



Havering

L O N D O N B O R O U G H

ENVIRONMENT OVERVIEW & SCRUTINY SUB-COMMITTEE AGENDA

7.30 pm	Tuesday 8 March 2016	Town Hall, Main Road, Romford
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Members 6: Quorum 3

COUNCILLORS:

Barbara Matthews (Chairman)
Carol Smith
Michael White

Barry Mugglestone
Alex Donald (Vice-Chair)
Patricia Rumble

For information about the meeting please contact:
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Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

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Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

What is Overview & Scrutiny?

Each local authority is required by law to establish an overview and scrutiny function to support and scrutinise the Council's executive arrangements. Each overview and scrutiny sub-committee has its own remit as set out in the terms of reference but they each meet to consider issues of local importance.

The sub-committees have a number of key roles:

1. Providing a critical friend challenge to policy and decision makers.
2. Driving improvement in public services.
3. Holding key local partners to account.
4. Enabling the voice and concerns to the public.

The sub-committees consider issues by receiving information from, and questioning, Cabinet Members, officers and external partners to develop an understanding of proposals, policy and practices. They can then develop recommendations that they believe will improve performance, or as a response to public consultations. These are considered by the Overview and Scrutiny Board and if approved, submitted for a response to Council, Cabinet and other relevant bodies.

Sub-Committees will often establish Topic Groups to examine specific areas in much greater detail. These groups consist of a number of Members and the review period can last for anything from a few weeks to a year or more to allow the Members to comprehensively examine an issue through interviewing expert witnesses, conducting research or undertaking site visits. Once the topic group has finished its work it will send a report to the Sub-Committee that created it and will often suggest recommendations for the Overview and Scrutiny Board to pass to the Council's Executive.

Terms of Reference

The areas scrutinised by the Committee are:

- Environment
- Transport
- Environmental Strategy
- Community Safety
- Streetcare
- Parking
- Social Inclusion
- Councillor Call for Action

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) – received.

3 DISCLOSURE OF INTEREST

Members are invited to disclose any pecuniary or personal interests in any of the items on the agenda at this point of the meeting.

Members may still disclose any pecuniary or pecuniary interests in an item at any time prior to the consideration of the matter.

4 MINUTES (Pages 1 - 6)

To approve as a correct record the Minutes of the meeting of the Committee held on 14 January 2016 and authorise the Chairman to sign them.

5 OBSTRUCTIVE PARKING AND ANTI-SOCIAL PARKING ON THE SCHOOL RUN (Pages 7 - 14)

The Sub-Committee will receive a briefing paper on the two topical Traffic and Parking Controls:

- Obstructive Parking
- Anti-Social Parking on the School Run.

6 FUTURE AGENDAS

Committee Members are invited to indicate to the Chairman, items within this Committee's terms of reference they would like to see discussed at a future meeting.

Note: it is not considered appropriate for issues relating to individuals to be discussed under this provision.

7 URGENT BUSINESS

To consider any other items in respect of which the Chairman is of the opinion, by reason of special circumstances which shall be specified in the minutes, that the item should be considered at the meeting as a matter of urgency.

Andrew Beesley
Committee Administration
Manager

**MINUTES OF A MEETING OF THE
ENVIRONMENT OVERVIEW & SCRUTINY SUB-COMMITTEE
Town Hall, Main Road, Romford
14 January 2016 (7.30 - 9.45 pm)**

Present:

Councillors Barbara Matthews (Chairman), Barry Mugglestone, Alex Donald (Vice-Chair), Patricia Rumble and Viddy Persaud (In place of Carol Smith)

Apologies for absence were received from Councillor Carol Smith and Councillor Michael White

9 MINUTES

The minutes of the meeting of the Sub-Committee held on 2 September 2015 were agreed and signed by the Chairman.

10 OVERVIEW OF RESIDENT PARKING SCHEMES: IMPLEMENTATION & ENFORCEMENT

Following a request from the Sub-Committee an overview of the implementation and enforcement of residential parking scheme in the borough was given.

Officers explained that requests for parking schemes could be received from residents, members or businesses. This could be due to commuter parking or another issue. The area is assessed and a series of consultations are carried out. This would include presenting to the Highways Advisory Committee. A full consultation with the residents and businesses is then carried out before the scheme is implemented. Once the scheme goes live this is enforced over the first month and publicity of the scheme is carried out.

