their terms of reference which they wished the officers to investigate and research ahead of the next Task Group meeting. She added that, in order to give officers sufficient time to research the large subject area the Task Group covered, the next meeting would take place at the end of June 2009.

From the meeting of the Task Group held on 12th May 2009, recommendations were made to the Board in respect of the Council's involvement in the promotion of National Older People's Day on 1st October 2009.

The Board discussed the information communicated by Councillor Mrs. Bunker and considered the recommendations made by the Task Group.

#### **RECOMMENDED:**

- (a) that the Cabinet approve the promotion of the National Older People's Day on 1st October 2009 throughout the Council and via the Council's Communications Plan; and

- (b) that the Older People Task Group be authorised to oversee the promotion exercise to ensure a coordinated approach.

8/09 **ADDITIONAL TASK GROUP MEMBER - OLDER PEOPLE TASK GROUP**

The Board considered an additional membership form which had been completed for the Older People Task Group from Councillor S. R. Colella.

In considering the report, the Board were informed that, in relation to the size of Task Groups, the general rule was for between three and a maximum of seven Members in order to be able to carry out an effective scrutiny investigation. It was explained that this additional request would result in there being seven Members on the Older People Task Group.

**RESOLVED** that Councillor S. R. Colella be approved as an additional Member on the Older People Task Group.

9/09 **PPG17 OUT-TURN / SPORTS HUB PROVISION**

The Deputy Head of Street Scene and Community introduced the two reports to be considered by the Cabinet at its meeting to be held on 3rd June 2009.

(i) PPG17 Out-turn

Mr. Godwin stated that the report detailed work undertaken by the Local Development Framework Working Party which had considered a report on the findings of the Open Space, Recreation and Sports Needs Study. He stated that the initial study had been undertaken by Planning and Environment Services to assist Street Scene and Community Services in the development of long term strategies in relation to open space, sport and recreation within the district.

Mr. Godwin reported that the study had been undertaken in accordance with Planning Policy Guidance 17 (PPG17) and had covered ten categories of open space, sport and recreation facilities throughout the district, and set out the recommended quality and accessibility standards in respect of each category. The study was therefore to be used to help to ensure there is adequate provision of such open space and facilities.

Members then asked Mr. Godwin a number of questions in respect of some of the key areas / priorities identified within the report, including Parks and Gardens, Outdoor Sports Facilities and Allotments.

**RESOLVED:**

- (a) that the recommendations contained within the report to Cabinet at its meeting to be held on 3rd June 2009 be noted; and
- (b) that the recommendations made by Cabinet on 3rd June 2009 in respect of the report be referred back to the Board in 12 months'

time in order for Members of the Board to assess the delivery of services in respect of PPG17.

(ii) Sports Hub Provision

Mr. Godwin explained that the report in respect of the Sports Hub Provision was closely linked to the playing pitch strategy and outdoor sports facilities review contained within the PPG17 Out-turn report. It dealt with the proposed allocation of the Capital funding in relation to the Provision of Sports Hubs which formed part of the Council's Forward Capital Programme.

He stated that the report was essentially concerned with football pitch provision because the evidence from the PPG17 Out-turn report indicated that rugby and cricket clubs tend to benefit from better organisational structures and improved facilities in general. As a result, the Sports Hub Provision report was a starting point for the project as a whole with a view to improving quality of pitches throughout the district.

He summarised each of the scheme / project areas, stating how each area was considered justified under the aims of PPG17 and explained the reasons for the budget provision to each one. In addition, it was noted that the funding would not be provided without formal undertakings from the sports clubs referred to in the report agreeing to carry out the improvement works for which the funding has been.

Members questioned Mr. Godwin on the works to be carried out and the issues surrounding the provision of sporting facilities in general. The Board were also keen to note that, as well as the anticipated creation of additional football and other sports clubs throughout the district, the Council were also promoting the health issues to younger people to be involved in organised sporting events. Furthermore, Members were encouraged by the opportunities the proposals may have in respect of gaining favourable publicity that goes with the provision of sporting facilities.

**RESOLVED:**

- (a) that the Board welcomes and supports the proposals contained within the report to Cabinet at its meeting to be held on 3rd June 2009; and
- (b) that the Board expresses its appreciation of the work that has gone into the preparation of the report, and encourage officers and Members to promote and publicise the improvements which will be made to sports facilities within the district.

10/09 **FORTHCOMING CABINET DECISIONS**

The Executive Director - Services addressed the Board and updated Members on the following matters:-

(a) Arts Services Strategy

Mr. Beirne informed the Board that the current Arts Services Strategy would operate until the end of this year. He added that the Arts and Events Strategy for 2010/11 to 2013/14 was anticipated to be considered by Cabinet in December 2009 and would provide an overarching strategy for the future focussing on community events alongside those promoted by the Council.

(b) Contract and Procedure Rules

Mr. Beirne reported that the current Contract and Procedure Rules had been agreed by Council and were formally incorporated within the Council's Constitution. He stated that the update to the Contract and Procedure Rules which would be considered by Cabinet in April 2010 would take into account the work undertaken within the Financial Services Department during the financial year and would be updated to reflect the need for increased competition, sustainability and equality and diversity considerations.

(c) Council House Accommodation

Mr. Beirne informed the Board that preparatory work was on-going in advance of the decision to be made on any new Council House accommodation. He explained that whilst a new site had not yet been identified, an audit of requirements and facilities had already been conducted, together with determining the amount of office and storage space that would be required.

However, he added that it was still too early to give definite details due to the timescales involved, changes in working practices and potential sharing arrangements with partners and other agencies.

11/09 **FORWARD PLAN OF KEY DECISIONS**

Members of the Board gave consideration to the Forward Plan (for 1st June to 30th September 2009) which referred to the key and non-key decisions due to be taken by the Cabinet over the period covered by the Plan.

The Chairman questioned whether the Board might find it useful to examine the Local Neighbourhood Partnerships in the light of item no. 18 and the proposals relating thereto. However, it was suggested that an investigation into the two Local Neighbourhood Partnerships which had already been established in Alvechurch and Rubery would not fall within the terms of reference for the Overview Board and that, if such a request were to be received, it would be forwarded to the Scrutiny Board for consideration.

**RESOLVED** that the Forward Plan of key and non-key decisions due to be made during the period 1st June to 30th September 2009 be noted.

12/09 **ANTICIPATED REPORTS DUE TO BE CONSIDERED BY THE CABINET BETWEEN OCTOBER 2009 AND JUNE 2010**

Consideration was given to the list of anticipated reports within each service area which were due to be considered by the Cabinet between October 2009 and June 2010.

**RESOLVED** that the list of anticipated reports to be considered by Cabinet between October 2009 and June 2010 be noted.

13/09 **WORK PROGRAMME**

Members considered the items listed within the Work Programme for the Board.

**RESOLVED** that the Overview Board's Work Programme be noted and updated as necessary.

The meeting closed at 8.05 p.m.

Chairman



**BROMSGROVE DISTRICT COUNCIL**

**OVERVIEW BOARD**

**7TH JULY 2009**

**RECOMMENDATION TRACKER**

This report lists all Task Group recommendations approved by Cabinet with the following information: who will be progressing the approved recommendations; when the recommendations are expected to be implemented by; and any officer comments which might be useful to the Overview Board. The recommendations are grouped by Task Group.

All general recommendations made by the Overview Board (including those arising from joint Overview Board and Scrutiny Board meetings) are also listed when applicable.

Recommendations from the Overview Board: 6th January 2009

<b>*Rec. No.</b>	<b>Detail of Recommendation</b>	<b>Officer Responsible</b>	<b>Implementation/ Action to take place by</b>	<b>Tick if completed</b>	<b>Officer Comments</b>
N/A	It was recommended that the Cabinet be requested to approve and adopt the Air Quality Strategy and Planning Protocol for Herefordshire and Worcestershire.	Head of Legal, Equalities and Democratic Services	4th March 2009		The recommendation was approved by Cabinet.

\*Note: "Rec. No." is the Recommendation Number as given within an Overview and Scrutiny Report compiled by a Task Group

Recommendations made jointly by the Overview Board and Scrutiny Board: 2nd December 2008

*Rec. No.	Detail of Recommendation	Officer Responsible	Implementation/ Action to take place by	Tick if completed	Officer Comments
N/A	<p>(a) that a rise in car parking charges, at approximately the rate of inflation, be included in all years for the Medium Term Financial Plan for 2009/10 to 2011/2012 (as supported by the Budget Jury);</p> <p>(b) that Worcestershire County Council be approached for funding towards the new bids 'Disability Group' and 'Finding a Voice' and 'Self Advocacy';</p> <p>(c) that the £25K bid in 2009/10 to fund an improvement manager for 6 months be withdrawn;</p> <p>(d) that West Mercia Police be requested to consider making a financial contribution towards the replacement of CCTV equipment; and</p> <p>(e) that the Cabinet consider ensuring all funding relating to the chargeable green waste collections is separate to the funding required for the refuse and recycling collection service.</p>	Head of Legal, Equalities and Democratic Services	7th January 2009		<p><u>Recommendations (b), (d) and (e) were approved:</u></p> <p>(b) the 'Self Advocacy' bid was changed to a low priority bid following consideration by the Budget Jury. However, officers are currently preparing a letter to Worcestershire County Council to request funding towards the 'Disability Group' and 'Finding a Voice' bids;</p> <p>(d) a letter has recently been sent to the Police and the Executive Director – Services will provide a verbal update at the meeting; and</p> <p>(e) the Programme (Management) Board will work with the Head of Street Scene and Community to ensure the figures are allocated separately. This will be reported to the</p>

<p>Performance Management Board on a quarterly basis via the Integrated Finance and Performance Report.</p>	<p><u>Recommendations (a) and (c) were not approved:</u></p>	<p>Following discussions with Councillor P. M. McDonald, who was Chairman of the Joint Overview Board and Scrutiny Board meeting in December, Cabinet agreed that:</p>	<p>(a) the bid to fund an improvement manager for 6 months would remain;</p>	<p>and</p>	<p>(c) a rise in car parking charges, at approximately the rate of inflation, would not be included as the car parks were currently not being fully utilised due to the current economic climate.</p>	<p><b>July update:</b></p>	<p>(b) the 'Self Advocacy' bid was changed to a low priority bid following consideration by the Budget Jury and was</p>

<p>subsequently not supported.</p>	<p>District Council officers put forward a bid for extra funding for "Finding a Voice ( LGBT )" from County Council which was successful. £500 through the "Being Different Together" capacity building fund has been approved which has to be spent by end of December this year.</p> <p>On further consideration officers did not complete a bid for extra funding from Worcestershire County Council (also through the "Being Different Together" capacity building fund towards the new Bromsgrove Disabled People networking group on the grounds that the District Council has already funded this group this year through the Equality and Diversity Forum community bidding process and that there are a significant number of other initiatives which the</p>
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					<p>District Council is undertaking that support disabled people and their aspirations to participate more fully in public life (Community transport, new facilities in the refurbished Town Centre toilet block, sports development activities etc.)</p> <p><b>(d) A verbal update will be given at the meeting</b></p> <p>(e) This information is now being recorded within a separate cost centre for both the income and admin support for this service. During this financial year the department is separating out costs of the service which will also be recorded within the same cost centre. This information should be available for the 2nd quarter performance report.</p>
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Recommendations from the Overview Board: 3rd February 2009

*Rec. No.	Detail of Recommendation	Officer Responsible	Implementation/ Action to take place by	Tick if completed	Officer Comments
N/A	It was recommended that the Cabinet be requested to approve and adopt the recommendations contained within the Anti-Social Behaviour and Alcohol Free Zones Task Group report (January 2009).	Deputy Head of Street Scene and Community			<p>At its meeting on 4th March 2009, the Cabinet considered the recommendations made by the Anti-Social Behaviour and Alcohol Free Zones Task Group.</p> <p><u>Recommendation 1 - (Enhance lines of communication with partners):</u> Approved</p> <p><u>Recommendation 2 - (Visible policing within the local community):</u> Approved</p> <p><u>Recommendation 3 - (Introduction of Fixed Penalty Notices as a means of tackling Anti-Social Behaviour):</u> Not approved</p> <p><u>Recommendation 4 - (Maximise use and effectiveness of CCTV):</u> Partially approved. The Cabinet requested a review of lighting around CCTV installations to identify if there were any issues and to report back</p>



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## BROMSGROVE DISTRICT COUNCIL

### DRAFT REPORT TO CABINET

JULY 2009

#### PARKING IN BROMSGROVE

Responsible Portfolio Holder	Councillor James Duddy
Responsible Head of Service	Mike Bell
Key Decision	

#### 1. SUMMARY

- 1.1 This report summarises the development of the car parking operation through investment, increases to staffing levels, the introduction of pay on foot, and the possibility of introducing Civil Parking Enforcement in the District.
- 1.2 The report also looks at making the parking service as customer friendly as possible by publishing full and complete details of the guidelines and policies used, and increasing the provision of customer friendly measures such as spaces for parents with children, and a better choice of tariff.
- 1.3 The report is as brief as possible with the substance provided by the appendices. Some of these items are dependant on earlier decisions. For example, it would not be economically viable for the Council to carry out Civil Parking Enforcement before adopting pay on foot. Therefore the following sequence should be followed;
- Adopt a new computer system to manage the parking service.
  - Employ an additional Civil Enforcement Officer.
  - Open Shopmobility on Saturdays and commence locking and unlocking of car parks using own staff rather than a contractor.

As a result:

- The business case for pay on foot will become more viable as only two extra staff are now required.
- The business case for Civil Parking Enforcement then also becomes more viable as potentially only one more officer is required.

## **2. RECOMMENDATIONS**

- 2.1 That Cabinet approve the purchase of the Chipside software for parking management at a cost of £5k from existing budgets.
- 2.2 That Cabinet approve the deletion of the Shopmobility Assistant post and additional funding of £6.5k is allocated for a Civil Enforcement Officer.
- 2.3 That Cabinet request Council approve the release of capital receipts of £165k to fund the introduction of pay on foot on Recreation Road South and Churchfields car parks. In addition £6k to be included as part of the medium term financial plan for 2010/11 to fund increased maintenance costs.
- 2.4 That Cabinet approve an additional two additional Civil Enforcement Officers at a cost of £43k to facilitate the introduction of pay on foot.
- 2.5 That delegated authority be granted to the Head of Street Scene and Community to negotiate an agency agreement for CPE with Worcestershire County Council, such agreement to be on the same or similar terms and conditions as set out in the draft agreement attached at Appendix E. In the event that it is not possible for agreement to be reached on terms that are acceptable the matter to be referred back to Cabinet for further consideration.
- 2.6 That 10 additional parent and child spaces are provided at suitable locations on various car parks subject to Head of Service approval, and that these spaces are included in the car parking order in line with paragraph 3.21 at the earliest opportunity.
- 2.7 That the limited waiting spaces, with the exception of the four spaces for disabled drivers, on School Drive car park are converted back to standard spaces as soon as possible.
- 2.8 That the Dolphin Centre car park is converted to a permit only car park as soon as possible for the use of Dolphin Centre staff, Customer Service Centre staff, and contractors visiting the site.
- 2.9 That Cabinet approve and adopt Appendix C Customer Charter and Procedures, and Appendix D Parking Appeal Policy, and that delegated authority be granted to the Head of Street Scene and Community to review the Customer Charter and Procedures and the Parking Appeal Policy and make any revisions or amendments in the future.
- 2.10 That the hourly rate on Hanover Street car park is reduced from 80p per hour to 70p per hour, and that the all day fee on the same car park of £4 is reduced to £3 with effect from 1<sup>st</sup> October 2009.
- 2.11 That the 30 minute tariff is made available on long stay car parks at the rate of 40p with effect from 1<sup>st</sup> October 2009.

2.12 That the Churchfields Multi Storey and Stourbridge Road car parks have a three hour tariff set at £2.10 made available with effect from 1<sup>st</sup> October 2009.

### **3. BACKGROUND - STAFFING**

3.1 The parking section currently consists of three Civil Enforcement Officers. Officers have been concerned for some time that the section has taken on more and more work without any increase in the number of officers. For example the Council now charges for 50% more days and hours than in 2003. The appointment of an additional Civil Enforcement Officer is seen as extremely important by the team managing the car parks.

3.2 These Officers are involved in a wide range of activities other than enforcement. For example, all Officers have attended medical emergencies and provided assistance. Officers are regularly required to give directions and advice to people visiting the town and are often the first point of contact. In addition, these officers regularly give assistance to motorists in changing tyres or assisting broken down vehicles.

3.3 Should the Council adopt other parking control methods such as pay on foot, the ambassadorial role of these officers will increase.

3.4 The problem the section has is in justifying the appointment of a further officer is the cost involved. The section cannot rely on the income generated by excess charges as the aim of the section is to force 100% compliance through effective and reasonable enforcement. Therefore the appointment must be funded by savings. The cost of the post is estimated at £21.5k.

3.5 Two Officers are currently involved in the administration of the parking office. In order to improve the efficiency of the service and to realise savings to fund the additional resource officers have reviewed alternative ways of managing the car parking section through the use of technology.

3.6 The purchase of the Chipside system for managing parking enforcement would reduce the need for two staff to operate within the Parking office and would allow the Council to employ just one full time member of staff instead of one full time and one part time (or 1.76 Full Time Equivalent staff). The Chipside system has been identified as the best value during a procurement exercise. It is also the market leader. The cost of the system is £5k with an ongoing £1.25k annual licence fee. The saving generated by reducing the Parking office staff is £15,000 per year including overheads.

3.7 An additional Civil Enforcement Officer would negate the need for a private security company to be employed to lock Churchfields Multi Storey car park – this would save the Council an additional £3.5k per year. This is currently funded from car park budgets.

3.8 Employing an officer to open the Shopmobility service on a Saturday would cost around £4k per year. The employment of an additional Civil

Enforcement Officer would allow the Council to open this service on a Saturday without this additional costs because the extra service would be included within the remit of the team of Civil Enforcement Officers. Therefore most of the cost of appointment of a Civil Enforcement Officer could be made through the savings generated (£18.5k) and an additional spend of £4k per annum could be avoided whilst increasing the availability of the Shopmobility service to the public. Licence fees for the Chipside system and ongoing costs such as an electronic DVLA link are already budgeted for.

