

**REFERRAL-UP FROM THE OPERATIONAL SERVICES COMMITTEE – PARKING ENFORCEMENT**

Committee: Council

Date: 21 October 2021

Author: Director, Operations

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[W83]

1.0 ISSUE

1.1 Consideration of the referral-up from the Operational Services Committee (ref. 13 September 2021)

2.0 RECOMMENDATIONS

2.1 Members are requested to consider the recommendations detailed in Appendix 1 (ref: Operational Services Committee 13 September 2021).

3.0 BACKGROUND/OPTIONS

3.1 The Operational Services Committee (ref. 13 September 2021 Agenda Item 6) agreed to refer 'Parking Enforcement' agenda item up to full Council for decision. The full agenda item referred to above is attached as Appendix 1 and the original recommendations are detailed in paragraph 2.1 (i) to (v) and included below for consideration by Council:-

***Members are requested to:***

- i) support the pilot scheme to integrate community-based enforcement of speeding, anti-social and illegal parking as detailed in paragraph 4.3 under Section 38 of the Police and Crime Act 2017;***
- ii) review the outcome of the pilot scheme and make further recommendations (if appropriate) by October 2022;***
- iii) support the proposals by Cambridgeshire Police to target identified 'hot spots' in the District with more effective on street enforcement in 2021/22;***
- iv) review the effectiveness of the activity outlined in 2.1 (iii) by April 2022;***
- v) not to implement CSAS in East Cambridgeshire (subject to a further review by October 2022).***

- 3.2 The rationale for this reference up (as detailed in the draft minutes ref. 13 September 2021 No. 21) relates to cross district nature of the proposals, potential impact on the Council's budget and the requirement for future information highlighted by a series of questions submitted by Councillor Inskip in advance of the meeting. The delay has enabled the Director and Chief Executive to further clarify matters with Police including more specific answers to Councillor Inskip (Appendix 2) to inform this report.
- 3.3 Members should give due regard to the decision of Council on 22 October 2020 (ref. Agenda Item 7(i) in relation to parking enforcement as detailed below.

***This Council unequivocally endorses the constitutional commitment to free car parking in its off-street town centre car parks. This commitment, together with a proportionate enforcement regime, is even more important now to support town centre businesses to recover from the COVID 19 crisis.***

***Nevertheless, the Council remains concerned at the growing instances of dangerous and anti-social on street car parking across the District, not limited to, but notably in Ely, Littleport, Bottisham and Soham. The on-street enforcement regime is not fit for purpose.***

***The decriminalisation of on street car parking does not offer an appropriate solution to a District committed to free car parking and sound financial management. The Council cannot sign up to a scheme which is irreversible, has significant unfunded capital and revenue commitments and would lead to the introduction of car parking charges in our District.***

***Therefore, this Council instructs the Director, Operations to engage with the Chief Constable to discuss the provision of a dedicated car parking enforcement resource for the District and/or the effective implementation of CSAS (Community Safety Accreditation Scheme) and furthermore requests that an update is reported to Finance and Assets Committee in January 2021 detailing any legal and financial implications for consideration and decision on how to progress the matter.***

- 3.4 As referred to above, Councillor Inskip submitted in advance a number of questions in relation to this item, both of a strategic and operational nature. The Council's response to these questions are attached to this paper to inform members debate and decision. A number of the responses to the operational focused questions confirm two key facts; specifically, that the Pilot Scheme is wholly owned, and operated by the Police and that a number of matters will become clearer following completion of the design phase of the pilot.
- 3.5 In addition, Superintendent James Sutherland, Cambridgeshire Police, has been invited to make a brief presentation to members on the Police Pilot Scheme and the targeting of 'hot spots' (Ref: Agenda Item 10A)

#### 4.0 PROPOSALS/CONCLUSIONS

- 4.1 There are two essentially broad options for the Council in relation to on street parking enforcement, specifically:

- **DIRECTLY** in the design, delivery and funding of Civil Parking Enforcement where powers are directly transferred from the Police to the County Council in partnership with District/City Councils. This approach has been rejected by the Council as an option in its resolution (ref: 22 October 2020 and included in para 3.3) citing concerns about affordability, irreversibility, impact on off street parking and the Council's constitutional commitment to free city centre parking and the long-term impact on the Medium Term Financial Strategy.
- **INDIRECTLY** working in partnership with the Police (who would retain legal responsibility for on street car parking enforcement) and the wider community.