It was noted that there was often displacement following the implementation of a new parking scheme, therefore the team had to become proactive in enforcement.

The Enforcement CEO's acted as a deterrent, however it was important that residents had the first choice and convenience was maintained. The Enforcement team was made up of 22 CEO's, however it was growing with the priorities in the borough. The biggest issue was around schools, ensuring that residents had priority and the commuter parking. Most of these were considered to be poor parking behaviours. The Enforcement Team operated 7 days a week up until 10:00pm.

Members felt that often it took a long while for schemes to be implemented. Officers explained that there had been a number of key officers that had left the organisation, however there had been an active recruitment drive which brought the service back to full capacity.

It was noted that there were a number of areas that contributed to parking schemes, these included the schools expansion programme which included 8-9 schools who had project plans and would mean major schemes needed to be consulted upon. The service would need to mitigate any resident's challenges whilst ensuring that the school children were kept safe. It was possible that other schools may also expand in the future. The enforcement around schools had been only one officer; this had recently been increased to two however it was impossible to be at every school. There was a schedule for the enforcement of schools, however this was constantly changing and they were looking to adopt other options and powers to deal with the issue.

Officers explained that they would look to work with Head teachers, the local community and Ward Councillors about how school zones could be improved. They were looking to mitigate the problem and were trying to discourage short carjourneys, so there was an exclusion zone around the school, which would mean more safety for the children.

Members asked how the schemes were prioritised. Officers explained that if there was a scheme needed to prevent danger, this was prioritised; otherwise all schemes would be dealt with as they were received. Each scheme was assessed for safety issues and displacement and the effect this would have on residents in the area.

Discussions were had about residential parking zones and how these could lead to isolation for an older person living alone who did not have any permits. This reduced social visits or one-off visits. Officers stated that this was an area that needed to be investigated. However it would be open to abuse.

The Chairman suggested that a new Topic Group be established to look at how the visitor parking scheme could be improved so that the elderly people in the borough were not isolated, and short, one-off visits could be done in areas where parking permits were needed.

11 FOOD HYGIENE RATING SCHEME

The Sub-Committee received a presentation from the Interim Food Safety Divisional Manager. This gave an overview of the work of the Food Safety Division, an overview and the purpose of the Food Hygiene Rating Scheme as well as the benefits to the local people, visitors and businesses.

It was noted that the number of food businesses operating in Havering had increased from 1586 in 2011 to 1892 in 2015. Each of these businesses had to be inspected on a regular basis according to food safety risk.

Officers explained that the Food Safety Division work consisted of:

- Food Hygiene Inspections
- Food Standards Inspections
- Investigation of complaints from members of the public
- Sampling for analysis
- Investigation of notifiable infectious diseases and or food poisoning
- Education, advice, coaching, information and intelligence gathering
- Feed Hygiene/ Standards Interventions.

The Food Hygiene Rating Scheme was a partnership between the local authority and the Food Standards Agency initiative for England, Wales and Northern Ireland. This was to help consumers to choose where to eat out or shop for food by giving them information about the hygiene standards in food premises (found at the time they were inspected). This would in turn drive improvements in hygiene standards.

Officers explained how the rating worked. The scheme was simple for consumers to understand with a rating of “0” being the worst and “5” being the best. Simple words were used with each rating. Ratings of 3, 4 and 5 were considered acceptable and the premises were “Broadly Compliant”. Where ratings of 0, 1 and 2 were given there would be follow-up enforcement activity carried out. The frequency of follow-up inspections was dependant on the risk identified at the initial inspection. All visits were unannounced other than for establishments run from private homes.

Once an inspection has been carried out a rating was agreed and given to that business. The business was issued with a sticker which gave the rating on the front with details of the inspection on the rear. The stickers were encouraged to be displayed at the business, however this was not mandatory. Each business was obliged to inform the Council within 28 days that they would be operating a food business. The onus was on the operator to inform the Council and all business would be aware of this. If businesses were not compliant then support would be given to ensure that forms are completed so that ratings can be assigned. Where there was non-compliance the team could prosecute the business. The Sub-Committee noted that there were 200 unrated businesses as of January 2016.