### **BACKGROUND – PAY ON FOOT**

- 3.9 The adoption of pay on foot is covered in detail in appendix A.
- 3.10 The advantages of pay on foot over pay and display are;
- It increases compliance from 85% to 99.9%
  - It is a far more customer focused system
  - It reduces friction between offenders and Council staff
  - It generates more revenue
- 3.11 The disadvantages of the system are that;
- It requires higher staffing levels
  - There is a capital cost
- 3.12 The cost of installing pay on foot on Recreation Road South and Churchfields Multi Storey would be around £165k. This is described in detail in appendix A.
- 3.13 The pay back for this system is estimated to be around £40k per year. This is conditional on recommendations 2.1 – 2.3 inclusive being accepted. This is a pay back period of less than five years. A full sensitivity analysis of the likely consequences of the adoption of pay on foot is included in appendix A.
- 3.14 The introduction of pay on foot parking is supported by the Town Centre Regeneration Programme Manager. This is because pay on foot parking has been shown to have a beneficial effect on retail performance and visitor numbers and as such has been used as a key part of regeneration programmes. It has been one of the first actions of the well publicised Regeneration of Coventry, where it is currently being implemented. Some other examples of this out-turn are given below:
- The Centre Manager of Lanes Shopping Centre, Carlisle, stated that trade increased due to the introduction of pay-on-foot car parking at his centre.
  - The Parking Services Manager for Chesterfield Borough Council, stated that 3,000 more cars parked at the multi-storey car park in 2008/09 compared to 2007/08 following the introduction of pay-on-foot
  - When pay-on-foot was introduced at Westmorland Shopping Centre, Kendal by South Lakeland District Council, trade increased, visitors

enjoyed a more relaxed visit (not having to rush back to their cars), and vandalism virtually ceased. The Project Director for Kendal Riverside Ltd., who funded the changes, said: "Kendal Riverside Ltd's support of this project is another tranche of our investment and commitment to the town and its ongoing regeneration

### **BACKGROUND – CIVIL PARKING ENFORCEMENT**

- 3.15 Civil Parking Enforcement is the adoption by the Council of the enforcement of on-street parking restrictions which are currently enforced by the police.
- 3.16 The costs of implementing CPE can be large. However, if pay on foot is adopted prior to the implementation of CPE the business case improves by £50k per annum. The start up costs of £120k would then be met within around three years even taking the worst case scenario. The costs associated with the implementation of CPE are outlined in detail in appendix B.
- 3.17 There are a number of issues regarding the involvement of the County Council in introducing CPE. The current agency agreement allows the District to take most of the risk without the County being liable. For example, Worcestershire County Council appears to be the only one which makes Districts pay for consolidating the Traffic Regulation Orders. These are clearly a County responsibility.
- 3.18 Members will have to take a view on whether they accept that the District pays for the adoption of CPE (as four other Districts already have). The alternative is to refuse the current agency agreement (as Malvern Hills have) and put pressure on the County to come up with a more reasonable agreement.
- 3.19 Officers would recommend that Civil Parking Enforcement is only adopted on acceptance by the County Council of the proposed agency agreement.

### **BACKGROUND – PARENT AND CHILD SPACES**

- 3.20 The number of parent and child spaces on the car parks numbers is low with 9 spaces on Recreation Road South car park, and 5 on Churchfields Multi Storey. These spaces are not enforced as they are not adequately signposted with clear regulations over their use.
- 3.21 Officers regularly receive complaints from customers who wish enforcement action to be taken against drivers abusing these bays. These types of bay are not included in the Order, and there is no definition of what denotes a child in this instance. Therefore Officers would advise that parents who arrive and leave with children aged 5 or under are permitted to use these bays, and those drivers who are observed contravening their use in any other way, have enforcement action taken against them.

- 3.22 Officers also receive complaints regarding the lack of provision of these spaces. Unlike spaces for drivers with a disability, there is no statutory requirement for spaces for parents with children.
- 3.23 As these spaces occupy two standard spaces, they can adversely affect revenue particularly in well used car parks. In other car parks, the effect will be less keenly felt except at peak times.
- 3.24 Therefore officers would recommend that 10 additional parent and child spaces are provided at suitable locations on various car parks, subject to the approval of the relevant Head of Service. Each space will be designated by markings on the bay floor, and a further sign at eye level.
- 3.25 Additionally Officers would recommend that the parent and child spaces are included in the Car Parking Order at the earliest opportunity.

#### **BACKGROUND - FREE PARKING BAYS SCHOOL DRIVE AND DOLPHIN CENTRE**

- 3.26 The 11 spaces provided in the School Drive car park for drivers wishing to park for up to 30 minutes are not all used throughout the day. These spaces allow free parking for up to 30 minutes for those users visiting the Customer Service Centre, or allow drivers visiting the Dolphin Centre to drop people off.
- 3.27 These spaces require more officer time than standard spaces to enforce, and a number of drivers who have stayed beyond the 30 minutes, or have used the space for a purpose other than indicated, have been issued with excess charge notices.
- 3.28 The use of these spaces is so low that officers would recommend their withdrawal. They suppress revenue at peak times, cause confusion for the customer by mixing free and paid for parking, and also cause extra work for Service Centre staff who currently check that drivers are not overstaying their 30 minutes at peak times.
- 3.29 In addition, the parking section has a responsibility to be fair reasonable, and consistent. The provision of these spaces is unfair unreasonable and inconsistent because the Council is treating drivers using its own facilities differently than those drivers using retailers and businesses in the town.
- 3.30 The original business case for the adoption of the Dolphin Centre car park was based on the increase in revenue from the Dolphin Centre car park exceeding the withdrawal of a number of spaces on the School Drive car park. The cost of refurbishment was £45k, and the revenue from ticket sales (excluding VAT) in the three years since adoption has been £59k for the Dolphin Centre car park and £309k from the School Drive car park.

- 3.31 In addition, the Council has refunded customers of the Dolphin Centre £157k for the same period. Although this has worked well for the Dolphin Centre, the granting of refunds in this manner has caused some problems.
- It is uncontrolled - there is no mechanism in place to prohibit unexpected increased use, and therefore a further decrease in income.
  - The cost of the refunds directly reduces expected income from the parking section.
  - The Council is providing free parking for its own customers while not providing the same mechanism for other services and businesses in the town.
- 3.32 If current trends continue the cost of issuing refunds for the forthcoming financial year is likely to be around £70k.
- 3.33 The business case also included the provision of the 11 spaces for those drivers wishing to make use of the Customer Service Centre for up to 30 minutes or those wishing to drop off people for the Dolphin Centre. These spaces are difficult and time consuming to enforce, are the subject of daily abuse, and cause problems for staff in the Customer Service Centre (particularly at peak times). The manager of the Customer Service Centre and the Transport and Engineering Officer have both come to the conclusion that it would far simpler for all concerned if these spaces were removed.
- 3.34 In order to address the problems outlined above, officers would recommend the following;
- That the limited waiting spaces, with the exception of the four spaces for disabled drivers (which are converted to standard spaces the disabled), on School Drive car park are converted back to standard spaces.
  - That the Dolphin Centre car park is converted to a permit only car park for the use of Dolphin Centre staff, Customer Service Centre staff, and contractors visiting the site.

### **BACKGROUND – ENFORCEMENT AND APPEALS POLICIES**

- 3.35 Appendices C and D detail the current enforcement and appeals policies.
- 3.36 In order to provide a transparent and clear presentation of these policies officers would recommend their adoption and publication as soon as possible.
- 3.37 It is intended that further minor operational changes may be made with Head of Service approval. Major changes will require Council approval.

### **BACKGROUND – TARIFF CHANGES**

- 3.38 The previous tariff changes in 2007 increased the fee on certain car parks to the current level.

- 3.39 The increase in charge to 80p per hour and £4 for all day parking on Hanover Street car park has decreased sales by 7% or 9349 tickets on the previous year. The price was increased to provide an incentive for drivers to park elsewhere as this car park was heavily used particularly when the market was in operation. The withdrawal of the market has removed some of the need for drivers to park here, and occupancy has fallen as a result.
- 3.40 Reducing the tariff to 70p per hour and £3 per day would encourage increased use of the car park. In addition, the proposed knocking down of the Market Hall would increase the size of the car park and also make it more visible. Officers therefore believe that any decrease in revenue should be covered by increased use arising from increased spaces and attractiveness.
- 3.41 Officers would therefore recommend that the tariff on Hanover Street car park is reduced to 70p per hour, and £3.00 for all day parking with effect from October 1<sup>st</sup> 2009.
- 3.42 In addition, officers believe that there is a strong case for the introduction of a 30 minute ticket for 40p on all the town centre long stay car parks. This may reduce income as a number of drivers who would normally purchase a 70p ticket will now have the option to save 30p.
- 3.43 The 30 minute ticket also aids enforcement as it is more difficult to argue with an officer when all they are requesting the driver to do is to spend 40p. This is particularly important when drivers are collecting prescriptions or takeaways.
- 3.44 Officers would therefore recommend that the 30 minute ticket is available on School Drive, Dolphin Centre (depending on recommendation 2.13), Stourbridge Road, Recreation Road North, Hanover Street, and Churchfields Multi Storey car parks with effect from October 1<sup>st</sup> 2009.
- 3.45 There is a discrepancy between some long stay car parks. The Stourbridge Road and Churchfields Multi Storey car parks do not have a three hour tariff band. Officers would recommend that these car parks now have the three hour tariff introduced.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 A summary of the estimated financial impact of the recommendations is listed below.

<i>Rec. No.</i>	<i>Item</i>	<i>£k</i>
2.1	<b><u>Increased Staffing</u></b>	
	One off Expenditure	
	Cost of redundancy:	£Xk
	Revenue Expenditure	
	Civil Enforcement Officer	£21.5k



	Revenue Savings	£3.5k
2.2	<b><u>Pay On Foot</u></b>	
2.3	Capital Expenditure	
	Conversion of car parks	165k
	Revenue Expenditure	
	Civil Enforcement Officers	-£43k
	Additional Collections	-£6k
	Additional Maintenance	-£6k
	Revenue Savings	
	Increased income due to POF	£95k
	Increased annual income	£41
2.4	<b><u>CPE Agency Agreement</u></b>	
	No financial impact	£n/a
2.5	<b><u>Provision of Parent and Child Spaces</u></b>	£n/a
	Met from existing budgets	
2.6	<b><u>Removal of Limited Waiting Spaces</u></b>	
	Revenue Savings	£13k
2.7	<b><u>Dolphin Centre Car Park to Staff Only Parking</u></b>	
	Met from existing budgets	£n/a
2.8	<b><u>Parking Policies</u></b>	
	No financial impact	£n/a
2.9	<b><u>Hanover Street Reduction</u></b>	
	Revenue cost	-£33k
2.10	<b><u>Increased Provision of 30 Minute Ticket</u></b>	
	Revenue cost	-£10k
2.11	<b><u>Additional 3 Hour Tariff</u></b>	
	Negligible financial impact	£n/a

## 5. **LEGAL IMPLICATIONS**

- 5.1 The making and amendment of car parks orders is regulated the Road Traffic Regulations Act 1984 and the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996.

## **6. COUNCIL OBJECTIVES**

- 6.1 The regeneration of the Town Centre is an objective for the Council. The proposals in this report will lead to a more customer focused system and more choice for customers of the parking service. This will attract visitors back to the town.

## **7. RISK MANAGEMENT**

- 7.1 Car parking is covered by Key Objective Reference Number 7 in the Street Scene and Community risk register. There are no new considerations.

## **8. CUSTOMER IMPLICATIONS**

- 8.1 The proposals in this report will lead to a more customer focused system and more choice for customers of the parking service. This will attract visitors back to the town.

## **9. EQUALITIES AND DIVERSITY IMPLICATIONS**

- 9.1 The current requirement for this car park is to have 18 spaces for disabled drivers. In order to keep this number of spaces at the minimum level it may be necessary to remove or reallocate other spaces, and specifically convert parent and child spaces to spaces for disabled drivers. Any downward adjustment of these spaces will be matched by an identical increase in provision in the Churchfields car park.
- 9.2 In addition, two of the existing spaces for disabled will be allocated solely for the new Changing Places facility in the town centre.
- 9.3 Officers are not currently putting forward the absolute proposed changes to the spaces as work is still underway to assess the optimum layout and any changes are an operational matter.

## **10. VALUE FOR MONEY IMPLICATIONS**

- 10.1 The use of a system such as pay on foot will deliver financial benefits to the Council. However, to look at the system in financial terms is unhelpful as there are a number of other benefits which need to be considered.
- 10.2 A pay on exit system such as pay on foot is favoured by a number of drivers as a fairer system. Town traders have also been keen to see this type of system introduced as it removes the need for the driver to return by a fixed time. The Economic Development Officer at the Council is also in favour of such a system as it will undoubtedly bring more drivers into the town and

also increase the average length of stay. This will have the further benefit of increasing the average spend for each visitor.

10.3 The introduction of pay on foot will also enhance the reputation of the Council. There are groups who have campaigned for an easier system in preference to pay and display as this is thought of as too difficult to use. This system is simple to use.

10.4 The other options for delivery are to work in partnership with an adjacent or nearby authority, or to subcontract the service to a private contractor. Both courses of action would be more expensive than operating this system in house and would still require a large amount of management. The cheapest and most efficient way of delivering the service is for the Council to operate it.

## 11. **OTHER IMPLICATIONS**

Procurement Issues <i>None</i>
Personnel Implications <i>None</i>
Governance/Performance Management <i>None</i>
Community Safety including Section 17 of Crime and Disorder Act 1998 <i>None</i>
Policy <i>None</i>
Environmental <i>None</i>

## 12. **OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	<b>Yes</b>
Chief Executive	<b>No</b>
Executive Director - Partnerships and Projects	<b>No</b>
Executive Director - Services	<b>No</b>
Assistant Chief Executive	<b>No</b>

Head of Service	<b>Yes</b>
Head of Financial Services	<b>No</b>
Head of Legal, Equalities & Democratic Services	<b>No</b>
Head of Organisational Development & HR	<b>No</b>
Corporate Procurement Team	<b>No</b>

**13. WARDS AFFECTED**

All Wards

**14. APPENDICES**

Appendix A Pay On Foot Proposal  
Appendix B CPE Briefing Note  
Appendix C Parking Enforcement Policy  
Appendix D Parking Appeals Policy  
Appendix E Proposed Agency Agreement

**15. BACKGROUND PAPERS**

None.

**CONTACT OFFICER**

Name: Steve Martin  
E Mail: [steve.martin@bromsgrove.gov.uk](mailto:steve.martin@bromsgrove.gov.uk)  
Tel: (01527) 881493 or 07850 918996

**BROMSGROVE DISTRICT COUNCIL**

**Briefing Note**

**PAY ON FOOT PARKING SYSTEM**

**1. SUMMARY**

- 1.1 This report summarises the adoption of pay on foot on selected Council car parks.

**2. RECOMMENDATION**

- 2.1 None – this is a briefing note.

**3. BACKGROUND**

- 3.1 The current system of operation on Council operated car parks is pay and display. This requires a driver who wishes to park to buy a ticket and display it on his dashboard. Failure to do so may result in a parking fine being issued to the driver of that vehicle. Similarly, if that driver fails to return within the amount of time he has purchased, he may also leave himself open to an excess charge.
- 3.2 Whilst the system is relatively economical and easy to operate, it does use the threat of financial penalty to force compliance. It is also relatively easy to avoid payment. For example, there are 1470 spaces patrolled by Civil Enforcement Officers, and these can take a reasonable amount of time to walk round. The chances of being caught are therefore relatively small, and even if all three officers are patrolling there is a chance that drivers can avoid payment.
- 3.3 As an estimate, officers believe that the section is between 5% - 20% effective when finding parking offenders. This is no reflection on the staff that patrol, but is more an indication of the effectiveness of the current system of pay and display.
- 3.4 There are also a number of drivers who will now sit in their cars and wait for their passengers to avoid payment. When an enforcement officer approaches, they will drive away to avoid the issue of a parking fine. This has become far more prevalent in the last six months than it used to be, and presents a significant problem to parking staff as we have a policy of allowing drivers the chance to comply rather than immediately book them. The current equipment issued to officers does not involve running shoes, and there are a number of drivers who simply drive away to avoid the issue of the excess charge notice.

- 3.5 The Transport and Engineering Officer lives within a short distance of the Recreation Road South car park and regularly walks through it late at night. The number of excess charge offences being committed is readily apparent, and it is clear that compliance during the later hours of operation is not very high. The parking section is currently staffed for enforcement from 0800 to 1900 from Monday to Saturday. This is because there was no increase in the number of staff when the days and times of operation were amended to include Sundays and up until 2200. Late night patrols are mounted on a random basis, but the core hours of the business are from 0900 to 1900.
- 3.6 An alternative system is the provision of a pay on foot system. This requires the driver to wait at a barrier after entering the car park, press a button and withdraw a token. The driver then parks normally and after completing his business returns to the car park. He then takes the token and inserts it into a pay station on or near the car park and pays the appropriate fee. When leaving the car park he is required to again stop at a barrier and insert the token he has previously paid for his parking with into the exit machine. The barrier arm then lifts and he is free to leave the car park.
- 3.7 The system does not require enforcement activity to check if drivers have paid, and if drivers have overstayed their welcome. Therefore the system is far more attractive to drivers who can park without worrying about receiving an excess charge. This is also attractive to retailers who regularly point out that pay and foot increases the average spend per visitor.
- 3.8 The system is however staffing hungry. There is a perception that was fuelled during previous attempts to introduce pay on foot that staff could be reduced and savings made. This is not the case. Pay and display can break down and drivers can use another machine. Pay on foot breaks down and someone has to check payment has been made and then release the cars which have been imprisoned. Similarly, during extremely busy periods, there will be occasions where it will cause drivers to back up. This can be reduced by having officers pressing the buttons for them and hand them the ticket before they reach the barrier so that the driver can just drive in. Other car parks where pay on foot has been introduced have developed queuing at peak times when entering and exiting the car park.
- 3.9 The system counts how many drivers have entered the car park and will normally allow a preset number of spaces to be occupied (for example 95%) before only allowing drivers in when someone has exited. This will work well during normal periods but requires closer attention during busy periods so that the system can be altered so that more drivers can be let in. As 6% of spaces provided are solely for blue badge holders, it is not a simple matter to control the number of cars entering the car park. This therefore does require an officer to be present at all potentially busy times. In addition, real time information signs denoting whether there are spaces will need to be

provided near to the entrance to these car parks so that customers are aware if there are spaces or not, and can decide whether or not to queue.

