

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 3

14 NOVEMBER 2019

### REPORT OF THE CHIEF EXECUTIVE

#### ENFORCEMENT

#### 1. Purpose of Report

- 1.1 This report sets out responses to several questions raised by Subject Overview and Scrutiny Committee 3 on various topics relating to Enforcement.

#### 2. Connection to Corporate Improvement Plan / Other Priorities

- 2.1 This report assists in the achievement of the following corporate priority/priorities:-

Priority 3: Smarter use of resources. This means we will ensure that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

#### 3. Background

- 3.1 Members of Subject Overview and Scrutiny Committee 3 have raised a number of questions relating to the performance and operation of Enforcement. These questions are detailed below: -

1. ***Receive an update on the procurement of an external contractor to undertake enforcement action on littering in the Borough***
2. ***Statistics on number of tickets issued, broken down by time and by whom. Incl. reasons for not enforcing.***
3. ***Clarify the role of PCSO's in respect of Fixed Penalties***
4. ***Details on the process if a Fixed Penalty isn't paid e.g. the legal process***
5. ***Update on the enforcement vehicle to enable Members to monitor performance incl. detailed feedback on vehicle use.***
6. ***How are recordings made***
7. ***Statistics in relation to letters and details of enforcement. 4.***

#### **4. Current Situation**

- 4.1 The council appointed 3GS in April 2019 to enforce on littering and, potentially dog fouling. The contract commenced in April 2019 and will run for 1 year with the potential for the contract to be renewed annually for a maximum period of 3 years. The contract is based on a fixed fee model which places community relations and reduction of offences above pure income generation.
- 4.2 The council's Enforcement Policy has been revised to take into account legislative changes, Welsh Government guidance and general good practices within this service area. The proposed policy went out to public consultation in June and concluded in September 2019. A report, with suitable recommendations, will be presented to Cabinet in November 2019.
- 4.3 Following a public consultation and Cabinet approval, a Public Spaces Protection Order for Dog Control came into force on 18th June 2019 ("the PSPO") and 3GS were instructed in August 2019 to enforce for contravention of the restriction under that PSPO in relation to dog fouling.
- 4.4 In 2018, Transportation Services introduced a mobile enforcement vehicle to benefit enforcement at schools, bus stops and zig-zags at crossing points. This vehicle was publicised prior to enforcement at schools and across the borough with a competition to name the vehicle, with the winning name being '**Roly Patroly**', and also to design banners promoting the presence of the car outside schools. Civil Parking Enforcement has continued to be well received within the County Borough in the management of inappropriate parking and compliance with traffic orders.

#### **5 Response to Questions raised by Scrutiny**

Further details are recorded in the following responses to the questions raised by Scrutiny Committee:-

- 5.1 *Receive an update on the procurement of an external contractor to undertake enforcement action on littering in the Borough*

3GS has been enforcing littering in the borough since April 2019. Two Enforcement Officers were appointed by 3GS and their administrative equipment is located within the council's Civic Offices. Since the end of August, 3GS has also been enforcing the restriction against dog fouling contained within the PSPO.

Unfortunately, the two officers undertaking this role were replaced in September, which resulted in a short suspension in operations to allow for replacement of officers and relevant re-training and familiarity with all areas of the borough.

Since the PSPO came into force, the officers have taken the opportunity to talk with dog walkers to advise them of the new requirement and ask for their co-operation in circulating the information to others.

**5.2** *Statistics on number of tickets issued, broken down by time and by whom. Incl. reasons for not enforcing.*

**Appendix A** is a report from 3GS on the number and reasons for issuing Fixed Penalty Notices and illustrates the locations of offences over the last 4 months. In that time, there has been a total of 393 Fixed Penalty Notices issued, with a payment rate of 68.27%.

**5.3** *Clarify the role of PCSO's in respect of Fixed Penalties*

The Community Police Coordinating Officer has informed us that PCSOs do not have the power to issue Fixed Penalty Notices for environmental offences.

**5.4** *Details on the process if a Fixed Penalty isn't paid e.g. the legal process*

Following the issue of a Fixed Penalty Notice, the offender is issued with a paper copy which gives details of the reason for the notice, penalty fee and contact details for 3GS. Officers inform them of the right to appeal and provide contact details for 3GS administrative offices.

Offenders are given 28 days to pay the penalty fee and if no payment is made, they are issued with a reminder letter. After that period, 3GS prepare a case file which is then submitted to the council's legal department.

**5.5** *Update on the enforcement vehicle to enable Members to monitor performance incl. detailed feedback on vehicle use.*

The mobile enforcement vehicle covers the whole Borough of Bridgend. Each month the team are tasked with patrolling in the vehicle at least once at every school. Where they patrol each day is not determined by a specific rota – the officers themselves choose which area to patrol each day, dependent on which schools have yet to be visited.