Each premise with a food hygiene rating was sent to the Food Standards Agency so that it could be published. This was so that any person could check the ratings at www.food.gov.uk/ratings. A free mobile app, was available, which provided the same information. Information on the local authority, the address of the business, the postcode or the name of the

business could be searched on. From this the consumer could see the rating of the business together with details about the location. It was noted that all ratings were taken at a point in time so there would always be an element of risk.

The Sub-Committee was informed that the scheme did not apply to business which did not supply food directly to consumers for consumption “on” or “off” the premises. E.g. manufacturers, packers, importers, exporters, business to business suppliers. The scheme was also not applied to businesses which consumers did not normally recognise as food businesses e.g. chemists, off licensing selling only drinks and wrapped goods. However it was added that where a chemist or off license had a fridge with food goods, the Environmental Health Officer would make a judgement at the inspection as to whether the rating needed to be applied.

The officer explained how the scheme was integrated into the work of the Food Safety Division. He stated that each full inspection assessed the business on 8 different criteria (this included the three Food Hygiene Rating Scheme Criteria (FHRS)). This determined when the next inspection was due to take place as part of the planned intervention programme.

The three FHRS criteria checked were:

- Hygiene: how hygienically the food was handled, how it was stored, prepared, cooked, cooled, reheated etc.
- Structure: the condition of the structure of the buildings, the cleanliness, layout, lighting, ventilation and other facilities
- Confidence in management: how the business was managed, what it did to make sure food was safe, including documented procedures.

Each of these three elements were essential for making sure that food hygiene standards met requirements and food served or sold was safe to eat.

The mapping of numerical scores was explained to the Sub-Committee and how the three FHRS criteria were scored. The lower the overall number the better the score. It was noted that there was an appeal process in place should the business wish to appeal. Information on the number of premises inspected over the last 3 years together with the rating was presented to the Sub-Committee. It was noted that there were a lower number of premises with 0, 1 and 2 ratings in Havering.

Research had shown that food hygiene when eating out and food poisoning were the main concerns that people had about food safety. The scheme provided local residents and visitors with important information about hygiene standards in local businesses and empowered them to make informed choices about where to eat out or shop for food. By telling people about the hygiene standards was an effective way of improving public health protection. Officers stated that all business could achieve the top rating they just needed to comply with all the criteria. Good food hygiene is good

for business, as well as profits. The feedback on the scheme from businesses had generally been positive.

The Sub-Committee noted that the Food Standards Agency's strategy for 2015 to 2020 included extending mandatory display of food hygiene ratings at food outlets in England (as it currently was in Wales). The FSA was gathering evidence to inform the case to present to the Government for consideration and developing an impact assessment setting out the costs and potential benefits of introducing the legislation that would be required for mandatory display of the ratings.

Examples were given to the Sub-Committee of the concerns that are raised both from the public and during inspections.

The Sub-Committee thanked the officer for the very informative presentation.

12 CORPORATE PERFORMANCE INDICATORS FOR ENVIRONMENT OVERVIEW AND SCRUTINY SUB-COMMITTEE

The Sub-Committee received a report of the Performance Indicators within its remit for Quarters 1 and 2 of 2015. It noted that each indicator was given a red, amber or green (RAG) rating. Of the eight indicators, six were rated green, 1 was rated amber and 1 was rated red.

The indicator which was rated red was "Number of fly tipping incidents". Officers explained that this was an area which was very difficult to enforce however the Council was continuing to use CCTV to attempt to identify offenders and would prosecute if an identity could be made.

The Sub-Committee noted that the current levels of performance needed to be interpreted in the context of increasing demands on services across the Council. It was noted that future performance reporting arrangements would change so that from April 2016, Cabinet had agreed that the quarterly and annual Corporate Performance Reports would be considered first by the individual Overview and Scrutiny Sub-Committees, then the Overview and Scrutiny Board and finally the Cabinet.

13 WASTE MINIMISATION TOPIC GROUP

The Sub-Committee discussed and noted the report of the Waste Minimisation Topic Group. Officers explained that this would now be presented to Cabinet at its March meeting.

14 INGREBOURNE HILL PUBLIC ENQUIRY

The Chairman informed the Sub-Committee that information had been provided on this item by officers outside of the meeting. The member concerned was content for the item to be withdrawn from the agenda.