- 3.10 The fact that the Council already charges blue badge holders to park is an advantage as pay on foot will not work with a concession for blue badge holders. The first step for many local authorities when introducing pay on foot is to remove the concession allowing free parking for blue badge holders.
- 3.11 The Recreation Road South car park will require some redevelopment to accommodate pay on foot. A curbed entry lane will need to be built to accommodate a number of vehicles to allow stacking of waiting vehicles on the car park. This will require some spaces to be removed and some to be placed elsewhere in the car park. The layout will cause some comment as it will be a change from the current layout. However, officers believe it represents the best fit for a suitable inlet road.
- 3.12 The exit lanes will remain largely unaltered.
- 3.13 It is necessary for pay and display to remain working and functional until the go live date, after which the equipment can be removed and stored.
- 3.14 In order to maximise the revenue generated on the car park, it may be necessary to relocate a number of spaces for the disabled and spaces for parents and children to the multi storey car park. The number of spaces for the disabled will remain at or above the statutory minimum level of 6% of all spaces. The layout, provision and alteration of car park layouts are operational matters.
- 3.15 There will be a need to consider a grace period during which drivers may still exit the car park without payment. Without any background data this is difficult to predict, and as flexibility will be required in setting this time this should remain as an operational decision. Taxi drivers will require passes which allow a limited amount of waiting to allow them to pick up and drop off. However, as a basic principle all drivers who enter the car park should be advised that payment is required. Failure to adhere to this will result in lost revenue and misses the point of pay on foot. The principle that everyone is required to pay is also the one in place with the current system – therefore this represents no change to the current pay and display system.
- 3.16 Officers would recommend that pay stations are placed adjacent to the Recreation Road South car park in front of the canopy over the entrance to the supermarket. These pay stations could be used by customers of either car park as the machine would recognise which car park the customer had come from and charge the appropriate tariff.
- 3.17 The disadvantages of this system are that;

- It requires higher staffing levels
- There is a capital cost

3.18 The advantages of this system are that;

- It increases compliance from 85% to 99.9%
- It is a far more customer focused system
- It reduces friction between offenders and Council staff
- It generates more revenue

#### **4. FINANCIAL IMPLICATIONS**

4.1 The fundamental financial issue for the installation of the pay on foot system are whether the increased staffing costs can be exceeded by the increase in revenue generated.

4.2 The increase in staffing which is necessary to ensure that staff are available even at times of annual leave and sickness would cost the Council an additional £43k per year. This includes two Civil Enforcement Officers. (Note this figure assumes that staffing levels are at 4 full time CEOs).

4.3 The increase in revenue is difficult to predict. Increases in revenue from other car parks have shown an increase of around 10% to 30%. In the most recent example available to officers, a 250 space car park with a similar fast turnover to Recreation Road South achieved an increase of 30%. Even taking into account the increase achieved by charging blue badge holders, this still represents an increase of approximately 21%. The number of spaces lost due to the provision of an inlet road for stacking would lead to a decrease of around 1% of spaces. Officers believe that it would be prudent to estimate an increase of around 17% on current revenue. This would be an additional £95k per year.

4.4 There is a spread of likely outcomes. These are based on the following parameters;

- The current level of non-compliance
- Historic levels of non-compliance
- The attractiveness of the system in encouraging people to use these car parks.
- Information from other parking operators

4.5 The current level of non-compliance is relatively high with officers noticing an increase in the number of drivers attempting to avoid payment. The historic level of non-compliance is based was 15%. Therefore the current non-compliance rating will be higher.

4.4 The spreadsheet below summarises the financial position officers believe would occur if the pay on foot system was introduced;



Cash collections	-£6k
Increased staffing	-£43k
Maintenance	-£6k
Less spaces and better capture	£95k

**Total** £40k

- 4.5 There is a risk that the 17% figure may not be achieved. Some drivers may be put off using the car parks, for example, and not all of those who currently avoid payment may decide to park on-street or avoid payment in other car parks. This has to be balanced against higher levels of enforcement from having more staff and the improved attractiveness of the pay on foot system. Officers would therefore caution that the possible spread of improved income would be from £54k to £119k. The £95k used is the best guess that officers can provide for any increase provided that car park use remains at the current level.
- 4.6 Cash collections would need to be increased particularly as notes could now be used by some customers in the pay stations. There would also be an increase in the cost of maintaining the equipment.
- 4.7 Although there would be a drop in the number of excess charges issued on Recreation Road South and Churchfields Multi Storey car parks, there would also be an increase in the number issued on other pay and display car parks as on most evenings there would be two officers patrolling up until 22:00. Officers believe that this would lead to a marked increase in excess charges issued, particularly as many drivers are aware of the current relatively low level of enforcement.
- 4.8 Officers would estimate that the capital cost of the scheme would be around £165k. The table below shows the estimated cost of the equipment – this should not be taken as a definitive price guide.

<u>Pay on Foot Equipment</u>	£k	Quantity	Total £k
Entry Terminal	£ 5	3	£ 16
Exit Terminal	£ 4	3	£ 13
Barrier - straight	£ 2	4	£ 8
Barrier - articulated	£ 2	2	£ 5
Basic paystation	£ 16	3	£ 47
Note paystation	£ 17	1	£ 17
Back office software	£ 12	1	£ 12
Intercom	£ 11	1	£ 11
Commission and training	£ 2	1	£ 2
			£ 131
<b><u>Capital Costs - POF Install</u></b>			
Relining			£ 3
Car Park Adjustments			£ 16
Shelters for paystations			£ 10

Electrical work	£	2
Contingency	£	3
Total Cost	£	165

## **5. LEGAL IMPLICATIONS**

- 5.1 The making and amendment of car parks orders is regulated the Road Traffic Regulations Act 1984 and the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996. Checks would need to be carried out to review if any changes were required to the current parking order and if necessary implement a revised parking order. The Council would also have to enter into a legal agreement with the contractor supplying the Pay On Foot system covering the terms and conditions for the installation and operation of the system. The usual procurement procedures would apply.

## **6. COUNCIL OBJECTIVES**

- 6.1 The Council has adopted the Town Centre as a priority and the parking section directly supports the Town Centre as many visitors will use the car parks when visiting the town.

## **7. RISK MANAGEMENT**

- 7.1 None

## **8. CUSTOMER IMPLICATIONS**

- 8.1 The beneficial implications for the customer using pay on foot are that;
- There is no need for customers to worry about bringing change with them.
  - No excess charge notices will be issued for overstaying the time on the ticket or not displaying a ticket.
  - The pay on foot machines do not require the entry of a registration number and are therefore simpler to use.
  - A member of staff will be available at all times of charging to respond immediately to customers.
  - The opportunity for avoiding payment will be reduced.
- 8.2 The adoption of system which does not rely on punishing drivers to force compliance, and allows drivers to spend as much time as they need when shopping, will of significant benefit to all customers on these two car parks.

## **9. EQUALITIES AND DIVERSITY IMPLICATIONS**

- 9.1 Although the current provision of parking spaces for the disabled is generally good, the current system of pay and display is unpopular with

many drivers who have problems using the equipment. There is at least one driver who has stated that they are unable to use the pay and display machines and are also unwilling to use the Shopmobility in the town.

- 9.2 Pay on foot is seen as a much easier system to use for all concerned. The multi storey car parks in Redditch all use pay on foot and charge blue badge holders in the majority of car parks. This system has worked very well and officers understand that there has been little or no reason for complaint from drivers with a disability who use these car parks.
- 9.3 However, the additional hour which drivers who use a blue badge on Bromsgrove District Council pay and display car parks would be lost to users of the pay on foot system. Similarly, there is no facility for the transfer of tickets from one car park to another or from one system to another. To offset this officers will attempt to ensure that all drivers pay only for what they use by breaking each tariff down into 5 minute segments.
- 9.4 There is a significant benefit for all customers in having pay on foot, and this would be shared by many drivers with a disability. 25% of the pay stations purchased for this project will be those specifically designed for the use of drivers with a disability.

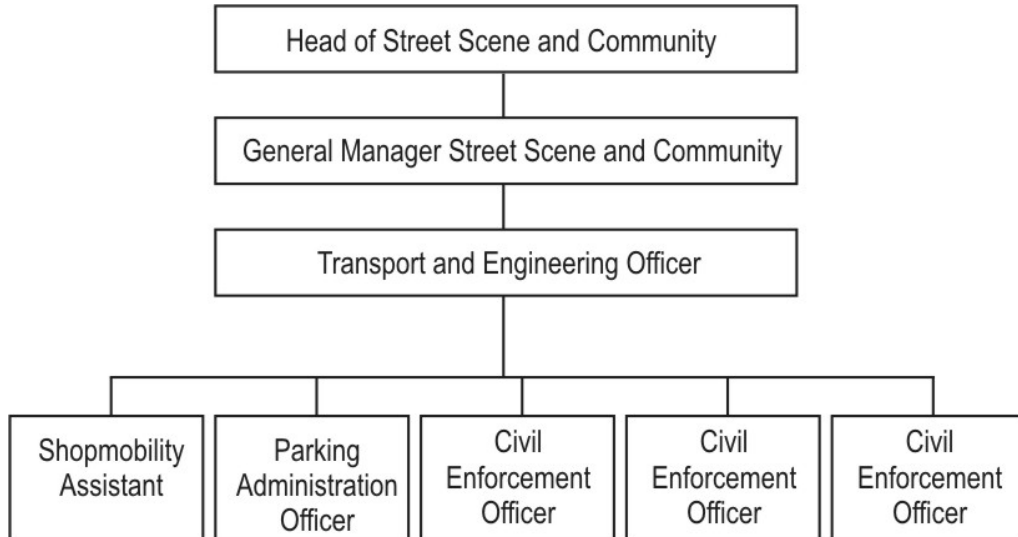
**10. VALUE FOR MONEY IMPLICATIONS**

10.1 None

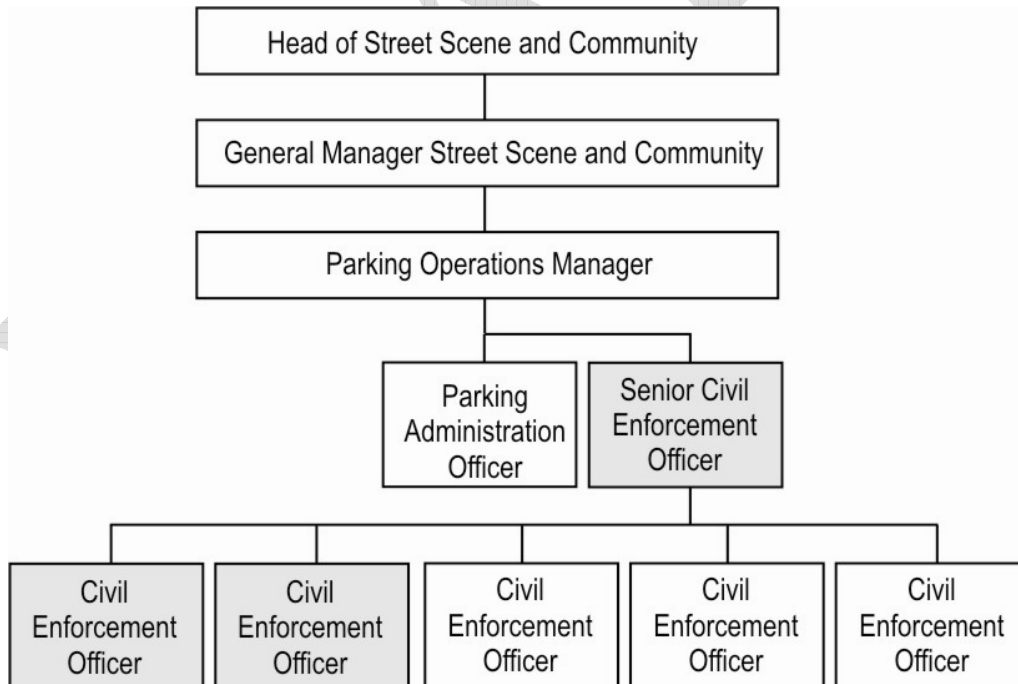
**11. OTHER IMPLICATIONS**

<p>Procurement Issues</p> <p>None</p>
<p>Personnel Implications</p> <p>The introduction of pay on foot will require the employment of two Civil Enforcement Officers. These will need to be in post by the start date of the scheme. In the proposed structure a Senior Civil Enforcement Officer is listed – it is likely that this post would not be necessary until the Council adopts CPE.</p>

The existing and proposed staff structures are listed below;



The proposed structure would be;



Governance/Performance Management

Community Safety including Section 17 of Crime and Disorder Act 1998  
 The use of pay on foot will reduce the risk of crime and disorder on the two car parks in question.

In addition, the anti social behaviour exhibited by young drivers who use the town centre car parks as a base for racing around the town would be prohibited from making use of these car parks late at night.
Policy None.
Environmental None.

**12. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	<b>Yes</b>
Chief Executive	<b>Yes</b>
Executive Director - Partnerships and Projects	<b>Yes</b>
Executive Director - Services	<b>Yes</b>
Assistant Chief Executive	<b>Yes</b>
Head of Service	<b>Yes</b>
Head of Financial Services	<b>Yes</b>
Head of Legal, Equalities & Democratic Services	<b>Yes</b>
Head of Organisational Development & HR	<b>Yes</b>
Corporate Procurement Team	<b>Yes</b>

**13. WARDS AFFECTED**

All wards.

**14. APPENDICES**

None.

**15. BACKGROUND PAPERS**

None.

**CONTACT OFFICER**

Name: Steve Martin  
E Mail: [steve.martin@bromsgrove.gov.uk](mailto:steve.martin@bromsgrove.gov.uk)  
Tel: (01527) 881493

DRAFT

## **APPENDIX C**

### **BROMSGROVE DISTRICT COUNCIL**

#### **Briefing Note**

#### **CIVIL PARKING ENFORCEMENT**

Responsible Portfolio Holder	Cllr June Griffiths
Responsible Head of Service	Michael Bell
Key Decision	

#### **1. SUMMARY**

- 1.1 This report summarises the in depth feasibility study of the adoption of Civil Parking Enforcement (CPE) by RTA Associates Ltd.
- 1.2 The adoption of CPE is the transfer of powers for enforcement of on-street parking regulations from the police to the Council. This adoption must relate to the whole of the District.
- 1.3 Adoption of these powers has an ongoing revenue cost, however the adoption of alternative methods of operation such as the adoption of on-street charges or the enforcement of off-street car parks by ANPR (Automatic Number Plate Recognition Systems) - both would drastically enhance the business case for CPE.
- 1.4 The current low level of enforcement by the Police means that there is a strong customer business case for adoption, particularly in areas such as Bromsgrove, Hagley, and Barnt Green. Representatives of these areas have already been in contact with officers over parking problems.

#### **2. RECOMMENDATION**

- 2.1 None, this is a briefing note.

#### **3. BACKGROUND**

- 3.1 Civil Parking Enforcement, or CPE, is the enforcement of parking restrictions on the public highway by the local authority.
- 3.2 The police currently carry out this function through the employment of a traffic warden. After CPE has been adopted, the Council would be the sole agency responsible for enforcement of parking restrictions, although the police would retain some of their powers.

- 3.3 In the case of Bromsgrove District Council, these powers could only be adopted after a satisfactory agreement with Worcestershire County Council. The common length of time for adoption is 12 – 18 months. Officers would recommend a start date in the spring or summer months when enforcement is generally easier, and carries less risk for those officers carrying out enforcement.
- 3.4 The adoption of CPE is not yet a statutory requirement, although officers believe that it may become so at a later date. Adoption at this stage allows the Council to implement CPE on its terms rather than have CPE imposed on it.
- 3.5 The adoption of CPE would also be in line with the Local Transport Plan 2, and specifically policy PARK1 which is;
- To work with District Councils to ensure that CPE is rolled out across the County by 2011.
- 3.6 In order to off-set the cost of adopting CPE, the Council may wish to consider working in partnership with the County Council to introduce on-street charging at certain locations. This is a separate matter to CPE and officers have been advised to introduce the two items separately. However, the two can be introduced at the same time and would positively impact on the business case for introducing CPE.
- 3.7 The Transport and Engineering Officer has been contacted regarding parking throughout the District by various bodies and individuals requesting more enforcement activity. These requests have been passed to the police, but show that the low level of enforcement currently employed by the Police is leading to problems in the entire District.
- 3.8 Other authorities adopting CPE have experienced a significant backlash against the newly enforced restrictions. However, there are also clear benefits such as the increased turnover of parking spaces on street with the consequential improvement in trading opportunities, and the improvement in areas of congestion in towns. The advantages and disadvantages are described in the following paragraphs.
- 3.9 The adoption of Civil Parking Enforcement would allow the Council to;
- Decide the level of enforcement required and where/how it is applied
  - Introduce new schemes (e.g. residents controlled parking) and enforce them appropriately
  - Improve traffic management
  - Improve safety and environmental conditions, particularly in the pedestrian areas around the High Street(s) or areas of trade in the District
  - Better utilise off-street parking locations and potentially increase revenue
  - Combine on and off street enforcement into a single management regime
  - Keep any revenue from Penalty Charge Notices, ring fencing the surplus to implement transport strategies



- Provide a more straight forward public perception of parking
- Review how parking is managed
- Improve intra-authority co-operation and partnership working, for example, with Parish Councils and the County Council.
- Improve the opportunity for trade in the town and village centres

3.10 The disadvantages of adoption are;

- CPE is likely to be more viable in urban than rural areas.
- Local Authorities which adopt CPE face the risk that there may be insufficient income to sustain the service.
- Traffic Wardens employed by the Police may be reluctant to transfer to the Local Authority.
- Parking enforcement is often open to public criticism. The adoption of on-street parking enforcement could increase the level of criticism, although the public are generally supportive and keen to see improvement.
- Once the powers to enforce CPE have been adopted, there is no scope for withdrawing from this responsibility.

