

CABINET MEMBER DECISION RECORD TEMPLATE

This form should be used to record Executive decisions taken by Cabinet Members

Decision Ref. No:
Responsible Officer: Gary Powell - Head of Traffic, Engineering & Major Projects
Subject: Civil Parking Enforcement - observation & grace periods for contraventions
Decision taken: To approve the introduction of grace periods in line with national legislation and revise our observation periods, as per the attached Appendix A, amending the current policy.
Reasons for the decision: The introduction of the grace periods will make us compliant with current legislative requirements and along with the revision of observation periods will address a number of concerns regarding overall compliance with parking restrictions.
Call-in and Urgency: This decision is subject to the councils call in procedure
Background: In early 2016 a short review was carried out of the Civil Parking Enforcement Service by an independent consultant specialising in this service provision. A large part of the review was to carry out parking compliance surveys around the town. Although the overall compliance was found to be good at 88%, the report identified a number of recommendations to improve the service and compliance of parking restrictions. A copy of the full report is attached as Appendix B. As part of the review, it was identified that the current observation periods contained in the Policy, previously agreed by the Council, were out of date with the introduction of legislation regarding grace periods. It was further identified that some of the observation periods could be reduced and that this would in turn aid compliance. A list of the current and proposed observation periods is contained in Appendix A. Currently, a yellow line observation period (Code 1 - parked in a restricted street during prescribed hours) is set for 5 minutes. However, if there is an area where parking is causing a safety issue or it has been identified that there is a high level of abuse, the review identified that policies can be introduced to allow for the observation period to be reduced or removed. Therefore, as part of the change to observation periods, it is proposed to introduce a process to identify and record areas where there are safety issues or where a high level of abuse is occurring; and then remove or reduce the observation periods there. The process will involve a monthly review of identified streets and a sign off at Head of Service level to authorise the reduction in observation times.
Options - and reasons for rejection: As detailed in the record of decision

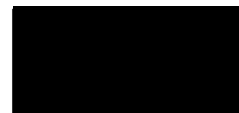
Consultations undertaken:

Consultation with Legal and other internal teams to obtain advice on compliance with the appropriate legislation. No consultation with businesses or traders associations has been carried out.

Finance/Resource Implications:

Name: *SHAUN DARCY*
Date: *27/9/16*

Signature: *Assistant*
(of Chief Finance Officer)



Legal implications:

Introduced to bring the policy in line with legal requirements as currently certain compliance periods are not consistent with legislative requirements and so must be changed and to alter observation periods to suit the current situation.


Name: *TANYA GULTER*
Date: *26/9/16*

Signature: *(of Monitoring Officer)*



Risk assessment:

An initial risk assessment has been completed and has been classed as medium risk.

Name: *GARY POWELL* Signature: 
Date: *07/10/16*

Impact Assessments:

Information for/not for publication:

This decision is to be published

Background papers:

- Initial Risk assessment
- EINA
- Appendix A - Observation periods
- Appendix B - CPE Review Report

Any conflict of interest declared by a Cabinet Member who is consulted by the Member taking the decision	Name of Cabinet Member	Nature of interest	Details of any dispensation granted by the Monitoring Officer
Yes/No* (*Delete as appropriate)			

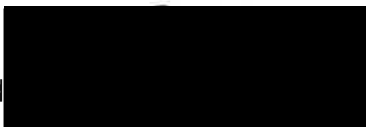
Decision taken by:

Councillor ..MIKE GREENE

(Print name) Cabinet Portfolio

TRANSPORT, SUSTAINABILITY AND CARBON MANAGEMENT

Signed



Date of decision:

6/10/16

Date of publication of record of decision: (to be inserted by Democratic Services)

Date decision effective - that is 5 working days after the date of publication of the record of decision unless the decision is called-in for consideration by the relevant Overview and Scrutiny Panel:

Contravention Codes Observations and Grace Periods

Code	Description	Current Observation/Grace	Recommended Observation/Grace	Comments
On Street				
1	Parked in a restricted street during prescribed hours	5 mins (obs)	5 mins (obs) *	As discussed in the report, observation period assists in the proof that no loading/unloading was taking place
2	Parked or loading / unloading in a restricted street where waiting and loading / unloading restrictions are in force	2 mins (obs)	0 mins	No observation is required as only boarding and alighting permitted on restriction
5	Parked after the expiry of paid for time	0 mins (gra)	10 mins (gra)	Minimum of 10 minutes grace period as per Legislative requirements
6	Parked without clearly displaying a valid pay and display ticket or voucher	5 mins (obs)	5 mins (obs)	Observation required to allow time for customer to purchase ticket or pay by phone
12	Parked in a residents' or shared use parking place or zone without either clearly displaying a valid permit or voucher or pay and display ticket issued for that place, or without payment of the parking charge	5 mins (obs)	5 mins (obs)	As per above
14	Parked in an electric vehicles' charging place during restricted hours without charging	5 mins (obs)	0 mins	No observation required as contravention is immediate
18	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	5 mins (obs)	0 mins	No observation required as contravention is immediate
19	Parked in a residents' or shared use parking place or zone either displaying an invalid permit or voucher or pay and display ticket, or after the expiry of paid for time	5 mins (gra)	10 mins (gra)	Minimum of 10 minutes grace period as per Legislative requirements for the pay and display element
22	Re-parked in the same parking place or zone within ** hour after leaving	5 mins (obs)	0 mins	No observation required as contravention is immediate
23	Parked in a parking place or area not designated for that class of vehicle	5 mins (obs)	0 mins	No observation required as contravention is immediate
24	Not parked correctly within the markings of the bay or space	5 mins (obs)	0 mins	No observation required as contravention is immediate
25	Parked in a loading place or bay during restricted hours without loading	10 mins (obs)	10 mins (obs) *	Observation period assists in the proof that no loading/unloading was taking place.
27	Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway	5 mins (obs)	0 mins	No observation required as contravention is immediate
30	Parked for longer than permitted	0 mins (gra)	10 mins (gra)	Minimum of 10 minutes grace period as per Legislative requirements