15 FUTURE AGENDAS

The Sub-Committee suggested the following areas for discussion at future meetings:

- Improving the safety of schools through robust enforcement.
- Vermin/ Pest Control.

Chairman

Environment Overview & Scrutiny Sub-Committee 8 th March 2016:	
Briefing Paper	
Obstructive Parking & Anti-Social Parking on the School Run	
Presented by	Supported by
David Pritchard Group Manager Traffic & Parking Control david.pritchard@haverling.gov.uk	Gary Smith Project Manager Traffic & Parking Control gary.smith@haverling.gov.uk
<p>1. Introduction</p> <p>1.1. In many instances illegal parking is an unbridled act of anti-social behaviour and the tools conventionally used to manage such situations are to be found across a range of traffic and parking control legislation, with primacy resting with the Traffic Management Act 2004. (TMA 2004). However, in the last year that legislation has been amended and it is now more difficult and time consuming to deal with some common type of illegal parking, such as parking that blocks access to and from private residential off street parking places, and the significant dangers, frustrations and inconvenience experienced in areas around schools as a direct consequence of the “School Run”.</p> <p>1.2. This briefing paper looks at two topical issues that Traffic & Parking Control officers are developing options for and will see improvements in the current situation arising from both.</p> <p>1.3. It must be noted that this is a briefing paper only and work is on-going I respect both matters. The paper sets out the current position as it is but that is subject to change. However, if there are any changes then officers will update members as necessary at the actual meeting.</p> <p>2. Obstructive Parking – The Problem</p> <p>2.1. Illegal parking brings danger, inconvenience and frustration to many, including other motorists and of course pedestrians, but the blocking of dropped kerbs is for many a direct personal affront as it can prevent citizens from enjoying the most basic form of freedom, viz the freedom to go to and from their home in their vehicle at a time they determine. An obstruction that prevents such ease of access can cause considerable distress.</p> <p>2.2. Many residents act in a positive way to adapt areas of their property to create an off street parking space. Doing so is in the main for their personal benefit but it can also have a positive impact locally by removing a parked vehicle from the kerbside. However, the installation of a dropped kerb is not a free service with most dropped kerbs potentially costing a resident between one and two thousand pounds to have the Council install the drop.</p> <p>2.3. The legislation, as it relates to parking across dropped kerbs, notes that it is a parking contravention for which a Penalty Charge Notice can be issued. However, the legislation has a caveat, viz that only “unfriendly” parking is</p>	

defined as a parking contravention. Unfriendly parking is where a vehicle parked across a dropped kerb is parked without the express authorisation of the property owner.

- 2.4. The legislation therefore places the onus upon the property owner to define “unfriendly” parking and then inform the local enforcement authority when it takes place in order that the illegal parking can be enforced.
- 2.5. Council’s manage the situation of “unfriendly” parking in a variety of ways. Some ask that all residents with dropped kerbs detail annually in advance the registration numbers of “friendly” vehicles with others requiring that the resident inform them of the registration number of a “friendly” vehicle the moment it arrives and parks. Both the aforementioned methods require a vehicle registration system and an administrative process to manage live information. Additionally, the annual system is not flexible and the necessity to immediately “register” as friendly parker is not always practical, especially if friendly parking is an expectation but the resident isn’t available to notify the Council of the arrival.
- 2.6. In Havering the friendly, unfriendly issue has been historically managed through a system of a positive assumption. That means all residential dropped kerb parking is considered “friendly” and only considered “unfriendly” upon notification of that from a resident. This system negates the need for a vehicle registration scheme and or the managing of live requests from residents.
- 2.7. If a resident notifies the Council of an unfriendly parked vehicle then a Civil Enforcement Officer will be sent within one hour to address the situation and then where appropriate, issue a Penalty Charge Notice.
- 2.8. Civil Parking Enforcement legislation pivots on the deterrent factor of a Penalty Charge Notice but that means a vehicle parked in contravention remains so after being issued with a penalty. Post penalty issuance there is no incentive to move the obstructing vehicle. In a situation, such as the blocking of a dropped kerb, that means the initial obstruction remains and the resident’s access stays blocked. That is not a solution to the problem.