3.11 There are a number of key issues which need to be considered should Members decide on the adoption of CPE. They are;

- The establishment of an agency agreement between the District and County Council
- The establishment of a steering group for the project
- The timescale for application for the powers
- The process of consultation.
- An agreement with the Police on how powers will transfer

3.12 A steering group of four officers including a Head of Service has met on three occasions to discuss CPE. The following conclusions were reached;

- The enhancements to the quality of life of residents may be less keenly felt in a relatively small area such as Bromsgrove.
- The opportunity to introduce CPE would be best taken at the same time as the town centre is redeveloped.
- The business case for adoption, as submitted by the consultants, is open to question.

3.13 These decisions were based on continuing to operate the existing pay and display system in its current format. Officers are aware of alternative methods of operation that will increase the effectiveness of the current operation and reduce the need for increased staff levels. Should Members decide to adopt these measures; the adoption of CPE will become far more economical.

3.14 The agency agreement between the District and the County Council is extremely important to the adoption of CPE. The County Council currently relies on an agreement which is financially disadvantageous to the District. This is because the District will have to stump up the cost of adopting CPE

by submitting the application to the DfT and carrying out a TRO review. Worcestershire County Council appear to be the only County who insist on this. In addition the fact that four Districts have already accepted this agreement weakens any argument for change. Conversely, Malvern Hills have indicated that they took the decision not to adopt CPE because of County's unwillingness to foot the bill.

- 3.15 The current agency agreement and proposed agency agreements are included for consideration as appendices to this report. Should County insist of the adoption of the current agency agreement without alteration, the Council shall insist that any surplus made as a result of CPE should be retained by BDC. If there is no agreement on this matter then CPE should not be adopted.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The financial business case for the adoption of CPE was first proposed in the report by RTA Associates Ltd a consultancy employed by the District Council to consider CPE. Officers understand that they have also been employed for the same task by Wychavon, Wyre Forest and Redditch.
- 4.2 RTA Associates Ltd take the view that CPE will be financially viable in the long term. However Officers have some concerns with this point of view. The predictions provided by RTA Associates Ltd are based on a 5% increase in revenue from the off-street car parks. Experience from other District Councils shows that this is unlikely. Having consulted other operators informally they have indicated no increase in off-street revenue.
- 4.3 However, if a different style of parking enforcement is adopted on the current off-street car parks, which could reduce the need to employ additional staff, the adoption of CPE becomes far more attractive financially.
- 4.4 The broad financial conclusions from the RTA report are;
- The project would show an annual financial surplus if the highest rate of Penalty Charge Notice (PCN) level is chosen.
  - A consistent level of PCN issue is essential for viability.
  - Consistent and effective debt recovery is essential to the viability of the project.
  - There may be a need to work in partnership with the County Council to introduce on-street charges in certain areas (Bromsgrove, Rubery, Hagley, Alvechurch, Barnt Green are all possibilities) in order to ensure that the scheme is viable.
- 4.5 The Traffic Management Act 2004 has required parking operators to apply two different levels of penalty charge. The higher rate, commonly set at £70, is applied for a certain range of offences, whilst the lower rate (commonly set at £40) is applied for those offences which are felt to be less serious (i.e. displaying an expired ticket). Members should be aware that differential

charging has caused a drop in revenue for some authorities, but does provide a more proportional fine.

- 4.6 The viability of the business model is based on the issue of around 9000 more PCNs per annum based on the employment of an additional 3 officers and the highest rate of PCN. This business case is necessary when submitting the case for adoption to the DFT. In the event that full compliance is achieved and no PCNs are issued, no income will be received. In this event the cost of policing the on-street operation will be met by the Council, with a potential cost of £159k per year. However, this may be offset by higher revenue from parking charges as a result of high compliance.
- 4.7 Staffing costs would also be higher with a requirement for an additional three enforcement officers, and the employment of a supervisor. The rise in workload for the back office may require the employment of another administration officer. This would lead to a predicted rise in annual expenditure of around £118k. However, if a more effective method of enforcing off-street car parks could be used such as pay on foot or the Automatic Number Plate Recognition System, the need for officers to patrol the off-street car parks as regularly as they currently do would be reduced, with the consequential reduction in revenue cost.
- 4.8 The introduction of CPE will require significant financial outlay. Operational management will allow a consolidation of all Traffic Regulation Orders within the District and some remedial works to be carried out. There will also be other capital costs incurred, such as On-street and Off-street Enforcement (e.g. providing equipment for enforcement officers), and Penalty Charge Processing (equipment for the back office function). These costs will need to be addressed as part of the medium term financial plan
- 4.9 There will also be increased revenue generated by the introduction of CPE. This will include potential additional revenue from parking fines and the potential for additional revenue from increased use of off-street car parks.
- 4.10 The figures supplied by the Consultants working on behalf of the Council suggest that there would be a start up cost of around £122k, and then an ongoing increase of £159k in expenditure to deliver the service. The following table itemises the set up, capital and ongoing revenue costs:

<b>Set up costs</b>		
PR	£	5
Consultants	£	15
Training, recruitment and uniforms	£	16
Computer equipment	£	14
<b>Total</b>	<b>£</b>	<b>50</b>

**Capital costs**

Signs and line reviews	£	35
Signs conversion	£	2
Office equipment	£	21
Computer system	£	14
<b>Total</b>	<b>£</b>	<b>72</b>

**Ongoing revenue costs**

Parking manager*	£	11
PR	£	1
Additional staffing for enforcement*	£	103
Back office staff*	£	15
Ongoing back office expenses	£	29
<b>Total</b>	<b>£</b>	<b>159</b>

\*includes overheads

4.11 This corresponds with an increase in income of £160k for the first year, followed by an annual increase of £215k for the following 4 years. The following table illustrates this position:

Year	1	2	3	4	5
<b>Expenditure</b>	-£ 287	-£ 159	-£ 159	-£ 159	-£ 159
<b>Income</b>	£ 160	£ 215	£ 215	£ 215	£ 215
<b>Sub-Total</b>	-£ 127	£ 56	£ 56	£ 56	£ 56
<b>Cumulative</b>	-£ 127	-£ 71	-£ 15	£ 41	£ 97

4.12 Regrettably a number of consultants have been proved incorrect in the number of penalty charge notices they expect the parking operator to issue, and the number issued has been less than anticipated. Officers are aware that careful management of the implementation of the scheme would provide significant benefits and allow any surplus to be maintained. In addition, the above table shows the effects of a 5% rise in off-street revenue.

4.13 Officers believe that the following table is a more likely indication of the likely effects of the introduction of CPE. This has included a reduced level of income relating to pay and display receipts and parking fines of £60k in the first year and £65k per year thereafter:

Year	1	2	3	4	5
<b>Expenditure</b>	-£ 287	-£ 159	-£ 159	-£ 159	-£ 159
<b>Income</b>	£ 90	£ 150	£ 150	£ 150	£ 150
<b>Sub-Total</b>	-£ 197	-£ 9	-£ 9	-£ 9	-£ 9
<b>Cumulative</b>	-£ 197	-£ 206	-£ 215	-£ 224	-£ 233

4.14 The appointment of another member of enforcement staff prior to the adoption of CPE would affect the business case in a beneficial way as detailed below:

	1	2	3	4	5
<b><u>Expenditure</u></b>	-£ 262	-£ 134	-£ 134	-£ 134	-£ 134
<b><u>Income</u></b>	£ 90	£ 150	£ 150	£ 150	£ 150
<b><u>Sub-Total</u></b>	-£ 172	£ 16	£ 16	£ 16	£ 16
<b><u>Cumulative</u></b>	-£ 172	-£ 156	-£ 140	-£ 124	-£ 108

4.15 The use of the pay on foot system of parking management would make the business case far more financially viable as the ongoing staff budget would be reduced;

	1	2	3	4	5
<b><u>Expenditure</u></b>	-£ 212	-£ 84	-£ 84	-£ 84	-£ 84
<b><u>Income</u></b>	£ 90	£ 150	£ 150	£ 150	£ 150
<b><u>Sub-Total</u></b>	-£ 122	£ 66	£ 66	£ 66	£ 66
<b><u>Cumulative</u></b>	-£ 122	-£ 56	£ 10	£ 76	£ 142

This is obviously more attractive financially as the risk is considerably lessened, but is entirely dependant on the adoption of a different parking system and the associated costs. It does prove that the adoption of CPE can be introduced in a financially viable way in the short term.

4.16 Unless agreement to the contrary can be reached the on-street surpluses would be the property of County Council. The procedure in the event of the on-street side running into deficit would need to be addressed in any agency agreement. However, the figures provided by the Transport and Engineering Officer are cautious estimates.

## **5. LEGAL IMPLICATIONS**

5.1 A full review of the Traffic Regulation Orders will have to be undertaken prior to adoption. This is an extensive undertaking, but is imperative due to the lack of accuracy of the current TROs. The project to review the TROs is a County Council responsibility (as the Highway Authority) and will need to be agreed and resourced as soon as possible after the decision to adopt CPE is undertaken.

5.2 Also vital is the agency agreement between the District Council and the County Council concerning the adoption of powers for on-street adoption. It is the County Council who will make the application to the Department for Transport (DfT), and prior to this application the agency agreement will need to be developed and signed. This agreement will address several issues, the most important of these being the financial aspects of adoption. For example, it will detail the process should there be a deficit in the on-street account, and also the use of any surplus that the adoption of CPE may generate.

## **6. COUNCIL OBJECTIVES**

- 6.1 The adoption of CPE would meet three of the Council objectives which are;
- To provide a clean, safe, and attractive environment
  - To protect and improve our environment and promote sustainable communities
  - To foster and sustain a strong and expanding economy

## **7. RISK MANAGEMENT**

- 7.1 Ensuring that the public are aware about the changes which will occur as a result of the adoption of CPE is vital to establish credibility and support. Any public relations campaign should highlight the positive results arising from the adoption of CPE, such as improved traffic management and improved safety and environmental conditions, and the fact that a parking offence is now decriminalised. This will need to take place shortly before the introduction of CPE.
- 7.2 Members should be aware that there will be significant comment regarding the introduction of CPE. For example, traders traditionally cite the introduction of CPE as being detrimental to trade. In practice experience shows that the opposite is true and more effective enforcement leads to a higher turnover of visitors and therefore increased trade.
- 7.3 As already mentioned, there will also be significant comment regarding the introduction of on-street charges. Experience from other towns has shown that this will be significant. This needs to be countered by a well managed publicity campaign well before these changes are introduced.

## **8. CUSTOMER IMPLICATIONS**

- 8.1 The current on-street enforcement regime provided by the Police is relatively minor with little or no enforcement on some days. The impact of employing a larger number of staff specifically for parking management will lead to a rise in the number of parking fines issued, which in turn will generate a number of complaints.
- 8.2 Conversely, the overwhelming majority of drivers already park properly, and effective enforcement against offenders will improve traffic flow, improve turnover in time restricted bays (and therefore trade in that area), reduce the abuse of disabled only parking bays and will improve safety on roads.

## **9. EQUALITIES AND DIVERSITY IMPLICATIONS**

- 9.1 Better control of on street parking places will improve traffic flow and prevent abuse of disabled parking bays and restricted parking areas.

## **10. VALUE FOR MONEY IMPLICATIONS**

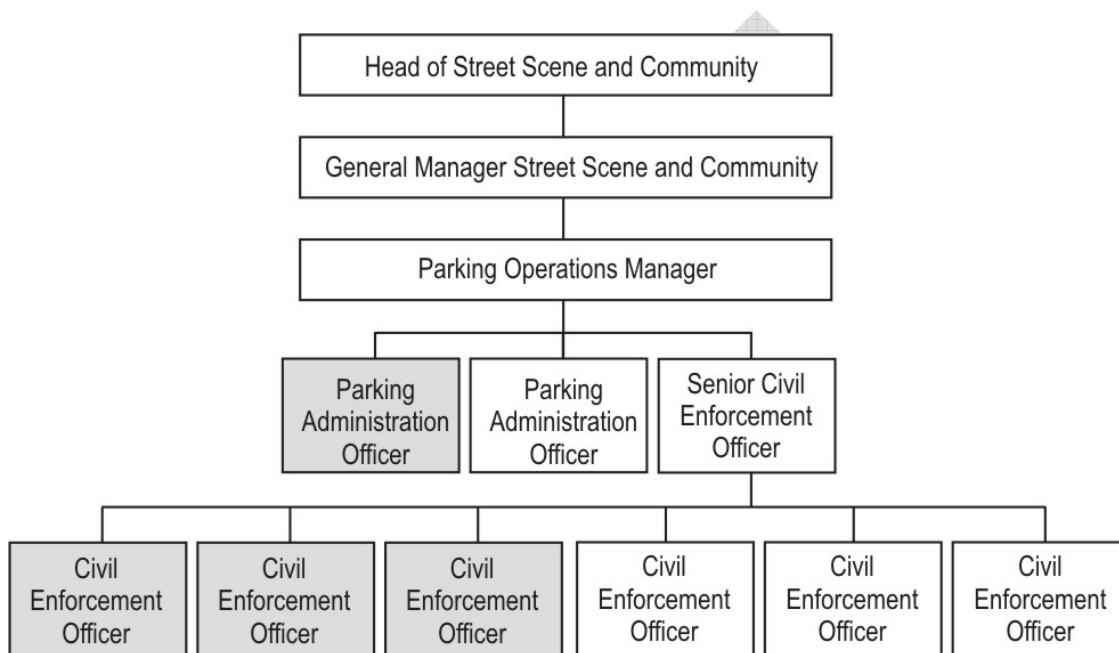
10.1 Co-ordinating all parking management issues into a single service will provided a more efficient service to the community, with greater control of parking and traffic management.

## 11. OTHER IMPLICATIONS

Procurement Issues: None
<p>Personnel Implications</p> <p>There will be a need for a senior officer to take responsibility for the complete management of the parking operation to include both on-street and off-street areas. This post may become part of an existing post, be a new post, or be outsourced.</p> <p>There will also be a need to consider the Transfer of Undertakings (Protection of Employment) (TUPE) regulations with regard to the Traffic Warden currently employed for on-street enforcement. It may be that he decides to take early retirement or redeployment, so TUPE may not apply.</p> <p>To manage this project, it will be necessary to establish a project steering group. This should include officers from the various internal sections of the Council, and also officers from the Highways Partnership Unit and the Police. It will also be necessary to establish a project manager to direct the steering group. Given the importance of this project, it is suggested that major policy direction for the project should come from a group of Members and senior officers who are constituted and delegated with the responsibility for the successful implementation of CPE.</p> <p>The need for additional staff has already been outlined in paragraph 4.6.</p> <p>In addition to managing the Engineering Technician and Shopmobility roles, the Transport and Engineering Officer is also responsible for managing the Council's concessionary fares policy and payments, along with a small number of other tasks.</p> <p>The decision to adopt CPE will immediately place an extremely high workload on the Transport and Engineering Officer, and consideration needs to be given as to how this would be managed internally. The workload created by the decision to adopt CPE will be substantial, and the successful implementation will be dependant on the resources made available for the process.</p> <p>Furthermore, the consultants have indicated that the current number of</p>

Enforcement Officers is unsatisfactory and should either be increased by one, or a Senior Enforcement Officer should be employed to address this. Due to the nature of their role, Enforcement Officers tend to be self-financing. The low level of staffing has also been commented on by the Councils Internal Audit section, and was reported to the Scrutiny Task Group by officers although this has not been included in the final report.

The following chart summarises the proposed staff structure with the grey posts being those considered necessary under CPE and not within the current parking system;



Should members decide to adopt the pay on foot management system it is likely that the requirement for an additional three enforcement officers (highlighted in grey above) will no longer be necessary.

There is also a need to look at accommodating this section in a location that is accessible at all times to staff as the Shopmobility building is unlikely to be suitable for the expansion required.

Governance/Performance Management: Improved performance of Parking Section. Greater control over traffic management.

Community Safety including Section 17 of Crime and Disorder Act 1998  
 There is the possibility that the increased enforcement of parking offences may lead to threats of assault against Enforcement Officers. It is essential that full training, similar to the current training, is given to minimise the risks inherent in this role. However a greater presence of Enforcement Officers on street may also reduce some minor crime incidents against vehicles.

Policy: The report proposes a change in the method of parking management



across the District.
Environmental: There is the potential for improved traffic flow and reduced congestion in the town and village centre areas.

## 12. **OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	<b>Yes</b>
Chief Executive	<b>Yes</b>
Executive Director - Partnerships and Projects	<b>Yes</b>
Executive Director - Services	<b>Yes</b>
Assistant Chief Executive	<b>Yes</b>
Head of Service	<b>Yes</b>
Head of Financial Services	<b>Yes</b>
Head of Legal, Equalities & Democratic Services	<b>Yes</b>
Head of Organisational Development & HR	<b>Yes</b>
Corporate Procurement Team	<b>Yes</b>

## 13. **WARDS AFFECTED**

All wards.