Mobile Civil Parking Enforcement has been implemented in accordance with national requirements as detailed in the relevant legislation and associated guidance documentation. Revenue raised through Penalty Charge Notices (PCNs) is first used to off-set the cost of providing the enforcement provision with any surplus having to be used in accordance with the legislative requirements.

Whilst the powers provide for enforcement of offences such as waiting infringements, double parking and obstruction of pedestrian dropped kerb crossings, moving traffic offences such as obstruction in turning heads, and

locations such as footways other than marked waiting restrictions remain solely enforceable by South Wales Police.

For persons wishing to appeal against an issued Penalty Charge Notice they can do so through the Wales Penalty Processing Partnership (WPPP) who processes payments and appeals on behalf of Bridgend County Borough Council, and is undertaken by Denbighshire County Council, working on behalf of 10 Welsh authorities to support the enforcement operation by dealing with challenges, payments and processing of all Penalty Charge Notices that are issued.

In addition to the Authority's shared appeals service, if an applicant is not satisfied with the outcome from this process, they are able to take an appeal to the independent Traffic Penalty Tribunal (TPT), which is a judiciary service.

## 5.6 *How are recordings made*

The processing of an offence by mobile enforcement commences automatically through a software system that is based on a global positioning systems (GPS) that has been updated with geographical parking restrictions. The information is then assessed by a trained Civil Enforcement Officer (CEO) who assesses whether there is sufficient evidence to proceed with the case. The CEO then prepares an evidence pack which is forwarded to WPPP for progressing in a similar manner to a hand issued PCN. This data is only accessible to suitable identified and trained officers.

Once the evidence pack is received at WPPP the process is similar to other PCNs with the exception that a 21 day discount period is offered, rather than a 14 day discount period.

Brief summary of the PCN process & communications sent

- a) Mobile enforcement PCN posted 21 days discount period  
*If challenge received/responded to (discount period put on hold)*
- b) If no communication has been received between the PCN being issued and the 28 day period, a Notice to Owner (NtO) is sent to registered keeper
- c) Charge certificate sent to registered keeper (31 days after NtO)
- d) Debt registration with Traffic Enforcement centre (TEC) & letter sent to registered keeper giving 21 days to pay or swear statement
- e) Warrant of execution applied for and instructions issued to Enforcement Agents to recover debt and communication sent by enforcement agents

## 5.7 *Statistics in relation to letters and details of enforcement.*

In terms of mobile enforcement service delivery between the 1<sup>st</sup> April 2018 and 31 March 2019, 1041 PCNs were issued from parking violations detected by the mobile enforcement vehicle and of these 216 were challenged, of which 55 challenges were accepted. 10 PCNs progressed to tribunal stage of which 2 were upheld.

## **6. Effect upon Policy Framework & Procedure Rules.**

6.1 This report has no effect on Policy Framework and Procedural Rules.

## **7. Equality Impact Assessment**

7.1 There are no equality implications arising from this report.

## **8. Well-being of Future Generations (Wales) Act 2015 Assessment**

8.1 There are no implications attached to The Well-being of Future Generations (Wales) Act 2015 resulting from this report, as presented to Subject Overview and Scrutiny Committee 3 for information.

## **9. Financial Implications.**

9.1 The contract with 3GS is based on a 'cost neutral' format, where the council doesn't pay 3GS but they recover their operating costs from the revenue generated through the issuing of FPNs and payments received. This type of contract places communication, public relations and reduction of offences above pure income generation. Any surplus which 3GS accrues over and above their operating costs, overheads and profits shall be shared with the council (at a ratio of 90:10).

9.2 The receipts from fines for Civil Parking Enforcement duties is used to cover the costs for providing the service. If a surplus is generated then in accordance with the Traffic Management Act 2004 and the Regulations relating thereto, the balance of the account is carried forward to meet specific costs as specified in the Road Traffic Regulation Act 1984.

## **10. Recommendations.**

10.1 Scrutiny are asked to note the contents of this report and provide any suitable recommendations.

**Zak Shell**  
**Head of Operations - Communities**  
**October 2019**

**Contact Officers:** Sian Hooper  
Cleaner Streets & Waste Contract Manager  
Kevin Mulcahy  
Group Manager – Highways and Green Spaces

**Telephone:** (01656) 643416  
(01656) 642535

**E-mail:** [sian.hooper@bridgend.gov.uk](mailto:sian.hooper@bridgend.gov.uk)

**Postal Address** Bridgend County Borough Council  
Civic Offices  
Angel Street  
Bridgend  
CF31 4WB

**Background Papers:** None