3. Obstructive Parking – A Potential Solution

- 3.1. The TMA 2004 has published alongside it a document entitled “Operational Guidance to Local Authorities: Parking Policy and Enforcement”. The guidance sets out in detail how Council’s should manage the TMA 2004 locally. The operational guidance has a specific section covering vehicle immobilisation and removal. Section 8.96 notes;

“Very few authorities now use immobilisation. The Secretary of State is of the view that it should only be used in limited circumstances such as where the same vehicle repeatedly breaks parking restrictions and it has not been possible to collect payment for penalties, primarily because the keeper is not registered, or is not properly registered, with the DVLA. Where a vehicle is causing a hazard or obstruction the enforcement authority should remove

rather than immobilise. Immobilisation/removal activity should only take place where it gives clear traffic management benefits”.

- 3.2. As can be seen, the legislation does allow for a vehicle to be immobilised and or removed in certain circumstances but historically in Havering there has been little or no vehicle removed in respect of obstructive parking.
- 3.3. When a vehicle is removed to the car pound the vehicle then becomes subject to a £40.00 per day storage charge. That charge is recovered from the vehicle owner upon its collection, along with the payment of the Penalty Charge Notice and a release fee. If a vehicle is not collected then after 100 days it is considered safe to dispose of the vehicle, normally at auction.
- 3.4. It is not uncommon for owners not to claim their impounded vehicle if its value is less than the penalty, release fee and storage charge. In such instances the Council will attempt to locate the owner but where that is not successful then the vehicle will be disposed of at auction, or indeed scrapped. All monies raised at auction go towards settling the storage fee; however, it was historically common for the Council to pay any shortfall in auction income to settle any storage fees.
- 3.5. With the aforementioned in mind Havering have limited the removal of vehicles, though it should be said that the numbers of vehicles that “qualified” for removal have historically been low and not more than ten to fifteen vehicles were removed annually. Last year zero vehicles were impounded by Traffic & Parking Control, though Enforcement Agents working on behalf of the Council did remove vehicles. Such removals though are not the same as what is under discussion in this paper as vehicles were removed using the authority of a court order.
- 3.6. Whilst it is accepted that the Council can remove illegally parked vehicles, and especially those that are causing an obstruction, it is clear that to do so risks a significant financial encumbrance upon the Council. However, a secondary option that carries less risk should be considered.
- 3.7. Instead of removing to a pound a vehicle that is illegally parked and causing an obstruction, it is suggested that the Council introduce a “Relocation” service that sees an illegally parked vehicle removed from its obstructive position and relocated elsewhere and nearby in a legal parking place.
- 3.8. In practice this would take place following a complaint made by a resident of unfriendly parking across the dropped kerb accessing their property. Following receipt of the residents’ complaint a Civil Enforcement Officer would attend and issue a Penalty Charge Notice to the illegally parked vehicle. Once the penalty is issued the officer will contact the vehicle removal contractor and arrange to have the vehicle relocated. The contractor would arrive onsite and relocate the obstructive vehicle to a nearby legal parking space and then notify an organisation called TRACE, operated by London Councils in partnership with the Police, and advise them that the vehicle had been relocated from position x to position y. TRACE would then load that data onto their database

and any enquiry re a stolen vehicle etc would pick up the fact that the vehicle had been relocated.

- 3.9. The cost of the relocation would in effect be subsidised from the Penalty Charge Notice cash receipt if paid within 14 days at 50% discount or in total if the after 14 days at the full standard Penalty Charge Notice rate.
- 3.10. Traffic & Parking Control officers will need to negotiate with the Council's existing vehicle removal contractor as a relocation element is not part of the existing contract. It is hoped that those negotiations could start soon and a relocation service readied to go live for the week commencing 27th June 2016