## 14. **APPENDICES**

- 14.1 A - Current Agency Agreement
- 14.2 B - Alternative Agency Agreement

## 15. **BACKGROUND PAPERS**

- 15.1 *Decriminalised Parking Enforcement Study Report, RTA Associates Ltd, August 2005.*

**CONTACT OFFICER**

Name: Steve Martin  
E Mail: [steve.martin@bromsgrove.gov.uk](mailto:steve.martin@bromsgrove.gov.uk)  
Tel: (01527) 881457

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## Bromsgrove District Council

### Parking Enforcement

# Customer Charter and Procedures



#### Contents

1. Introduction
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9. Enforcement
10. Suspected & Abandoned Vehicles
11. Clamping & Removal of Vehicles

# 1 Introduction

## **Message from the Chair of the Bromsgrove Parking Steering Group**

*“Parking is important. It provides us with access to local services and businesses, leisure activities and shopping. It is also a popular topic for discussion, and many people will have strong views on the subject.*

*The parking provided by the Council in the District is of a high standard. We have CCTV on all our pay and display car parks. Our standards of parking for drivers with a disability are possibly the best in the local area. The car parks are regularly swept and cleaned, are illuminated to a high standard, and are patrolled frequently by uniformed staff.*

*These standards come at a cost. The charges we make for using these car parks support the maintenance, upkeep, and cleanliness of the car parks. The charges also support other Council initiatives such as CCTV and Shopmobility scheme. These two services in particular have made a huge impact on the District, and without charging for parking the Council would have struggled to introduce or maintain either.*

*Most of our customers play fair and pay for their parking, or use the car parks in line with the terms and conditions of use. Those who do not are often subject to enforcement activity.*

*This document sets out the standards we require our officers to adopt. Our officers will always work by the standards of honesty, integrity, and transparency. This document provides our customers access to those standards, and is also used by the section for training purposes.*

*I am pleased to introduce the customer charter and procedures.”*

**Councillor Griffiths - Chair of the Bromsgrove Parking Steering Group**

The purpose of this document is to provide parking customers and staff clear and transparent information regarding the operation of the parking service. It will be used as a training document for all staff. It is also aimed at being a useful tool for customers of the service who wish to research the way that the parking service operates.

This document also sets out the standard of service that Bromsgrove Council expects to deliver to our customers.

It is intended that this document will be regularly maintained, and also that it will be jargon free.

## 2 Customer Charter

We strive to;

- Provide an efficient and courteous service
- Provide safe and user friendly parking areas complying with current parking regulations
- Make your safety and security a key factor
- Provide 24 hour CCTV coverage on all our car parks
- Provide uniformed staff patrolling during open hours
- Provide designated spaces for disabled drivers set out to current regulations
- Ensure that our parking areas are well lit, cleaned, and maintained
- Clearly display information about charges and where to pay
- Repair any equipment as soon as possible, keeping disruption to a minimum
- Remove graffiti within 5 working days of reporting
- Seek and listen to your views and ideas on how we may improve the service
- To monitor and compare ourselves to others

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### 3 The Role of the Civil Enforcement Officer

The Civil Enforcement Officers employed by Bromsgrove District Council will cover the off-street car parking operated by the Council throughout the District. These officers will receive training which will enable them to respond to customer needs sensitively and also to carry out enforcement fairly and consistently.

Civil Enforcement Officers will often be the first or only point of contact for many customers of the service. Much of the time spent by Civil Enforcement Officers will be engaged in queries from members of the public, but most of their time will be spent in enforcement activity. They will also report back items for action not normally covered by Enforcement Officers, such as fly-tipping, abandoned vehicles, graffiti, and damage to street furniture.

The Enforcement Officers will also carry out the following routine duties;

- Checking signage, bins, marking and general cleanliness
- Ensuring pay and display machines are operational
- Ensuring that drivers have paid for, or are entitled to, their parking
- Ensuring that vehicles are parked within a designated parking bay and are not causing an obstruction.
- Ensuring that there are no obstructions or hazards to health and safety on any of the parking areas.

#### **Excess Charge Notices – Issuing Criteria**

Before an Excess Charge Notice is issued, the following must be considered by the Enforcement Officer;

- Checking that all signs, markings, and plates in the immediate area are visible.
- Checking that pay and display machines in the vicinity are operational
- Checking that the vehicle has not broken down
- Checking that the vehicle is not displaying a permit.
- Checking that the vehicle is not displaying anything (ie a blue badge) that would give dispensation in that instance
- Checking that the driver is not in the process of purchasing a ticket.

#### **Issue and Serving of Notices**


An excess charge notice may be issued at the time that the Civil Enforcement Officer believes that the motorist is committing an excess charge offence. The notice will either be affixed to the vehicle in an envelope or handed directly to the driver.

The excess charge notice will contain the following information;

- Registration number of the vehicle;
- Location of the vehicle;
- Date and time of the alleged contravention;
- The number of the Civil Enforcement Officer issuing the excess charge notice
- Details of alleged contravention;

- Details of penalty payable;
- Instructions on how and where to pay;
- Instructions on how and when an appeal against the issue of the penalty may be made.

An example of the type of excess charge notice is included below:

Copy to Driver		<b>BROMSGROVE DISTRICT COUNCIL</b>		Excess Charge Number:
		<b>EXCESS CHARGE NOTICE</b>		ECN
ROAD TRAFFIC REGULATION ACT 1984 DISTRICT COUNCIL OF BROMSGROVE (OFF-STREET PARKING PLACES) (VARIATION) ORDER 2008				
To the driver of the vehicle, the registration number of which is: _____				
the above vehicle was observed in the _____ parking place				
at (time) _____ on (date) _____ 20____ by Civil Enforcement Officer No. _____. The vehicle (tick as applicable);				
<input type="checkbox"/> Did not have a valid ticket or permit displayed.	<input type="checkbox"/> Was not parked wholly in a designated bay.			
<input type="checkbox"/> Had a ticket which had expired at _____.	<input type="checkbox"/> Had a permit which had expired on _____.			
<input type="checkbox"/> Exceeded the maximum time allowed of _____.	<input type="checkbox"/> Was using a space for a purpose other than indicated.			
<input type="checkbox"/> Was parked in a space for the disabled without displaying a valid blue badge.	<input type="checkbox"/> Was being used for the sale of foodstuffs or other goods to persons in or near the car park.			
<input type="checkbox"/> Exceeded the maximum weight permitted.	Issued at (time): _____	VDA?	<input type="checkbox"/>	
<p><b>IF YOU DO NOT PAY A REDUCED CHARGE OF £35 WITHIN 14 DAYS OF THE DATE OF ISSUE OF THIS NOTICE, THE CHARGE DUE WILL BE £70. FAILURE TO PAY MAY LEAD TO PROSECUTION. DO NOT PAY THE ATTENDANT. SEE THE REVERSE FOR DETAILS OF HOW TO PAY.</b></p> <p><b>IT IS AN OFFENCE UNDER SECTION 35A(1) OF THE ROAD TRAFFIC REGULATION ACT 1984 FOR THE DRIVER WHO HAS LEFT THE VEHICLE IN THIS PARKING PLACE TO FAIL TO PAY THE EXCESS CHARGE.</b></p>				

Wherever possible a pre-addressed envelope will be supplied with the excess charge notice. In cases where the excess charge notice is handed to the driver, this may not always be possible.

Any excess charge offence may require the civil enforcement officer to take photographic evidence (either in the form of stills or video footage) of the offence. This will allow the Council to;

- Provide evidence to support the issue of the excess charge notice in cases of dispute
- Provide evidence that the civil enforcement officer has acted correctly and within the current guidelines

Photographic evidence will solely be used for the considering of appeals and the recovery of any debts incurred.

## 4 Appeals

We aim to ensure that each letter of appeal is carefully and fully considered, and that the decision reached in relation to the appeal is clearly communicated. The reasons behind our decision will also be made clear.

All appeals must be received in writing which may be by email, letter, or on an official appeal form. This is to ensure a clear record of the reasons for appeal.

Drivers are encouraged to appeal before the 14 working day limit for reduced payment has been breached. If an appeal is received after this time the full amount of the excess charge notice will be due.

We will endeavour to respond fully to any appeal within 10 working days.

The Council will contact the Driver and Vehicle Licensing Agency (DVLA) in order to ascertain who the registered keeper at the time of the excess charge notice was. If the driver fails to respond to the excess charge notice, then a letter will be sent to the registered keeper of the vehicle. This letter is known as a Notice to Owner (or NTO). The registered keeper will then have the opportunity to dispute the excess charge notice or make payment in full.

After 21 days the debt is formally recorded with the Council's accounting system. An invoice will be raised and sent to the debtor.

If no appeal is received, the debt is passed to our legal team for prosecution, and the cost of the excess charge notice may increase with administration fees being added to the cost, and additional charges may also apply if court appointed bailiffs are used.

Drivers may appeal on whatever grounds they wish, and all appeals will be considered on their own merits. However, officers dealing with appeals are required to observe the guidelines laid out in section 5.

A list of possible reasons that appeals may be accepted and also mitigating circumstances are included in section 5.

All appeals will be considered by the Notice Processing Office and the motorist informed of their decision within 10 working days on receipt of the appeal. Appeals must be received by the Notice Processing Office, and if possible should be on the appropriate form which is available online at [www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk).

In addition, a paper copy of the appeal form can be collected from;

Bromsgrove District Customer Service Centre  
School Drive  
Bromsgrove



If you do not have access to the internet and cannot visit the Service Centre, a simple statement in letter form will be adequate.

Completed appeal forms and letters of appeal can be returned to;

The Parking Office  
Bromsgrove District Council  
The Council House  
Burcot Lane  
BROMSGROVE  
B60 1AA

Email appeals can be sent to [appeals@bromsgrove.gov.uk](mailto:appeals@bromsgrove.gov.uk) – these will then be automatically forwarded to the relevant officers. Copies of any evidence pertaining to the appeal should be attached to the email. For example, if you wish to appeal on the basis that you own a blue badge, scan both sides of the blue badge and attach it to your email.

Should the Council reject the appeal, the motorist does **not** currently have the right to appeal to the Traffic Penalty Tribunal. This is because the Council operates under the Road Traffic Regulation Act 1984.

Drivers who are dissatisfied with the decision taken can refer the matter to the parking section again where the case will be reviewed by a senior officer. However, drivers should be aware that officers use the same criteria for considering appeals and these are included in section 5.

#### **Registered Keepers Liability**

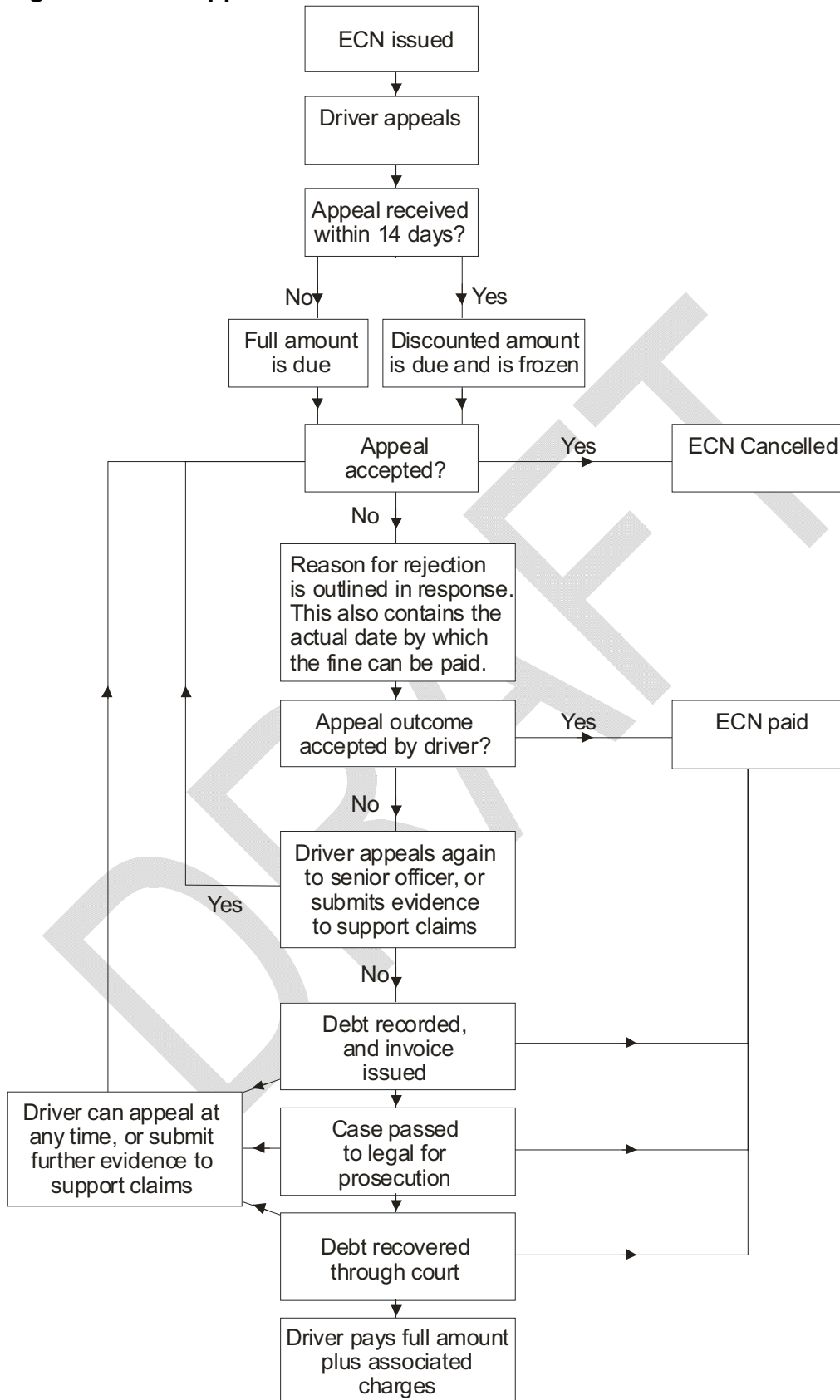
A number of appeals may be received on the grounds that the registered keeper was not in possession of the vehicle at the time of the offence. Although this may be the case, the registered keeper still has a responsibility to ensure that the vehicle is parked correctly and responsibly.

The registered keeper will still be liable for all excess charge notices issued.

All changes in keeper details must be forwarded to the DVLA by completing the relevant sections on the vehicle registration document. Where an excess charge notice is issued and a registered keeper is claiming to no longer own the vehicle and did not own the vehicle at the time of the alleged contravention, clear written evidence will need to be provided showing the precise date the vehicle was sold and the person to whom it was sold.

Hire vehicles are treated differently in that although the hire company is the registered keeper of the vehicle, the paperwork signed by the hirer clearly transfers responsibility of such penalties to the driver.

Figure 3 – The Appeals Process



## 5 Grounds for Making Representations

There are no statutory grounds for appealing against excess charge notices. The following list details how the Council will approach appeals.

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S1 The contravention did not occur:</b>	
<b>S1.2 where the motorist claims that a parking pay &amp; display machine was faulty</b>	
<p>If service records confirm a fault or that the machine had been taken out of service at the time of the contravention.</p> <p>If there is reasonable doubt because evidence not available to confirm that a machine was working at the time (test ticket) and there was not another ticket machine nearby which was operating correctly</p>	<p>If there was another ticket machine nearby that was working correctly at the time.</p> <p>If there is no record of the machine being faulty or taken out of service.</p> <p>If there is reasonable doubt because evidence confirms that other visitors had been able to purchase tickets during the relevant period</p>
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S1.3 where motorist claims that the restriction is not clearly signed or marked</b>	
<p>If signs and/or markings are missing or unclear.</p> <p>If signs and markings are inconsistent with each other and/or Traffic Regulation Order or Car Parking Order.</p>	<p>If site visit records or photographs establish that signs and/or markings are correct and consistent with each other and the Traffic Regulation Order or Car Parking Order legislation.</p>
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S1.4 where motorist was carrying out maintenance or building works</b>	
	In all other circumstances

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S1.5 where motorist claims that excess charge notice was not served (i.e. excess charge notice not found attached to the vehicle or handed to driver)</b>	
If the Civil Enforcement Officer's pocket book and/or computer notes confirm that the vehicle drove away before an excess charge notice could be served, i.e. excess charge notice not handed to the driver or fixed to the vehicle.	If the Civil Enforcement Officer's notes or photographs confirm that an excess charge notice was correctly served, i.e. handed to the motorist or fixed to their vehicle

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S1.6 where the motorist claims that their vehicle was not parked in the location at the time and on the date alleged on the excess charge notice which was issued</b>	
If the photographic, video, or any other evidence does <b>not</b> prove beyond any reasonable doubt that the vehicle was parked at the date, time and place of the contravention.	If the photographic, video, or any other evidence proves beyond any reasonable doubt that the vehicle was parked at the date, time and place of the contravention.

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S1.7 where motorist claims that permission to park had been issued</b>	
If records show that the motorist holds permission to park.	If the motorist cannot provide a copy of the valid permission to park or if there is no record of any issue of the authorisation.  If the motorist did not park in accordance with the authorisation.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S1.8 where the motorist claims that a pay &amp; display ticket was purchased and displayed</b>	
<p>If the motorist produces a Pay &amp; Display parking ticket that was valid at the time the excess charge notice was issued <i>and</i> the vehicle registration number matches that entered on the ticket <i>and</i> it is the first contravention of this kind.</p>	<p>If the motorist is unable to produce a valid pay &amp; display ticket, Or The motorist has made a similar representation before and had a previous excess charge notice cancelled, after giving them the benefit of the doubt Or The Civil Enforcement Officer noted that the motorist obtained their ticket from another motorist in the car park Or Where digits have been entered on the face of the ticket and do not match those of the motorist's vehicle registration, subject to some latitude being allowed for errors.</p>

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S2 The penalty exceeded the relevant amount</b>	
If the excess charge notice and/or notice to owner letter showed the incorrect amount of penalty charge, i.e. the wrong penalty charge band	If the excess charge notice or notice to owner showed the correct amount of penalty charge

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S3 The Parking / Traffic Order was invalid</b>	
If the Traffic Regulation Order or Car Parking Order which prescribes the restrictions that the vehicle was parked in contravention of was either not constructed correctly, i.e. is ultra vires, or was not made correctly, i.e. not consulted on properly.	The Traffic Regulation Order or Car Parking Order which prescribes the restrictions that the vehicle was parked in contravention of was constructed and made correctly.  If the motorist merely considers the restrictions to be unfair.