40	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	5 mins (obs)	0 mins	No observation required as contravention is immediate
42	Parked in a parking place designated for police vehicles	5 mins (obs)	0 mins	No observation required as contravention is immediate
45	Stopped on a taxi rank	2 mins (obs)	0 mins	No observation required as contravention is immediate
47	Stopped on a restricted bus stop/stand	2 mins (obs)	0 mins	No observation required as contravention is immediate
48	Stopped in a restricted area outside a school when prohibited	0 mins (obs)	0 mins	No observation required as contravention is immediate
61	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	5 mins (obs)	0 mins	No observation required as contravention is immediate
99	Stopped on a pedestrian crossing or crossing area marked by zigzags	0 mins (obs)	0 mins	No observation required as contravention is immediate

* Code 1 & Code 5 - the observation period may be reduced between 0-5 minutes if it is identified that the contravention of the restriction is causing a safety issue or if more immediate enforcement is required to give effect to the restriction.

EINA Screening Record

Title of Policy/Service/Project	Civil Parking Enforcement - observation & grace periods for contraventions
Date of screening	06 July 2016
Service Unit	Environmental Services
Lead Responsible Officer	Gary Powell
Job Title	Head of Traffic, Engineering & Major Projects
Members of the Assessment Team	Gary Powell, Elaine Smith

If the answers to the following questions are Yes or don't know, then a full EINA will need to be carried out.

Is there likely to be a positive or negative impact in terms of equalities?	No
Does it involve a significant commitment of resources?	No

It is not necessary at the screening stage to identify adverse or differential impact

It is important to remember that even when it is decided that a policy/service/project does not require an EINA, it remains subject to the general duties. Not carrying out a full EINA places our council at greater risk of legal challenge because it cannot use the EINA process to meet our Public Duties around equality. It also means, more importantly, that opportunities may have been missed to promote equality.

<p>If you have answered no to the questions above and do not intend to carry out an EINA, please explain why?</p> <p>The proposal is to implement new observation periods in line with current legislation. These observation periods will aid enforcement of parking restrictions across the borough.</p>
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G2 Initial Risk Assessment



PROJECT NAME:

Civil Parking Enforcement - observation and grace periods

PROJECT NUMBER: To be obtained from PMO

PROJECT RISK LEVEL:

LOW *

Table 1 - Suggested criteria on which to score the type of project (please tick appropriate category)

CRITERIA				Score			
1) Duration of Project	0-6 months	<input checked="" type="radio"/>	7-12 months	<input type="radio"/>	Above 1 year	<input type="radio"/>	2
2) Effort	1-4 people (FTE)	<input checked="" type="radio"/>	5-10 people (FTE)	<input type="radio"/>	11+ people (FTE)	<input type="radio"/>	1
3) Business Impact	Service Unit/Service	<input type="radio"/>	More than 1 SU	<input type="radio"/>	Council/External	<input checked="" type="radio"/>	10
4) Priority	Desirable	<input checked="" type="radio"/>	Highly Desirable	<input type="radio"/>	Essential	<input type="radio"/>	1
5) Costs &/or Savings	Up to £250k	<input checked="" type="radio"/>	£251k-£500k	<input type="radio"/>	Over £501k or if project is to be funded through prudential borrowing	<input type="radio"/>	2
6) Risk Impact	Low Impact - Minor service disruption/inconvenience, minor injury, small financial loss, isolated service user complaint.	<input checked="" type="radio"/>	Medium Impact - Service disruption, More serious injury or financial loss, adverse media coverage, numerous service user complaints	<input type="radio"/>	High Impact - Significant or total service disruption, major disabling injury or fatality, high or catastrophic financial loss, adverse national media coverage, ministerial intervention in service running.	<input type="radio"/>	1
							Risk Score
							17

A numerical rating is applied to each cell (see Table 1) For example a 'Priority' of 'Highly Desirable' is worth 3 points and a 'Cost' of '£501-£1m' is worth 5 points. Totalling the points scored for each 'criteria' gives a project score. This score is then mapped against a project-risk status in Table 1 below:

Table 1 - Risk Status	Points Total
Project Risk Rating	Between 10-18
Low	Between 19-35
Medium	36+
High	

Initial Risk Assessment

Initial Risk Assessment (IRA) - CPE observation periods