4. Anti-Social Parking on the School Run

- 4.1. The situation outside many schools during the school run has become very dangerous, so much so that Traffic & Parking Control officers consider existing civil parking enforcement regulations not specific enough to manage down the problems of school run anti-social parking behaviours witnessed, and their underlying causes. Accordingly officers have examined alternative approaches and consider that the use of Public Space Protection Orders, in combination with other controls and activities, may have a beneficial impact locally in areas where the school run is problematic and a danger.
- 4.2. This section of the briefing paper sets out how many illegal parking acts are traits of anti-social behaviour, and how officers consider that current traditional civil parking enforcement legislation could be augmented with powers available within the Anti-social Behaviour Crime and Policing Act 2014, viz Public Space Protection Orders (PSPOs), to minimise anti-social parking behaviours, and in turn reduce obstructive parking often encountered by local residents, and most importantly, reduce the anti-social parking behaviour that impacts so negatively upon the safety of children, their parents, carers, other pedestrians and legitimate road users during the school run outside many of the boroughs schools.
- 4.3. Officers are planning to present a report to Cabinet in the near future entitled, "Improving the Safety of Our Schools and across the wider Borough" and that report will detail a full analysis of the school run problem and proposals to reduce the same via PSPOs and complementary measures and activities.

5. Background

- 5.1. The Traffic Management Act 2004 (TMA 2004) defines civil parking enforcement and regulates the penalties and the process for undertaking that enforcement, from enforcement officers uniforms, personal ID that needs to be worn, equipment that can or cannot be used to monitor and enforce (CCTV), the certification of electronic equipment used, the cost of a penalty, observation times, grace periods and the type and level of discretion that must be applied to all cases upon challenge. Further, it dictates how challenge and enforcement sections of the Council must be separate units, and describes the composition of an independent appeals service, and how arising parking debts

should be progressed through the County Court service, and on to a recovery process thereafter. So, civil parking enforcement is complex and of course a topic that attracts much scrutiny from the public, media and others.

- 5.2. The TMA 2004 has performed well since its introduction and allowed many Council's, such as Havering, with a relatively small team of enforcement officers, and historically being in the lowest three "Penalty Charge Notice issuing" Council's in London, to deliver its enforcement responsibilities more efficiently without effectively increasing the size of its enforcement team, through the use of CCTV for specific and more serious types of illegal parking, such as those occurring on double yellow lines, footways, across residential and other dropped kerbs, outside of schools on zig zags, bus stops and others which were previously defined as the more serious type of illegal parking.
- 5.3. Unfortunately, the media and others very vocally considered the use of CCTV and its positive effect on enforcement efficiency as a negative and dubbed it "the war on motorists". That and other considerations combined to see the government launch a consultation in 2014 into how CCTV was being used as an enforcement tool, and some other peripheral enforcement issues.
- 5.4. The outcome of the consultation was legislated by the government in April 2015 through its Deregulation Act 2015. That act significantly curtails and so limits the use of CCTV to monitor and enforce illegal parking, the net effect being its use limited to only school keep clear areas and bus stops. (CCTV can continue to be used as before to enforce bus lanes and Moving Traffic Contraventions (MTCs) such as banned turns. Havering commenced MTC enforcement in September 2015).
- 5.5. All other acts of illegal parking now need to be monitored and enforced conventionally by a Civil Enforcement Officer (CEO) observing from the kerbside and manually processing a PCN on site. That process requires an observation period and time taken to physically process and then legally issue a PCN, which comes near the end of the process and not at the moment details of a contravention are observed, evidenced and recorded. Therefore, there exists a window of opportunity to illegally park of up to ten minutes whilst the aforementioned is completed, whereas that was previously close to zero when using CCTV.
- 5.6. In addition to that already described above, the Deregulation Act 2015 also introduced a mandatory ten minute grace period before enforcement could take place against vehicles parked in most permitted parking spaces such as a disabled bay, resident bay or other parking bay, both on and off street. This grace period is permitted in addition to the observation time already required. Therefore, by adding the two periods together one can see how the opportunity to enforce can be considerably restricted in some circumstances according to the type of illegal parking act. The circumstances today are that a vehicle can, in a majority of circumstances, come to an illegal stop, drop off, or collect, or even wait a few minutes, before the legal point of "illegal parking" is reached, observed and evidenced; a situation that is detrimental across a number of factors, including but not limited to, traffic congestion and pedestrian

safety.