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S4 The motorist was not the owner/keeper of the vehicle at the time of the contravention:</b>	
<b>S4.1 where the current registered keeper claims that the vehicle was disposed of before the contravention occurred</b>	
<p>If the current registered keeper is able to provide proof that the vehicle was disposed of before the contravention, i.e. a bill of sale, registration documents, insurance documents or a letter from the DVLA; and/or</p> <p>If the current registered keeper is able to provide the full name and address of the person to whom they disposed of the vehicle.</p>	<p>If the current registered keeper is unable to prove that they disposed of the vehicle before the contravention or provide the full name and address of the person to whom they disposed of the vehicle.</p> <p>If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide the person named by the current registered keeper.</p>

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S4.2 where the current registered keeper claims that the vehicle was purchased after the contravention occurred</b>	
<p>If the current registered keeper is able to provide proof that the vehicle was purchased after the contravention, i.e. an invoice, registration documents, insurance documents or a letter from the DVLA; and/or</p> <p>If the current registered keeper is able to provide the full name and address of the person from whom they purchased the vehicle.</p>	<p>If the current registered keeper is unable to prove that they purchased the vehicle after the contravention or provide the name and address of the person from whom they bought the vehicle.</p> <p>If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide.</p>

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S4.3 where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention</b>	
Only when a hire agreement exists (see S6, below).	In all other circumstances because the registered keeper is always liable, including where the vehicle was left in the care of a garage.

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S4.4 where the motorist claims that they never owned the vehicle</b>	
If the DVLA confirm that the motorist was not the registered keeper at the time of the contravention.	<p>If the DVLA confirms that the motorist was the registered keeper of the vehicle at the time of the contravention.</p> <p>If the previous registered keeper provides proof that the motorist bought the vehicle before the contravention, or the subsequent registered keeper provides proof that the motorist sold the vehicle after the contravention.</p> <p>If the motorist is proven to have hired the vehicle for the day on which the contravention occurred and signed an agreement to take responsibility for excess charge notices incurred, subject to the time of hire (see policy S6, below).</p>



<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p><b>S5 the vehicle had been taken without owner’s consent</b>  <b>S5.1 where the current registered keeper claims that the vehicle had been stolen</b></p>	
<p>If the registered keeper provides a valid police crime report reference number.</p>	<p>If the current registered keeper is unable to provide any proof of theft.</p> <p>If the police crime report reference number provided by the current registered keeper does not exist or it does not match the theft or date of the theft alleged.</p>

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p><b>S5.2 where the current registered keeper claims that the vehicle was driven by a third party (i.e. a friend, relative or estranged partner)</b></p>	
<p>In no circumstance</p>	<p>In all circumstances because the registered keeper is always liable, save for when a hire agreement exists (see policy S6, which follows).</p>

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S6 the owner is a hire company and have supplied the name of the hirer</b>	
<p>If the hire company are able to provide proof that the vehicle was hired at the time of the contravention, i.e. a signed agreement.</p> <p>If the hire company are able to provide the full name and address of the person to whom they hired the vehicle.</p>	<p>If the hire company are unable to prove that they hired out the vehicle on the date of the contravention or provide the name and address of the person to whom they hired the vehicle.</p> <p>If the person named by the hire company, without proof, either does not exist, cannot be traced or denies responsibility for the contravention.</p> <p>If the vehicle was being used as a courtesy car without an agreement signed to accept responsibility for excess charge notices issued.</p>

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<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S7 Any other information that the motorist / vehicle owner want the Council to take into consideration</b>	
	The decision whether or not an excess charge notice should be cancelled will only be taken following very careful consideration taking into account all of the evidence available.

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## 6 Payment of Parking Fines

We will accept payment in a number of ways to make paying an excess charge notice easy. We will take action to recover any unpaid excess charge notices as they are regarded as a debt to the Council.

### Payment Facilities

It is the wish of the Council that all motorists are given a number of methods through which to pay the excess charge notice. The following payment methods will be allowed and administered by the Notice Processing Office:

- Cheque;
- Credit Cards;
- Debit Cards; and
- Cash.

Payments can be made by post (cheques only) by sending the payment to;

Bromsgrove District Council  
PO Box 7760  
BROMSGROVE  
B60 1BR

Cheques should be made payable to “Bromsgrove District Council”.

Payment by cash, cheque, or credit or debit card can be made in person at:

Bromsgrove District Customer Service Centre  
School Drive  
Bromsgrove

It is intended that in the future payment by credit or debit card can be made by phoning 01527 881474 and listening to and following the messages. This facility will be available at most times throughout the day everyday.

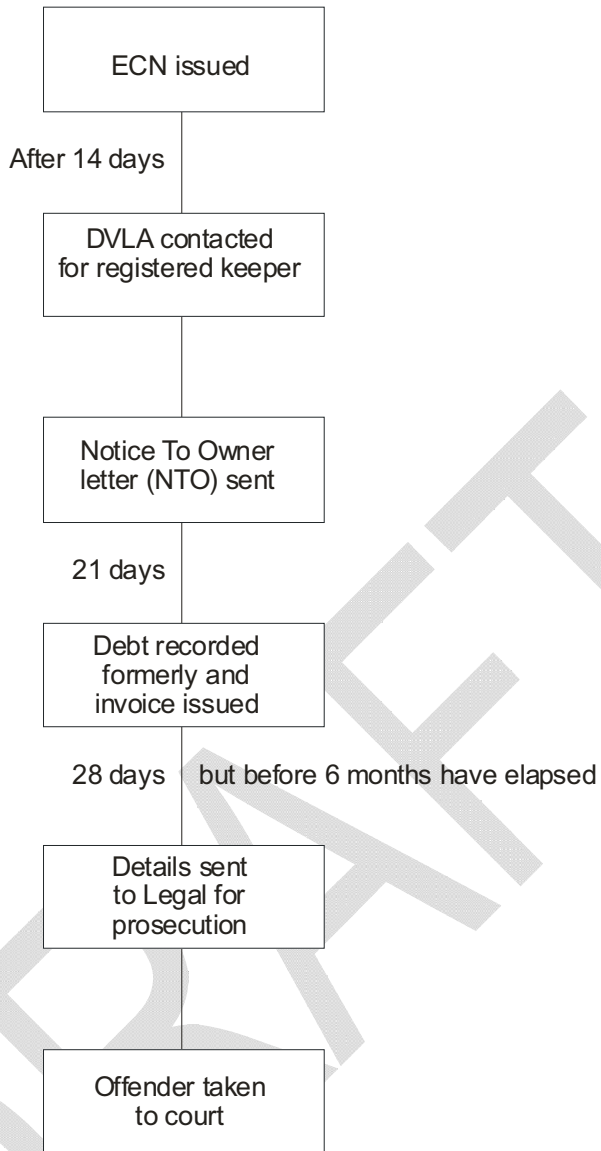
Payment by credit or debit card can be made by logging on to [www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk) and selecting the pay for it section. This facility is available at most times throughout the day everyday.

### The Issue of Excess Charge Notices

Once an excess charge notice has been issued, the registered keeper is offered a reduction for early payment of the charge. Once the prompt payment discount period, which is currently fourteen days, has passed, the debt owed doubles.

If the debt remains unpaid until after the case has been referred to County Court, the Council may add any additional costs incurred to the debt. Drivers should also be aware that the Court may appoint bailiffs to recover the debt.

The procedure detailed on the following page will be applied to excess charge notices.



## 7 Staff Conduct

Our staff will be highly trained to do their job well.

Bromsgrove District Council Civil Enforcement Officers will be easy to recognise in their green uniform.

All Bromsgrove District Council Civil Enforcement staff will treat customers with respect and expect to be treated in the same way.

### **Customer Care**

Bromsgrove District Council places a great emphasis upon customer care and operates principles aimed at maximising public relations. These principles will be embodied in operational procedures.

For example:

- A high standard for replying to correspondence has been set and will be maintained in line with customer care promises,
- Warning notices may be issued for certain contraventions; for example, a motorist holding a recently expired permit,
- All staff will work towards achieving a nationally recognised standard of competency and
- The use of corporate complaints procedures for the enforcements service embodying all the Council's standards.

### **Quality**

As part of the high standard that Bromsgrove District Council wishes to adopt, training will play a key role.

Along with the rigorous selection process in filling all Civil Enforcement Officers vacancies, an ongoing training and development programme will assist in the quality of service provided. Training of staff will also instil job satisfaction into our staff and encourage them to undertake their daily duties to the best of their abilities knowing they are fully supported by the Council.

Bromsgrove District Council will carry out training to high standards for Civil Enforcement Officers.

All new Civil Enforcement Officers will be required to work towards a nationally recognised assessment and certification.

### **Civil Enforcement Officer Uniforms**

Civil Enforcement Officer uniforms will be worn in accordance with national guidance. The design will incorporate the words "Civil Enforcement Officer" and "Parking Section" and will be easily distinguishable from police officers, etc. They will also have the name of the Council clearly displayed. The Attendants will carry a personal photo identity card. Personal radios and mobile phones will also be carried for the purpose of maintaining contact with the CCTV control room in order to request assistance and to alert the Police to incidents or issues requiring their attention.

**Complaints against Civil Enforcement Officers**

In striving towards continual improvement in the service provided by Bromsgrove District Council's Parking Section, the Council complaints procedure will be adopted enabling members of the public, both motorist and non-motorists, to register a complaint against any Civil Enforcement Officer or member of staff connected to the Parking Section.

Complaints can be made in person at The Bromsgrove District Customer Service Centre. Alternatively, you can ring and request a form on 01527 881288, or download a form from [www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk) .

The Council aims to investigate the complaints and respond within 10 working days of receiving the official complaints form.

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## 8 Exemptions and Waivers

The following vehicles are exempt from parking restrictions on Bromsgrove District Council parking areas;

- Police vehicles, Fire Brigade vehicles and Ambulances whilst attending emergency situations;
- Local authority vehicles being used to carry out their duties (such as: refuse collection, street cleansing, highway maintenance).
- Recovery vehicles attempting to recover vehicles which have broken down, providing they are acting in accordance with the instructions issued by Civil Enforcement Officers.

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## 9 Enforcement

We will observe vehicles for the periods stated for different contraventions before issuing an excess charge notice.

We will endeavour to take photographic or video evidence to show the excess charge notice was correctly issued.

We will consider mitigating circumstances for all representations.

### **Observation Period Prior to Issue of Excess Charge Notice**

What is important about these procedures is that they represent a foundation upon which fairness and discretion can be applied. The importance of flexibility in these matters has been recognised by the courts and, as a consequence, decisions made by Bromsgrove District Council staff must not be fettered by being unduly formulaic.

The procedures address the following:

- Observation times for enforcement staff
- The statutory grounds upon which representations may be made
- Mitigating circumstances
- The acceptance or rejection of representations

It is important to recognise that each case will be considered on its own merits - matters of proportionality, objectivity, fairness and reasonableness should be paramount. These procedures will be subject to ongoing review.

Civil Enforcement Officers may allow a period to undertake and record observations for genuine attempts to park before they may issue an excess charge notice. The table on the next page shows the duration of some of the observation periods and the standard contravention code which applies to the excess charge notice. These codes are nationally used.

<b>Observation Time</b>	<b>Contravention</b>
0 min	Parked for longer than the maximum period permitted
0 min	Parked in a restricted area in a car park
10 min	Parked after the expiry of time paid for in a pay & display* car park
5 min	Parked in a pay & display** car park without clearly displaying a valid pay & display ticket
0 min	Parked beyond the bay markings
0 min	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge
0 min	Parked in an area not designated for that class of vehicle
0 min	Parked causing an obstruction
0 min	Parked in a parking place for a purpose other than the designated purpose for the parking place

An 'instant' excess charge notice may always be issued in circumstances where the Civil Enforcement Officer concerned has evidence, other than a period of observation, which supports the action of issuing the excess charge notice without observing the vehicle for the minimum periods indicated.

\* The ten minutes relates to the period which has elapsed from the time of expiry.

\*\* Visitors are not permitted time to obtain change away from the immediate area of the Pay & Display machine or car park. Civil Enforcement Officers should observe queues at ticket machines and/or pedestrians who may be seeking change or returning to the vehicle in question, before issuing an excess charge notice.

\*\*There is no free parking. The five minutes time period is solely for the observation of vehicles believed to be committing parking offences. All drivers entering the car park are required to park in a bay and purchase a ticket.

To ensure this observation period is followed by all Civil Enforcement Officers, the vehicle details can be noted when first seen. The officer does not need to stay with the vehicle during this observation period. All excess charge notices issued will contain the details of this observation period for the motorist to see.

## 10 Suspected Abandoned & Vandalised Vehicles

Instances will arise where a vehicle remains parked in a restricted area for a period of time accumulating a number of excess charge notices. There may be a number of reasons for this; one of which may be that the vehicle has been abandoned. If a Civil Enforcement Officer suspects the vehicle may have been abandoned, this should be reported.

It is often difficult to judge if a vehicle is in fact abandoned; especially with older vehicles. A Civil Enforcement Officer coming across a vehicle that has several excess charge notices and finds the vehicle is untaxed or the tax has expired, or that the vehicle is generally of poor condition, then there is a good chance the vehicle has been abandoned and should be reported accordingly.

Once a vehicle has been reported by the parking attendant as potentially being abandoned, no further excess charge notices will be issued. The excess charge notices already issued though will be enforced against the registered keeper in the usual manner.

### **Vandalised Vehicles**

All excess charge notices issued will be cancelled when a vehicle has been vandalised to such a degree that it prevents its safe removal. Written evidence will be required before such excess charge notices are cancelled.

Written evidence could include police crime reference details or motoring organisation/garages who have recovered the vehicle. The details contained within the Officer's pocket book will also be considered in assessing extent of any damage to the vehicle in question.

Excess charge notices will not be cancelled without the provision of such supporting evidence.

## 12 Clamping & Removal of Vehicles

### **Clamping**

Bromsgrove District Council does not intend to introduce the use of clamping.

### **Removal**

Bromsgrove District Council does remove vehicles if that vehicle has incurred a number of excess charge notices *and* it is believed that these excess charges remain unpaid *and* the vehicle is committing another excess charge offence. The Council intends to attempt to contact drivers prior to removing vehicles wherever possible. However, this may not always be possible.

The Council will be sensitive to public needs, and responsive to the requirements of those whose vehicles have been removed. The Council will release removed vehicle only when the excess charge notices and associated charges have been paid. It does not intend to remove vehicles as a matter of routine.

### **Document Control**

This is version 1.0, written 18/01/2008.

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## PARKING APPEALS POLICY

### **BACKGROUND**

Parking regulations are introduced by the Council to ensure that limited parking space is allocated fairly. Non-compliance with these regulations impacts on other users and is not acceptable.

The Department for Transport provides clear advice on the procedures for dealing with representations from motorists about parking fines. It requires Local Authorities to authorise certain personnel to deal with representations. These authorised personnel should be familiar with all aspects of Parking Enforcement, so that they can judge whether or not a representation falls within the statutory grounds under the Transport Management Act 2004 (TMA) or within the Councils own guidelines.

Given the semi-judicial nature of the representations process the DfT requires that Local Authority Members should play no part in deciding individual representations. Similarly, non-authorised personnel should also take no part in deciding individual representations. Where representations are made about receiving an excess charge notice, or where councillors and senior staff members make representations on behalf of individuals, the following guidelines will be followed.

### **PROCEDURE**

All representations made either directly or on behalf of an individual must be made in writing.

When it is considered that there are grounds for cancelling an excess charge notice the representation must be passed to an authorised officer to decide.

The representation will be considered against the following guidelines and to ensure accountability, exceptions to the guidelines will not normally be made however it must be pointed out that each case is considered on its own merits. There is a free adjudication service carried out by the independent Council Adjudications Officer available to motorists who object to the decisions made during the informal and formal representations process, and in all cases where representations are rejected, motorists will be advised of the adjudication process.

The results of the decisions made by the adjudicators will be monitored and the Councils guidelines reviewed as a result. Council staff may not be given special consideration and must be treated in same manner as other members of the public.

## **GUIDELINES**

### **Grounds where the Excess Charge Notice may be challenged.**

The 9 reasons where an Excess Charge Notice may be challenged are given below. They are;

1. The alleged contravention did not occur.
2. I was not the owner of the vehicle at the time of the alleged offence.
3. The Enforcement Officer was prevented from serving the Excess Charge Notice.
4. The vehicle was parked by a person who was in control of it without my consent.
5. We are a hire firm and the person hiring the vehicle has signed statement accepting liability, and we have provided a full and current name and address for the hirer.
6. The excess charge exceeds the amount applicable.
7. There has been a procedural impropriety on the part of the Council.
8. The Parking Order which is alleged to have been contravened is invalid.
9. The Excess Charge Notice was paid either in full or at the discounted rate within the discount period.

### **Additional reasons where the Excess Charge Notice may be cancelled are;**

10. The vehicle was broken down. An independent receipt or report for work carried out should support this.
11. Production of a valid pay and display ticket / permit for the relevant offence.
12. Production of a valid blue badge for the relevant offence.
13. There are compelling mitigating or compassionate grounds depending on the circumstances and supporting evidence supplied.

Where representations are made on any one of the above grounds, and are substantiated to the satisfaction of the authorised officer, the Excess Charge Notice shall be cancelled.

### **Grounds where the Excess Charge will not be cancelled.**

An Excess Charge will not normally be cancelled on the following grounds;

1. A driver parked illegally because a space was unavailable.
2. Parked in a Pay and Display bay whilst getting change to pay the charge.
3. Motorist was a Council employee on Council business.
4. Age, poverty, and disability unless excused on compassionate grounds.

5. Where an Excess Charge has previously been cancelled in similar circumstances.

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Notes;

Staff authorised to cancel ECNs must be recognised by the standing orders and are Steve Martin, Kevin Hirons, and Mike Bell.

The role of the adjudicator

They can refer cases back to the senior officer dealing in parking.

They may make such directions to the authority as he or she considers appropriate and the authority must comply without delay.

Their decision is final.

Can only allow an appeal if one of the statutory grounds for appeal (IE grounds identified as 1 – 9) applies.