4.2 These two options were put into focus by the external legal opinion from Trowers and Hamlin (ref: 1 March 2021), which confirmed that an employee of the Council cannot be treated as a police volunteer under S38 of the Police and Crime Act 2017.

4.3 With this in mind, it is essential that Members fully appreciate that this initiative is Police led, as illustrated by the answers to Councillor Inskip questions detailed in Appendix 2. At this stage, the Council is only required by the lead agency, the Police, to endorse the pilot and provide, when requested, support, most likely in relation to joint communications and PR. If Members are minded to support the Pilot, it is important to note from the proposal detailed in the Operational Services Committee cover wider issues related to road safety, which are consistent with the priorities set by the Community Safety Partnership.

## 5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 Further discussions with the Police, have confirmed that there is no financial requirement of the Council at this stage including training, which will be provided by the Police in house. The Police will be submitting a bid to the Road Safety Partnership to cover the cost of the legally compliant machines for the volunteers. Any future request for financial resources will be reported to the appropriate member body.

5.2 An Equality Impact Assessment (INRA) is not required.

5.3 A Carbon Impact Assessment is not required.

## 6.0 APPENDICES

6.1 Appendix 1 – Report to Operational Services Committee – 13 September 2021  
Appendix 2 – Response to Councillor Inskip questions

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer</u></b>
Council – 22 October 2021 (Ref: Agenda Item 7 (i))	Room 101B The Grange	Jo Brooks Director, Operations (01353) 616498
Finance & Assets Committee - 25 January 2021 (Ref: Agenda Item 3)	Ely	E-mail: jo.brooks@eastcambs.gov.uk
Operational Services Committee - 13 September 2021 (Ref: Agenda Item 6)		

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**TITLE:        PARKING ENFORCEMENT**

Committee: Operational Services Committee

Date:         13 September 2021

Author:       Director, Operations

[W63]

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1.0    ISSUE

1.1    Proposals to reduce anti-social parking across the district.

2.0    RECOMMENDATIONS

2.1    Members are requested to:

- i)     support the pilot scheme to integrate community-based enforcement of speeding, anti-social and illegal parking as detailed in paragraph 4.3 under Section 38 of the Police and Crime Act 2017.
- ii)    review the outcome of the pilot scheme and make further recommendations (if appropriate) by October 2022.
- iii)   support the proposals by Cambridgeshire Police to target identified 'hot spots' in the District with more effective on street enforcement in 2021/22.
- iv)    review the effectiveness of the activity outlined in 2.1 (iii) by April 2022.
- v)     not to implement CSAS in East Cambridgeshire (subject to a further review by October 2022).

3.0    BACKGROUND

3.1    The Council on 22 October 2020 (Agenda Item 7(i)) agreed a motion in relation to parking enforcement. (See Background Papers).

In summary. The Council agreed to:

- Endorse a commitment to free car parking in its off street town centre car parks.
- Instruct officers to engage with the Police on the provision of a dedicated car parking enforcement resource for the District and/or effective implementation of CSAS (Community Safety Accreditation Scheme).
- Report back to Finance and Assets Committee (January 2021).

3.2    Finance and Assets Committee on 25 January, 2021 (ref. Agenda Item 3) received a further report by the Director, Operations which recommended to Operational Services Committee the implementation of CSAS subject to agreement by the Chief Constable, (See Background Papers) and agreed to engage with the Chief Constable on the implementation under Section 38 of the Police and Crime Act 2017. It is important to note that whilst the Council's Operational Services Committee is

responsible for car parking enforcement issues the Council does not have any on street car parking enforcement powers. Those powers rest with the Police.

**4.0 ARGUMENT/OPTIONS**

4.1 Community Safety Accreditation Scheme (CSAS) is a scheme administered by the Police enabling the Chief Constable to bestow some Police powers to accredited individuals to deal with a range of issues, crucially not car parking enforcement. Although case studies in other areas have shown the value of CSAS especially the adoption of the 'Four E's approach – Engage, Explain, Encourage and Enforce', it is not recommended to proceed with CSAS at this time.