6. The School Run & Obstructive Parking

- 6.1. As part of an initiative entitled “Improving the Safety of Our Schools and across the wider Borough” officers have examined the potential to PSPOs as a complementary measure to minimise the volume of vehicles entering a specific area to stop, and then drop and collect children during what is colloquially referred to as the “School Run”.
- 6.2. The most serious issue arising from the chaos witnessed at the majority of locations during the school run is the direct danger posed to children due to irresponsible and selfish parking and vehicle manoeuvring. Those core issues then easily translate into what we consider to be anti-social behaviour. That view is further compounded when considering the level of obstructive parking that also takes place during the school run with many residents justifiably complaining that they cannot drive on or off their off street parking places as a vehicle has parked across the associated dropped kerb thus preventing access.
- 6.3. The ability of conventional civil parking enforcement regulations to deal with the situations arising from the school run are limited and described elsewhere in this paper.

7. Proposed Use of Public Space Protection Orders (PSPOs)

- 7.1. Using a PSPO to limit the accessing of and stopping of any vehicle in an area during a prescribed time would address the school drop off and pick up issues and improve safety around schools and derive peripheral benefits for local residents. It is considered that the introduction of PSPO's will result in the behavioural change required to improve safety via a reduction in the illegal, unsafe and anti-social parking behaviours that cause significant dangers to pedestrians and much inconvenience to local residents and other stakeholders.
- 7.2. The proposal includes a facility, managed by a simple virtual permit system, to retain full unhindered access to an area for local residents, their visitors and other legitimate visitors and entities during the times of an active PSPO.
- 7.3. The geographical range of a PSPO will vary according to the actual target location and will be monitored via demountable CCTV cameras and automatic number plate recognition software. That software will support the identification of those in the area so prevent the erroneous issuing of a Fixed Penalty Notice (FPN) to those entitled to be present within the PSPO area at the time.
- 7.4. PSPO have at their core the authority for a Fixed Penalty Notice (FPN) to be issued. An FPN is classified as a minor criminal device and once issued the recipient is able to settle the FPN within 14 days, without there being any criminal record established. Alternatively, if no payment is made, or if the recipient so opts to do so, then the FPN can be dealt with by a Magistrate in a

local Court as a criminal proceeding. The Council also reserves the authority to instigate Magistrate proceedings instead of discharging the evidenced offence via a FPN in situations of repeat offences by the same individual.

- 7.5. Existing civil parking enforcement PCNs are classified as a civil misdemeanour and non-payment constitutes a civil debt. Additionally, it is subject to a multi-layered appeal system that encompasses a significantly wide interpretation and application of discretion at all stages of the process. Accordingly, the process can be lengthy and lack the level of gravitas that the issues it seeks to manage deserve. Also, as a civil matter the deterrence factor is low.
- 7.6. The focus of a PSPO FPN being a criminal proceeding compared to a civil parking enforcement PCN being a civil proceeding will provide appropriate gravitas to the situation and act as a suitable deterrence in support of a PSPO and its aims and objectives.
- 7.7. It is important to stress that the placing of a PSPO will be accompanied, where appropriate, with other traffic and parking control measures and activities. This could see new parking controls being placed in support of a PSPO, or in rare instances, changes to junction layouts and or footways. However, if complementary measures are not necessary or appropriate then a PSPO could be a lone controlling device. Also, it is certain that not all locations will be suitable for a PSPO and where so, other conventional control measures will be assessed.
- 7.8. The aim of PSPO deployment is to improve the safety of children and others around our schools during the school run, and to minimise the opportunity there currently exists for residents to suffer obstructive and anti-social parking behaviours that limit their ability to access their off street parking places.

8. Project Management

- 8.1. A Project Management Team has been established and it's currently working within a significant project brief. That brief is very substantive and includes the gathering of evidence necessary to support the use of PSPOs, consultations with schools, including head teachers and governors where applicable, parents (Carers), local residents and businesses, the general public, the Police and other stakeholders. Most importantly, the project team have engaged directly, and continue to do so as the scope of the project develops, with local members. Member engagement is essential and it's intended to invite members to meetings with schools and other stakeholders as the project progresses. The project team will also be emailing weekly a project update to all members informing them of progress and up and coming events. Members are without doubt central to the success of the project.

David Pritchard
Group Manager
Traffic & Parking Control
18th February 2016

9. Project Team Contacts

Gary Smith – Project Manager gary.smith@haverling.gov.uk

Peter Matthews - Project Coordinator peter.matthews@haverling.gov.uk