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**DATED**

**2009**

**WORCESTERSHIRE COUNTY COUNCIL**

**and**

**BROMSGROVE DISTRICT COUNCIL**

**AGENCY AGREEMENT FOR ON STREET ENFORCEMENT OF PARKING IN  
THE BROMSGROVE DISTRICT**

**THIS AGREEMENT** is made the \_\_\_\_\_ day of \_\_\_\_\_ 2009

**BETWEEN:**

- (1) **WORCESTERSHIRE COUNTY COUNCIL** of County Hall Worcester WR5 2NP (“the County Council”); and
- (2) **BROMSGROVE DISTRICT COUNCIL** of The Council House, Burcot Lane, Bromsgrove B60 1AA (“the District Council”)

**WHEREAS:**

- (1) The County Council and the District Council are local authorities constituted by the Local Government Act 1972.
- (2) For the purpose of the Road Traffic Regulation Act 1984 the County Council is the traffic authority for all roads (other than motorways and trunk roads) situated in the County of Worcestershire.
- (3) By virtue of Section 19 of the Local Government Act 2000 (“the Act”) and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 (“the Regulations”) as amended and subject as therein provided an executive of a local authority may arrange for the discharge of any of its functions by (inter alia) another local authority.
- (4) The County Council intends to apply to the Secretary of State for the making of an order designating the whole of the District Council’s area as a Civil Enforcement Area and as a Special Enforcement Area in accordance with Schedule 6 (??) of the Traffic Management Act 2004 (“the Designation Order”).
- (5) The District Council has off-street car parks which falls within its control.

**NOW THIS AGREEMENT WITNESSETH** as follows:

**1. District Council to act as Agent Authority**

- 1.1 In the exercise of the powers in that behalf contained in the Act and the Regulations the County Council HEREBY AGREES with the District Council and hereby so arranges that the District Council shall with effect from the date of coming into force of the Designation Order, discharge on behalf of the County Council such functions and provide such services within the area of this Agreement as are specified in clauses 1.2 and 1.3 of this Agreement.
- 1.2 The functions and services to which this Agreement relates (“the Functions”) are:-

- a. the exercise of any power given to the County Council pursuant to the Designation Order.
- b. the administration of resident's parking schemes made by order of the County Council including the collection of charges for permits, and the administration of on-street paid-for parking schemes made by order of the County Council.

1.3 Without prejudice to the generality of 1.2 above it is declared that the functions include issuing penalty charge notices and the subsequent steps necessary to recover payments due and the operation of an adjudication service and the powers for immobilisation and removal, recovery, storage and disposal of vehicles and collection of charges in connection therein PROVIDED that the District Council shall not commence to exercise powers for the immobilisation or removal under the Designation Order of vehicles until the County Council has given its consent thereto.

## 2. Extent of Agreement

2.1 This Agreement extends to the entire area designated by the Secretary of State as a Civil Enforcement Area and as a Special Enforcement Area in the Designation Order.

2.2 It is agreed that the agreement shall apply to the off-street car parks which are within the control of the District Council and described in Schedule One herein ("the Car-Parks")

## 3. Duration and Variation of Agreement

3.1 This Agreement shall operate from the date referred to in clause 1.1 hereof and shall continue unless and until determined by either party giving to the other two years notice in writing to expire on the Thirty first day of March in any succeeding year.

3.1a In the event of termination of the Agreement the District Council will continue to pursue debt relating to penalty charge notices issued by the District Council prior to the termination date for a period of 12 months thereafter.

3.2 Notwithstanding the provisions for determination contained in Clause 3.1 hereof the terms of this Agreement may be varied at any time by agreement between the parties hereto such variation being signified by the County Council's Chief Executive and by the District Council's Chief Executive or other proper officers of the respective Councils and endorsed on or attached to this Agreement.

## 1.1 Traffic Penalty Tribunal Adjudication Service

The County Council and the District Council will each enter into agreements to join the Traffic Penalty Tribunal\_Adjudication Service in order to provide the adjudication facility required by the Traffic

Management Act (2004) and it is hereby agreed between the parties that the County Council will reimburse any costs incurred by the Borough Council in so doing save in respect of allowances properly claimed by members for the time being of the Borough Council.

#### 4. Exercise of Agency

- 4.1 In exercising the Functions, the District Council shall have regard to such policies and standards for on-street parking enforcement as may from time to time be laid down by the County Council and notified in writing to the District Council and shall have regard to the need to avoid the Reserve (as hereinafter defined) incurring a deficit other than those associated with the introduction of the scheme.
- 4.1a In exercising any functions under this agreement the District Council and the County Council shall comply with the Service Level Agreement which is set out in Schedule Two to this agreement. The District Council in conjunction with the County Council, will determine the scale of the enforcement resource to be applied to the scheme.
- 4.2 The District Council shall indemnify the County Council against any claim made against the County Council or loss incurred by the County Council arising from any act or omission in the carrying out by the District Council of the Functions. Provided that this indemnity shall not apply where such claim is wholly or mainly attributable to an act or omission by the County Council in which instance the County Council shall indemnify the District Council against any claim made against the District Council or loss incurred by the District Council.
- 4.3 The District and County Councils agree to review or vary the monetary amount of penalty charge notices subject where necessary to the approval of the Secretary of State but shall have regard to the provisions of clause 5.8 below.
- 4.4 The District and County Councils shall agree to determine the level of charges for residents parking permits and for on-street paid-for parking, and in so doing will have regard to the provisions of clause 5.8 below and also to other relevant considerations.
- 4.5 The District and County Councils shall agree to review the level of on-street parking charges as part of the annual budget process as set out in Clause 5.7 below, and in so doing will have regard to the provisions of Clause 5.8 below.
- 4.6 The District Council shall continue to be responsible for the maintenance of the Car Parks and any equipment and signs provided within the Car Parks together with the collection of charges relating to use of the Car Parks

#### 5. Financial

- 5.1 The parties declare their intention that the administration of the Functions should as far as possible be self-financing.

- 5.1a The parties declare their intention that the enforcement relating to the off-street parking should be self financing but for the avoidance of doubt it is hereby agreed between the parties that the District Council shall not be called upon to contribute (in whole or in part) to any deficit or loss incurred or suffered by the County Council in performance of its duties under the terms of this agreement while the said agreement either remains in force or upon its termination in accordance with clause 2.1 herein
- 5.2 The District Council shall establish and hold a reserve called the Bromsgrove District On-Street Parking Reserve (“the Reserve”) and shall finance from the Reserve the costs of setting up, administering and carrying out the functions including the expenses of all proper overheads, professional services, premises, supplies, insurances and other ongoing costs. These costs are to be identified as part of the annual budget process as set out in Clause 5.7 below. There shall be credited to the Reserve the income from on-street penalty charge notices, income from any on-street charges for parking and also the income from resident’s parking permits and also the miscellaneous income arising from activities included within this Agreement.
- 5.2a The County Council, as Highway Authority, will review the traffic regulations orders within the District Council at their cost, and shall prepare them for civil enforcement to a standard which meets the DfT requirements in Guidance. The District Council will prepare the off-street Orders for civil enforcement, the cost of this being charged to The .Reserve.
- 5.3 For the purposes of this Agreement, the setting-up costs referred to in paragraph 5.2 above shall include all costs associated with the establishment of the civil parking enforcement scheme, including those relating to the off-street service incurred consequential to the introduction of the scheme.
- 5.4 Sums in the Reserve shall earn interest at the 1 year Libor rate less one quarter per cent.
- 5.5 There shall be discharged out of the Reserve the reimbursement to the District Council of any start-up costs and operating deficits contributed by the District Council (revenue or capital) including the loss of interest at the 1 year Libor rate plus quarter per cent on the amount of any deficit incurred in previous years; any surplus in the Reserve after meeting such costs and providing a reasonable reserve of 10% of the annual operating costs may be used for such parking, highways and transportation purposes, as may be permissible under Section 55 of the Road Traffic Regulation Act 1984, that are agreed by the District and County Councils, such agreement not to be unreasonably withheld. Any deficit in the Reserve (subject to 5.7 below) will be reimbursed to the District Council by the County Council on an annual basis, following the annual budgeting and reporting process.

- 5.6 The accounts relating to the Reserve shall be prepared annually (or more frequently as the parties may agree) by the District Council and made available for inspection by the County Council.
- 5.7 The District Council not later than 1<sup>st</sup> December each year shall prepare a budget for the functions for the ensuing financial year (commencing 1<sup>st</sup> April) together with a revised budget for the current financial year and submit it to the County Council for approval, and the District Council in carrying out the functions will as far as practicable conform to the budget as approved. Any deficit in excess of the agreed budget will be met by the District Council and any deficit up to the agreed budget will be funded by the County Council as defined in 5.5 above.
- 5.8 Having regard to 5.1 above, the County Council and District Council agree that when considering any budget or other approval hereunder or taking any steps affecting the functions, they will have proper regard to the need to avoid the Reserve incurring a deficit.

## 6. Appointment of Staff and Contractors

- 6.1 The District Council may carry out the Functions by means of directly employed civil enforcement officers and other staff or by contractors or by a combination thereof as the District Council considers most advantageous, but shall consult with the County Council on the principles involved in these arrangements.

## 7. Effect on Termination

- 7.1 It is hereby agreed that if either party terminates this Agreement pursuant to clause 3.1 (otherwise than on account of material default by other party) the party terminating the Agreement shall indemnify the other party against any expenses (including redundancy or similar costs) directly attributable to such termination.

## 8. Third Party Rights

- 8.1 The Parties to this Agreement do not intend that any of its terms will be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 by any person not a party to it.

## 9. Interpretation

- 9.1 Reference in this Agreement to any statutory provision shall be deemed to include reference to any similar or corresponding provision in any subsequent enactment replacing or modifying the said provision so long as the provision as so replaced or modified is capable of forming the subject of agency arrangements.
- 9.2 The following expressions shall bear the meanings indicated below:- “civil enforcement officer”, “penalty charge notice”, “Special Enforcement Area” and “Civil Enforcement Area” have the meanings ascribed thereto in the Traffic Management Act 2004.

10 Alternative Dispute Resolution and Arbitration

- 10.1 If any dispute arises out of this agreement the parties will firstly attempt to settle it by negotiation.
- 10.2 A party may not commence any alternative dispute resolution court proceedings or arbitration until either 21 days after it has made a written offer to the other party to negotiate a settlement to the dispute
- 10.3 If any dispute arises out of this agreement which has not been settled in accordance with clause 5.2 the parties will attempt to settle it by mediation in accordance with the Centre of Dispute Resolution (CEDR) Model Mediation Procedure (“the Model Procedure”)
- 10.4 If the parties have not settled the dispute by mediation within 42 days from when the mediation was instituted/the date of the ADR notice the dispute shall be referred to and finally resolved by arbitration under the Rules of the London Court of International Arbitration which Rules are deemed to be incorporated by reference to this clause

IN WITNESS whereof the County Council and the District Council have caused their respective Common Seals to be hereunto affixed the day and year first before written.

THE COMMON SEAL of )  
**WORCESTERSHIRE COUNTY COUNCIL** )  
 was hereunto affixed )  
 in the presence of:- )

THE COMMON SEAL of )  
**BROMSGROVE DISTRICT COUNCIL** )  
 was hereunto affixed )  
 in the presence of:- )

Schedule One – The Car Parks

DRAFT



DRAFT

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## FORWARD PLAN OF KEY DECISIONS

1 JULY 2009 TO 31 OCTOBER 2009

This Forward Plan lists the **Key Decisions** which it is proposed to take during the period 1 July 2009 to 31 October 2009. **Key Decisions** are executive decisions which must be taken or delegated by the Council's Cabinet and relate to matters which fall within the Council's agreed Budget and Policy Framework.

**Key Decisions** are those executive decisions which are likely to:

- (i) result in the Council incurring expenditure, foregoing income or the making of savings in excess of £50,000 or which are otherwise significant having regard to the Council's budget for the service or function to which the decision relates; or
- (ii) be significant in terms of its effect on communities living or working in an area comprising two or more wards in the district;

**Key Decisions** will include:

1. A decision which would result in any expenditure or saving by way of a reduction in expenditure of £50,000 provided the expenditure or saving is specifically approved in the Medium Term Financial Plan.
2. A virement of any amount exceeding £50,000 provided it is within any virement limits approved by the Council;
3. Any proposal to dispose of any Council asset with a value of £50,000 or more or which is otherwise considered significant by the Corporate Property Officer;
4. Any proposal to cease to provide a Council service (other than a temporary cessation of service of not more than 6 months).
5. Any proposal which would discriminate for or against any minority group.

**Further details of each Key Decision are appended to the Forward Plan.** To assist with internal forward planning, this Plan also lists other non-key decisions which the Cabinet is expected to make during the specified four month period. The Forward Plan is updated and published on the Council's website on a monthly basis.

## CABINET MEMBERSHIP

Councillor R. Hollingworth  
Councillor G. N. Denaro

Councillor Dr. D. W. P. Booth  
Councillor J. T. Duddy

Councillor Mrs. J. Dyer M.B.E.  
Councillor Mrs. M. A. Sherrey  
Councillor R. D. Smith  
Councillor M. J. A. Webb  
Councillor P. J. Whittaker

Leader of the Council and Portfolio Holder for the Improvement Plan  
Deputy Leader and Portfolio Holder for Resources (including Financial Services, Legal, Equalities & Democratic Services, Human Resources and ICT)  
Portfolio Holder for Street Scene and Project Management of the Town Centre  
Portfolio Holder for Economic Development, Retail Regeneration and Revenue Generation (including Car Parking)  
Portfolio Holder for Planning and Transport  
Portfolio Holder for Vulnerable and Older People (including Lifeline)  
Portfolio Holder for Youth, Sports, Recreation and Culture  
Portfolio Holder for Community and Customer Engagement and Community Safety  
Portfolio Holder for Strategic Housing, Environment and Climate Change

## CONSULTATION AND REPRESENTATIONS

For **Key Decisions** the summary document appended to the Forward Plan sets out details of any proposed consultation process. Any person/organisation not listed who would like to be consulted or who wishes to make representations on the proposed decision are encouraged to get in touch with the relevant report author as soon as possible before the proposed date of the decision. Contact details are provided.

Alternatively you may write to The Head of Legal, Equalities and Democratic Services, The Council House, Burcot Lane, Bromsgrove B60 1AA or email: [k.firth@bromsgrove.gov.uk](mailto:k.firth@bromsgrove.gov.uk)

Item No.	Decision Taker & Expected Date of Decision	Original Expected Date of Decision	Proposed Decision	Type of Decision (Key or Non-Key)	Lead Councillor/ Portfolio Holder	Comments
1	Cabinet 1 July 2009	Cabinet 1 April 2009	Joint Waste Management Strategy	<b>Key</b>	Councillor Mrs. M. A. Sherrey	Delayed for further consideration to take account of a joint informal meeting with representatives of Redditch BC
2	Cabinet 1 July 2009		Improvement Plan 2009/10	Non-Key*	Councillor R. Hollingworth	* Cabinet will make recommendations to the full Council
3	Cabinet 1 July 2009		Improvement Plan Exception Report – April 2009	Non-Key	Councillor R. Hollingworth	
4	Cabinet 1 July 2009		Travel Plan	Non-Key	Councillor P. J. Whittaker	
5	Cabinet 29 July 2009		Local Neighbourhood Partnerships - Terms of Reference and Business Case	<b>Key</b>	Councillor M. J. A. Webb	
6	Cabinet 29 July 2009	Cabinet 3 June 2009	Car Parking in Bromsgrove	Non-Key*	Councillor J. T. Duddy	* Cabinet will make recommendations to the full Council
7	Cabinet 29 July 2009	Cabinet 1 July 2009	CCTV /Lifeline Shared Service Business Case	Non-Key*	Councillor Mrs. M. A. Sherrey	* Cabinet will make recommendations to the full Council. Delayed for further consideration by officers
8	Cabinet 29 July 2009	Cabinet 1 July 2009	Change of Waste Collection from Council House to maximise Recycling (option to share service with Redditch BC)	Non-Key*	Councillor Dr. D. W. P. Booth	* Cabinet will make recommendations to the full Council. Delayed for further consideration by officers

9	Cabinet 29 July 2009		Co-mingled Collection Service (to bring forward capital expenditure on vehicles and containers from 2010/11 to 2009/10)	Non-Key*	Councillor Dr. D. W. P. Booth	* Cabinet will make recommendations to the full Council
10	Cabinet 29 July 2009		Final Outturn 2008/09	Non-Key*	Councillor G. N. Denaro	* Cabinet will make recommendations to the full Council
11	Cabinet 29 July 2009		ICT Shared Service Business Case	Non-Key*	Councillor G. N. Denaro	* Cabinet will make recommendations to the full Council
12	Cabinet 29 July 2009		Strategic Business Case for Joint Working/Shared Services (Serco Consulting report)	Non-Key*	Councillor R. Hollingworth	* Cabinet will make recommendations to the full Council.
13	Cabinet 29 July 2009		New Governance Arrangements (subject to new Regulations and Guidance)	Non-Key*	Councillor G. N. Denaro	* Cabinet will make recommendations to the full Council
14	Cabinet 29 July 2009 (TBC)		Worcestershire Enhanced Two Tier (WETT) Programme	Non-Key*	Councillor R. Hollingworth	* Cabinet will make recommendations to the full Council
15	Cabinet 29 July 2009	Cabinet 4 March 2009	Economic Strategy and Priorities	Non-Key	Councillor J. T. Duddy	Delayed as needed to take further advice in light of discussions regarding Economic Development in North Worcestershire
16	Cabinet 29 July 2009		Improvement Plan Exception Report – May 2009	Non-Key	Councillor R. Hollingworth	
17	Cabinet 29 July 2009	Cabinet 1 July 2009	Review of Assets Sherwood Road <i>(this report will contain exempt information and be considered in private session)</i>	<b>Key</b>	Councillor G. N. Denaro	Deferred for further consideration by officers
18	Cabinet 2 September 2009		Artrix Service Level Agreement	Non-Key*	Councillor R. D. Smith	* Cabinet will make recommendations to the full Council