4.2 Section 38 of the Police and Crime Act 2017 permits the Constabulary to bestow powers to volunteers acting on the Police Service Volunteers' (PSV) behalf, including the power to issue car parking enforcement Fixed Penalty Notices (FPNs).

Although Finance and Assets Committee were advised (based on the best information from the Constabulary at the time) on 25 January 2021 that these powers could be bestowed on Council employees, subsequent legal clarification has shown this not to be the case because of the potential conflict of interest. Although this potentially reduces the scope of the use of these powers nevertheless this remains the most effective way of improving on street enforcement across the district.

4.3 There is an opportunity, supported in principle by the Chief Constable, to develop and implement a District wide pilot scheme to create a new PSV role of Road Safety Volunteers integrating current community-based activities such as Speed Watch into a formal arrangement supported by training (based on the Four E's) to include enforcement of on street car parking as well as speeding. In practical terms, this would give the new Road Safety Volunteers new powers for speeding, rather than just the letter through the post as per the Speed Watch system. This pilot would also allow the Road Safety volunteers to be conferred with powers by the Chief Constable to deal with anti-social/dangerous or illegal parking where other avenues such as driver education messaging has failed. This pilot would last for 12 months and would be reviewed by the Operational Services Committee in consultation with partners at the appropriate time.

4.4 The Council has consistently expressed their support for the employment of dedicated resources for on street car parking enforcement. This is not supported by the Chief Constable given the proposed reduction in PCSO numbers and the requirement for him to deploy these resources according to operational priority.

Nevertheless, the Leader of the Council through the Police and Crime Commissioner's officer has continued to lobby for targeted activity in the 'hot spots' for anti-social car parking. The Police have proposed to provide some ongoing resources to underpin and support the new volunteer enforcement arrangements using current legislation to target 'hot spots' supported by extensive publicity to deter and reduce future infringements. The location and regularity of these operations will be determined by the Police but in consultation with the Director, Operations. This Committee will review the effectiveness of these operations by April 2022.

4.5 The initiatives detailed above provides a complete approach to tackling illegal on street parking, speeding and breeches of car parking restrictions. The Police will

## AGENDA ITEM NO 10b Appendix 1

provide ongoing resources during the year to tackle illegal parking “hot spots” (e.g. obstruction, staying over time) through their own powers. In addition to that Cambridgeshire Constabulary will develop an East Cambs pilot of the new Road Safety Volunteer post, training and equipping them to deal with a range of road safety issues and support them with training and equipment which will empower and enable the trained volunteers to collect evidence of vehicle abuse for the Police to enforce.

### 5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT/Carbon Impact Assessment

5.1 Approx. £250 per trained volunteer to include training, uniform etc.

5.2 The Police will submit a bid to the Road Safety Partnership to fund the home office approved, legally enforceable machines to capture illegal activity

5.3 An Equality Impact Assessment is not required.

5.4 A Carbon Impact Assessment is not required.

### 6.0 APPENDICES

6.1 None

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Background Documents	Location	Contact Officer
Council 22 October 2020 (Agenda Item 7(ii)) Finance & Assets Committee 28 January 2021 (Agenda Item 7)	Room 101B The Grange Ely	Jo Brooks Director, Operations (01353) 665555 E-mail: jo.brooks@eastcambs.gov.uk

**Request:**

This Freedom of Information request relates to the report on Parking Enforcement which was included under item 6 of the agenda of Operational Services Committee meeting held on 13 September 2021.

1. When did the council learn of the legal clarification which confirmed the potential conflict of interest (paragraph 4.2 of the report)?

**We asked for a legal opinion from Trowers and received a response on the 1<sup>st</sup> March 2021 which confirmed that an employee of the council cannot be treated as a police volunteer under S38 of the Policing and Crime Act 2017.**

2. Precisely which powers will the new Road Safety Volunteers gain which are not available under the existing Speed Watch Scheme?

**The pilot would create a new Police Service Volunteers role of Road Safety Volunteers whereby the Chief Constable would bestow powers under Section 38 of the Policing and Crime Act 2017. Community speed watch do not have any powers available to them. Powers being explored by the program include excess speed enforcement and parking related offences.**

3. Precisely which powers will the new Road Safety Volunteers have at their disposal to address illegal parking when driver education messaging has failed?