19	Cabinet 2 September 2009		Council Plan 2010/2013 Part 1	Non-Key*	Councillor R. Hollingworth	* Cabinet will make recommendations to the full Council
20	Cabinet 2 September 2009		Financial and Performance Monitoring – Quarter 1 2009/10	Non-Key	Councillors G. N. Denaro & R. Hollingworth	
21	Cabinet 2 September 2009		Improvement Plan Exception Report – June 2009	Non-Key	Councillor R. Hollingworth	
22	Cabinet 2 September 2009	Cabinet 1 April 2009	Modern.Gov (Paperless Project) – The Way Forward and Access to Exempt Information	Non-Key*	Councillor G. N. Denaro	* Cabinet will make recommendations to the full Council. Delayed due to need for detailed impact assessment of the paperless proposals so the Cabinet can consider the recommendations in this context. Also a small officer group meeting to determine the generally accepted process within other authorities for restricting access to exempt information
23	Cabinet 2 September 2009	Cabinet 4 February 2009	Place Survey Results	Non-Key	Councillor M. J. A. Webb	Delayed as awaiting information from external source
24	Cabinet 2 September 2009		Update on timescales for move to co- mingled collection system	Non-Key	Councillor Dr. D. W. P. Booth	

25	Cabinet 2 September 2009		Value for Money Strategy/Action Plan	Non-Key	Councillor G. N. Denaro	
26	Cabinet 7 October 2009	June 2008	E-Government Strategy	Non-Key	Councillor G. N. Denaro	Initially delayed to early 2009 and then further delayed due to feasibility study around an ICT Shared Service
27	Cabinet 7 October 2009		Improvement Plan Exception Report – July 2009	Non-Key	Councillor R. Hollingworth	
28	Cabinet 7 October 2009		Information Management Strategy	Non-Key	Councillor G. N. Denaro	
Page 94	Cabinet 7 October 2009		Summary Report on Green Waste Charging (to assess change in service provision from March 2009 when charge introduced)	Non-Key	Councillor Dr. D. W. P. Booth	

**NOTE: There will be no Cabinet meetings in August 2009**



**KEY DECISION**

Proposed to be made by  
the Cabinet on  
**1 July 2009**

<p><b>LEAD MEMBER/ PORTFOLIO HOLDER</b></p> <p>Cllr M Sherrey</p>	<p><b>ITEM</b></p> <p>REFRESH OF WASTE MANAGEMENT STRATEGY DOCUMENT</p>	<p><b>WARDS AFFECTED</b></p> <p>All</p>
<p><b>DOCUMENTS TO BE CONSIDERED BY THE DECISION TAKER</b></p> <p>Report of Head of Street Scene and Community</p> <p><b>REPORT AUTHOR</b></p> <p>Michael Bell</p>	<p><b>SUMMARY</b></p> <p>All County and District Councils are required to produce a long term Waste Management Strategy and review it every 5 years. This is the first review of the existing strategy that has been in place since 2004. The document sets out the long term aims of the waste partnership and how it will achieve its statutory targets over the next 25 years.</p>	<p><b>REASONS FOR BEING ON THE FORWARD PLAN</b></p> <p>Significant in terms of its effect on communities living or working in an area comprising two or more wards in the district;</p>



<b>CONSULTATION DETAILS</b>	<b>Method of Consultation</b>	<b>Consultation period or dates</b>
<p>Consultation will be carried out with statutory consultees over a period of several months.</p>	<p>Direct access to statutory consultees.</p>	

**DECISION TO BE MADE IN PARTNERSHIP WITH**

County Council as Waste Disposal Authority and the other district Councils with Worcestershire and Herefordshire.

**KEY DECISION**

Proposed to be made by  
the Cabinet on  
**29 July 2009**

<p><b>LEAD MEMBER/ PORTFOLIO HOLDER</b></p> <p>Councillor M. J. A. Webb</p>	<p><b>ITEM</b></p> <p>LOCAL NEIGHBOURHOOD PARTNERSHIPS - TERMS OF REFERENCE AND BUSINESS CASE</p>	<p><b>WARDS AFFECTED</b></p> <p>All Wards</p>
<p><b>DOCUMENTS TO BE CONSIDERED BY THE DECISION TAKER</b></p> <p>Report of the Assistant Chief Executive</p> <p><b>REPORT AUTHOR</b></p> <p>Hugh Bennett Assistant Chief Executive 01527 881430</p>	<p><b>SUMMARY</b></p> <p>The report will set out the terms of reference and business case relating to Local Neighbourhood Partnerships.</p> <p>The report will outline a number of options for the Cabinet to consider relating to how we can engage the community and empower Members through use of delegated budgets.</p> <p>At this stage, the Cabinet will be requested to approve, in principle only, one of the options put forward. It will then be fed into the Medium Term Financial Planning process.</p>	<p><b>REASONS FOR BEING ON THE FORWARD PLAN</b></p> <p>Significant effect on more than one Ward.</p>

<b>CONSULTATION DETAILS</b>	<b>Method of Consultation</b>	<b>Consultation period or dates</b>
<p><b>Stakeholders</b>  District Councillors  County Councillors  Parish Councillors</p>	<p>A Stakeholder event has already been held and all District, County and Parish Councillors were invited to attend.</p> <p>A specific event for the two new Local Neighbourhood Partnerships, due to be set up shortly for Charford and Hagley and Rural, was also held in December 2008.</p>	<p>Already taken place.</p>

**DECISION TO BE MADE IN PARTNERSHIP WITH**

N/A

**KEY DECISION**

Proposed to be made by  
the Cabinet on  
**29 July 2009**

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<p><b>LEAD MEMBER/ PORTFOLIO HOLDER</b> Councillor G. N. Denaro</p>	<p><b>ITEM</b> Review of Assets Sherwood Road</p>	<p><b>WARDS AFFECTED</b> Charford and All</p>
<p><b>DOCUMENTS TO BE CONSIDERED BY THE DECISION TAKER</b> Report of Director of Services</p> <p><b>REPORT AUTHOR</b> Tony Beirne, Executive Director of Services</p>	<p><b>SUMMARY</b> As part of the asset review consider the best way to manage the council's property assets in Sherwood Road</p>	<p><b>REASONS FOR BEING ON THE FORWARD PLAN</b> Affects two or more wards</p>

<p><b>CONSULTATION DETAILS</b></p> <p><b>Stakeholders</b></p> <p>N/A</p>	<p><b>Method of Consultation</b></p> <p>N/A</p>	<p><b>Consultation period or dates</b></p> <p>N/A</p>
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<p><b>DECISION TO BE MADE IN PARTNERSHIP WITH</b></p> <p>N/A</p>
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# SUPPLEMENTARY LIST OF FUTURE ITEMS – NOVEMBER 2009+

## CCPP Departmental Cabinet Forward Plan

Item No.	Portfolio Holder/ Lead Member Responsibility	Subject	Details of Proposed Decision	Expected Date of Decision	Original Expected Date of Decision	Principal Groups or Organisations to be consulted and date and method of consultation	Documents to be considered in relation to the Decision	Comments
1	Councillor R. Hollingworth	Council Plan 2010/2013 Part 2	Strategic Direction for next three, budget priorities, detailed spending plans and key performance indicators.	<b>February 2010</b>		Consultation undertaken in Part 1 of Plan. Website consultation on detailed budget proposals.	-	
2	Councillor R. Hollingworth	Community Strategy Annual Report	Annual review of progress of Local Strategic Partnership Community Strategy.	<b>November 2009</b>		Published summary on Internet site.	-	
3	Councillor R. Hollingworth	Monthly Improvement Plan Report (Period 5)	Monthly updates on progress against plan.	<b>November 2009</b>		Not applicable.	-	
4	Councillor R. Hollingworth	Monthly Improvement Plan Report (Period 6)	Monthly updates on progress against plan.	<b>December 2009</b>		Not applicable.	-	
5	Councillor R. Hollingworth	Monthly Improvement Plan Report (Period 7)	Monthly updates on progress against plan.	<b>January 2010</b>		Not applicable.	-	

Item No.	Portfolio Holder/ Lead Member Responsibility	Subject	Details of Proposed Decision	Expected Date of Decision	Original Expected Date of Decision	Principal Groups or Organisations to be consulted and date and method of consultation	Documents to be considered in relation to the Decision	Comments
6	Councillor R. Hollingworth	Monthly Improvement Plan Report (Period 8)	Monthly updates on progress against plan.	<b>February 2010</b>		Not applicable.	-	
7	Councillor R. Hollingworth	Monthly Improvement Plan Report (Period 9)	Monthly updates on progress against plan.	<b>March 2010</b>		Not applicable.	-	
8	Councillors R. Hollingworth and G. N. Denaro	Integrated Financial/Performance Report	Quarter 2 2009/2010 Financial and Performance update.	<b>December 2009</b>		Not applicable.	-	
9	Councillors R. Hollingworth and G. N. Denaro	Integrated Financial/Performance Report	Quarter 3 2009/2010 Financial and Performance update.	<b>March 2010</b>		Not applicable.	-	
10	Councillor M. J. A. Webb	Customer Panel (Customer Satisfaction and Priorities)	Feedback from residents survey on their satisfaction with services tracking year on year performance. Views from residents on Council's future priorities.	<b>February 2010</b>		Customer Panel Survey of 1,500 residents and Survey also available to all residents on website.	-	Deferred from Sept 09 to allow survey to be undertaken after summer programme of events



# Financial Services Departmental Cabinet Forward Plan

Item No.	Portfolio Holder/ Lead Member Responsibility	Subject	Details of Proposed Decision	Expected Date of Decision	Original Expected Date of Decision Cabinet (Leaders)	Principal Groups or Organisations to be consulted and date and method of consultation	Documents to be considered in relation to the Decision	Comments
1	Councillor G. N. Denaro	Council Tax Base	To approve the new tax base for 2010/11	<b>December 2009</b>		N/A	N/A	
2	Councillor G. N. Denaro	Medium Term Financial Plan including Fees & Charges	To review the position on the medium term financial plan 2010/11-2012/13	<b>November 2009</b>		Focus Group, Customer Panel Budget Jury, Equality and Diversity Forum	Budget Bids, consultation feedback	
3	Councillor G. N. Denaro	Medium Term Financial Plan including Fees & Charges	To review the position on the medium term financial plan 2010/11-2012/13	<b>December 2009</b>		Focus Group, Customer Panel Budget Jury, Equality and Diversity Forum	Budget Bids, consultation feedback	
4	Councillor G. N. Denaro	Medium Term Financial Plan including Fees & Charges	To approve the medium term financial plan 2010/11-2012/13	<b>January 2010</b>		Focus Group, Customer Panel Budget Jury, Equality and Diversity Forum	Budget Bids, consultation feedback	
5	Councillor G. N. Denaro	Benefit Take up strategy	To approve the strategy for improving benefit take up in the district	<b>March 2010</b>		Focus Group, Disabled Users forum, Equality and Diversity Forum		
6	Councillor G. N. Denaro	Capital Strategy	To approve the capital strategy for the districts programme	<b>March 2010</b>		Focus Group, Customer Panel	Budget Bids, medium term plan report, ICT strategy	

Item No.	Portfolio Holder/ Lead Member Responsibility	Subject	Details of Proposed Decision	Expected Date of Decision	Original Expected Date of Decision Cabinet (Leaders)	Principal Groups or Organisations to be consulted and date and method of consultation	Documents to be considered in relation to the Decision	Comments
7	Councillor G. N. Denaro	Treasury Strategy	To approve the strategy for investing the Councils funds	<b>March 2010</b>			Investment principles	
8	Councillor G. N. Denaro	Integrated finance & performance reports	To consider the performance and financial position of the Council on a quarterly basis against targets set	<b>Nov 09 / March 10 / June 10</b>			Financial Monitoring reports	
9	Councillor G. N. Denaro	Contract & Procedure Rules update	To approve revisions to ensure the contract & procedure rules reflect the framework of internal control as required by the council	<b>April 2010</b>				

# HROD Departmental Cabinet Forward Plan

Item No.	Portfolio Holder/ Lead Member Responsibility	Subject	Details of Proposed Decision	Expected Date of Decision	Original Expected Date of Decision	Principal Groups or Organisations to be consulted and date and method of consultation	Documents to be considered in relation to the Decision	Comments
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There were no known HR reports at the time of writing the HR and OD Business Plan. Any restructuring reports that require Cabinet approval will be led by the responsible Head of Service for the service being restructured, not the HR and OD Service.

## **E-Government and Customer Services Departmental Cabinet Forward Plan**

<b>Item No.</b>	<b>Portfolio Holder/ Lead Member Responsibility</b>	<b>Subject</b>	<b>Details of Proposed Decision</b>	<b>Expected Date of Decision</b>	<b>Original Expected Date of Decision</b>	<b>Principal Groups or Organisations to be consulted and date and method of consultation</b>	<b>Documents to be considered in relation to the Decision</b>	<b>Comments</b>
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There are no items for E-Government and Customer Services for November 2009 to March 2010

## Legal, Equalities and Democratic Services Departmental Cabinet Forward Plan

Item No.	Portfolio Holder/ Lead Member Responsibility	Subject	Details of Proposed Decision	Expected Date of Decision	Original Expected Date of Decision	Principal Groups or Organisations to be consulted and date and method of consultation	Documents to be considered in relation to the Decision	Comments
1	Councillor G.N. Denaro	White Paper outcomes	Councillor Calls for Action Crime and Disorder Legislation Overview and Scrutiny Boundary reviews Front line Councillors Petitions	<b>Spring/ Summer 2009</b>		Yet to be confirmed within the regulations	Yet to be confirmed by the regulations	We are unable to provide much detail in relation to this item as the regs are yet to be published
2	Councillor G.N. Denaro	Equality Bill outcomes	Single Equality Legislation	<b>Spring/ Summer 2009</b>		Yet to be confirmed	Yet to be confirmed	We are unable to provide much detail in relation to this item as the regs are yet to be published
3	Councillor G.N. Denaro	New Council House Accommodation	Determine new Council House accommodation and time line for moving together with proposed disposal of site at Burcot Lane	<b>December 2009</b>				
4	Councillor G.N. Denaro	Officer Code of Conduct	Report to Cabinet on new Officer Code of Conduct for it to make a recommendation to Council	<b>December 2009</b>		Yet to be confirmed	Yet to be confirmed	We are unable to provide much detail in relation to this item as the regs are yet to be published

## Street Scene and Community Services Departmental Cabinet Forward Plan

Item No.	Portfolio Holder/ Lead Member Responsibility	Subject	Details of Proposed Decision	Expected Date of Decision	Original Expected Date of Decision	Principal Groups or Organisations to be consulted and date and method of consultation	Documents to be considered in relation to the Decision	Comments
1	Councillor Dr. D. W. P. Booth JP	Operation of Recycling bank system	Report to consider different options for collection of recyclable materials from recycling centres	<b>November 2009</b>		County Council	Report Only	Completion of the MRF in Worcs may provide alternative methods of collection.
2	Councillor Dr. D. W. P. Booth JP	Options for shared service with Redditch particularly green waste and recycling collections	To consider opportunity from sharing the green waste collection operation from April 2010 when Redditch introduce a charge.	<b>November 2009</b>		RDC, County Council.	Potential report from officers in Redditch.	None
3	Councillor R. D. Smith	Arts Strategy	To consider and comment on the production of the Council's Arts and Events Strategy (2010/11 to 2013/14).	<b>December 2009</b>		Bromsgrove Arts Alive Partnerships, Worcestershire Arts partnership, Artrix Operating trust, Local Arts Groups and Parish Councils.	Draft Arts & Events Strategy and consultation summary.	Will establish the key priorities and action required to delivery the services over the next 3 years.

# Planning and Environment Services Departmental Cabinet Forward Plan

Item No.	Portfolio Holder/ Lead Member Responsibility	Subject	Details of Proposed Decision	Expected Date of Decision	Original Expected Date of Decision	Principal Groups or Organisations to be consulted and date and method of consultation	Documents to be considered in relation to the Decision	Comments
1	Councillor P. J. Whittaker	Statement of Gambling Principles	Cabinet to recommend approval of the Council's Statement of Gambling Principles for 2010 - 2013	<b>November 2009</b>		Statutory Consultees, Licence Holders	Summary of responses received during consultation period; Revised Statement of Gambling Principles	
2	Councillor Mrs. J. Dyer M.B.E.	Various Planning reports	The Local Development Framework working party will need to be convened to approve / or be informed various elements of LDF production throughout the year although the exact requirements are unknown at the moment	<b>As required</b>		As required by the Regulations	Various	

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## OVERVIEW BOARD

### WORK PROGRAMME

7TH JULY 2009

This Work Programme consists of three sections: Items for future meetings (including updates); current Task Groups; and Task Group Reviews.

**RECOMMENDATION:** To consider and agree the work programme.

#### ITEMS FOR FUTURE MEETINGS (INCLUDING UPDATES)

<b>Subject</b>	<b>Date of Consideration</b>	<b>Other Information</b>
Forward Plan of Key Decisions and Anticipated Cabinet Reports (Split into 2 items) - <i>Permanent Items</i> -	Every Meeting of the Overview Board	The Forward Plan consists of Key Decisions which it is proposed will be taken over forthcoming months. Additional information is also supplied in relation to anticipated reports due to be considered by the Cabinet during 2009/2010.
Recommendation Tracker - <i>Permanent Item</i> -	Quarterly	A quarterly report monitoring the implementation of overview recommendations. The next tracker report will be due October 2009.
PPG17 Outturn	June 2010	At its meeting on 2nd June 2009, the Overview Board considered the PPG17 Outturn and Sports Hub Provision reports submitted to the Cabinet on 3rd June 2009. The Board resolved that further consideration be given to the issues in 12 months time in order to make an assessment of the delivery of services as outlined within the reports.
Sports Hub Provision	June 2010	Please see item above. This is linked to the PPG17 report.

### CURRENT OVERVIEW TASK GROUPS

<b>Current Task Groups</b>	<b>Date Report Due</b>	<b>Other Information</b>
Older People	6th October 2009	Task Group established on 3rd February 2009. In March 2009, Councillor M. Bunker appointed as Task Group Chairman. Membership, terms of reference also agreed at same meeting. Ms. A. Sowton, Chairman of the Older People's LSP Theme Group invited to be a co-opted Member of the Task Group. The date of the first Task Group meeting was 12th May 2009.

### OVERVIEW TASK GROUP REVIEWS

<b>Task Group</b>	<b>Date of Review (when Task Group is due to reconvene)</b>
Anti-Social Behaviour and Alcohol Free Zones	March 2010