**As per question 2.**

4. Has there been a reduction in the number of PCSOs allocated to Cambridgeshire Constabulary since the full council meeting in October 2020 (in relation to paragraph 4.4 of the report)?

**The Chief Constable wrote a service review report which reduced the number of PSCOs in East Cambs from 4 officers to 1.**

5. What KPIs have been defined in order to measure the effectiveness of the pilot scheme proposed in the report for the report-back to committee April 2022

**It will be a police initiative. Therefore it will be for the police to identify, manage and monitor their KPIs**

6. Who will be responsible for collating and maintaining these KPIs and will interim results be reported?

**As answer to Q5.**

7. Has a risk assessment been completed for the pilot scheme?
8. Can the risk assessment be shared as part of this FOI request?
9. What are the top risks which have been identified with the pilot scheme?
10. What specific risks have been identified with regard to the personal safety of volunteers and how will these be mitigated?

**The risk assessment and mitigation will be carried out by the program which is still in the design phase. There will be no issue with sharing this risk assessment once complete.**

11. How will the volunteers be insured when undertaking the role and who will provide this insurance?

**All volunteers are insured by the police.**

12. Will volunteers conduct their parking enforcement individually or will they need to be accompanied by at least one other volunteer?

**All volunteers will be at a minimum, double crewed.**

13. How many volunteers are estimated to be required to provide an effective parking enforcement solution across the district?

**There is no estimation of how many are required to be effective: this will form part of the program evaluation. It is expected that a small cadre of volunteers will initially be recruited and trained.**

14. How many hours a week on average will each volunteer be expected to contribute?

**There is no minimum number of hours expected of PSVs**

15. Will it be mandatory for volunteers to wear a uniform?

**Yes**

16. Can you provide further details of the uniform to be worn by volunteers?

**No the program is still in the design phase.**

17. Which body or organisation will provide the training of volunteers?

**It is a police initiative and therefore they will provide the training.**

18. How many hours of training is required?

**The program and therefore the training is still in the design phase. Further details will be available in due course.**

19. Will the Police Standard of Professional Behaviour apply to the volunteers?

**PSVs are not subject to the same regulations as warranted officers but are expected to abide by the Code of Ethics.**

20. Assuming they are subject to the 2012 Conduct Regulations, will volunteers be provided with support if they are subject to a complaint?

**PSVs will be supported by their line-management in relation to any complaints.**

21. What disciplinary action can be taken against volunteers who are found to have breached the regulations?

**For serious cases PSVs can be removed from the organization. Less serious matters would be dealt with by line-management through reflective practice and learning. Criminal complaints would be investigated as such.**

22. Who will organise and manage the volunteers? Can council officers take on this role or are they excluded due to the potential conflict of interest?

**It is a police initiative and therefore they will organise and manage their volunteers.**

23. Have Cambridgeshire Constabulary representatives expressed a preference to officers between Civil Parking Enforcement and Police Service Volunteers to enforcement on-street parking regulation

**Cambridgeshire Constabulary has consistently supported the civilianisation of parking enforcement across the county and that remains their position. However, the constabulary recognises that the decision to adopt parking enforcement is for the individual local authorities.**

24. Have Cambridgeshire Constabulary representatives been asked to compare the expected effectiveness of Civil Parking Enforcement versus the Police Service Volunteers scheme to addressing enforcement on-street parking regulations?

**No.**

25. Have officers had any discussions with officers from any of those authorities that have adopted Civil Parking Enforcement and which also retain some free off-street car parking?

**No. The remit was as per the Council Motion on 22<sup>nd</sup> October 2020 which did not authorise this action.**

26. Have officers had any discussions with officers at Cambridgeshire County Council regarding the feasibility of implementing Civil Parking Enforcement in East Cambridgeshire whilst maintaining the existing split of free and paid off-street car parking?

**No. The remit was as per the Council Motion on 22<sup>nd</sup> October 2020 which did not authorise this action.**

27. Have officers had any discussions with officers from neighbouring Cambridgeshire district councils to understand their plans to introduce Civil Parking Enforcement?

**No. The remit was as per the Council Motion on 22<sup>nd</sup> October 2020 which did not authorise this action.**