

MAIDSTONE BOROUGH COUNCIL

**MINUTES OF THE REGENERATION AND SUSTAINABLE
COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE MEETING
HELD ON TUESDAY 12 FEBRUARY 2008**

PRESENT: Councillors Moriarty (Chairman), Mrs Batt, Beerling, Chittenden, Greer, Mrs Marshall, Ring and Yates.

APOLOGIES: Councillor Nelson-Gracie

100. Web-Casting

Resolved: That all items on the agenda be web-cast.

101. Notification of Substitute Members

It was noted that Councillor Ring was substituting for Councillor Nelson-Gracie.

102. Notification of Visiting Members

There were none.

103. Disclosures by Members and Officers

Councillor Beerling declared a personal interest in Agenda Item 10, future work programme, by virtue of his position on the board of trustees at Maidstone Housing Trust.

104. Exempt Items

Resolved: That all items on the agenda be taken in public as proposed.

105. Minutes

Resolved: That the minutes of the meeting held on 15 January 2008 be agreed as a correct record and duly signed by the Chairman.

106. Parking Regulations and Enforcement

The Chairman welcomed Steve Goulette, Assistant Director of Regulatory and Environmental services and Jeff Kitson, Parking Services Manager to the meeting. The officers were asked to respond to the report in the *Guardian* on parking appeals which quoted Maidstone as being amongst those Councils where drivers won 80% - plus of appeals. Mr Kitson clarified that the report in the *Guardian* referred to appeals against parking penalty notices for the year 2006/07. These were cases where the Council had considered and rejected appeals and were a small percentage of the total penalty notices issued. In 2006/07 35,000 penalty notices were issued, out of those who appealed 102 went to independent adjudicator, 86 of which were then accepted. The Committee was informed that there had been a 50% rise nationally in successful appeals at adjudicator stage which had followed a case *Barnet v Moses* where it had been found that the penalty notice should include the date of issue and the date of contravention. The Committee was assured that within three days of the decision Maidstone had amended its penalty notices to include the two dates required. In answer to further questions the Parking Services Manager informed the Committee that out of 35,000 notices issued, 9,000 were appealed and 4,700 of these had been successful.

The Committee requested further information on appeals, it was explained that Parking Attendants had no discretion when issuing a notice and were not expected to make a judgement, for example consider mitigating circumstances or presume that a pay and display ticket not displayed properly was valid. If they identify a parking contravention they would be expected to issue a penalty notice. The appeal process however, did consider mitigating circumstances for example an emergency or evidence such as a valid pay and display ticket.

In answer to questions on the service it was explained that there were between 11 - 13 Parking Attendants and this was considered an appropriate level to maintain traffic flow and deal with parking hotspots. The new regulations would require a number of changes, however it was believed that these could be dealt within existing staffing resources. In answer to a Member question it was clarified that there were two mobile units in operation and both the rural and urban areas of the Borough were covered by Parking Attendants. In answer to further questions on parking enforcement Mr Kitson requested that if Councillors were aware of particular parking hotspots or consistent contraventions they should inform Parking Services so appropriate action was taken. It was highlighted that all residents could report parking issues through the customer contact centre as well as accessing parking services through the King Street office.

An overview was given of the new regulations and guidance issued by the Department for Transport to implement the parking provisions in Part 6 of the Traffic Management Act 2004 on 31 March 2008. The Committee was informed that this included changing Parking Enforcement to Civil Parking Enforcement and Parking Attendants would become known as Civil Enforcement Officers. Other changes were new tariffs for penalty charges, there would now be two levels of penalty charges depending on the severity of the contravention. It was highlighted to the Committee that under the new regulations the Council would be required to produce an Annual report on the service. Further changes were that appeals would be expected to be dealt with within 56 days and the issuing of penalty notices by post. The Committee requested that if the Council did decide to issue penalty notices by post this be via recorded delivery. Mr Kitson explained that several authorities were going to introduce the postal issue of notices and their experiences would be considered before it was introduced in Maidstone. The new regulations which covered on street and off street parking aimed to make parking fairer and more transparent.

The Committee discussed whether CCTV could be used to enforce parking restrictions, it was explained that this was possible and other Councils were considering using CCTV, however there were concerns regarding the burden of proof which may not be achieved through CCTV.

A Member asked whether the new regulations covered parking on grass verges. It was explained that parking on grass verges was covered under the County of Kent Act and could only be enforced by Kent County Council; Maidstone Council was however trialling issuing notices to those who parked on the pavements, however, this would only be in areas where there was an order and signage in place. The Committee requested that the review of the trial be brought before them after six months. Interest was expressed in undertaking a review of parking on grass verges to see how this issue could be addressed. A Member highlighted that Medway was using signage to prevent parking on grass verges. Mr Kitson agreed to investigate how this worked and the Committee agreed that this should be considered as part of any review undertaken.

The Committee explored further how the public could be informed about parking enforcement and it was agreed that more could be done to retrospectively report on visits to areas across the Borough. It was explained that a quarterly report was provided to one Parish Council on parking enforcement activity and this could be rolled out across the Borough to all interested Parishes. In answer to questions it was explained that the public would be informed about the changes to parking enforcement through leaflets, the Council's website and local media.

The Committee asked what action had been taken to prepare for the new regulations and was informed that an audit of all signage

and lines had been undertaken two years previously and this was regularly updated by the Parking Attendants. Mr Kitson was confident that the service was fully prepared for the changes and would meet any resource implications within existing budgets. The Committee sought clarification on whether the service was cost neutral, it was explained that the cost and revenue of the service aimed to be balanced and the Council did not seek to create profit from parking enforcement. In 2005/06 there was a surplus of £28,000, in 2006/07 the service was provided at a cost of £58,000 and in 2007/08 the service was expected to be cost neutral.

The Committee asked whether Parking Services worked with Highways to improve traffic flow throughout the Borough. Mr Kitson commented that they worked very closely with Highways and Mr Goulette stated that they also worked very closely with the Police on parking matters.

The Chairman thanked Mr Kitson and Mr Goulette for attending the meeting.

Resolved: That

- a) The outcome of the parking trial in Parkwood be reported to the Committee once it has been in place for 6 months;
- b) The quarterly parish report service be made available for all Parish Councils and Ward Councillors in non-parished areas;
- c) The Annual report include information on the areas covered by parking attendants and the types and amount of parking enforcement activity across the Borough;
- d) Mr Kitson investigate the signage and enforcement in Medway for grass verges;
- e) If the Council issues penalty notices through the post consideration be given to doing this via recorded delivery; and
- f) Parking on grass verges be put added as a review to the Committee's work programme for 2008/09

107. Forward Plan of Key decision

The Committee considered the forward plan of key decisions. It was identified that Memorial Safety was scheduled to go to Cabinet in March. The Committee expressed its strong disappointment that the report had taken a year to come to fruition despite its requests and earlier review in 2006. Mr Goulette informed the Committee that despite its listing on the Forward Plan the report may not be ready in March, the Committee agreed that the Director of Operations, the Facilities Management Officer and the Environmental Services Manager be invited to provide a report to the Committee on the matter at its next meeting. The Committee also agreed that the report on the programme of infrastructure delivery 2006-2026 should be included on the future work programme.

Resolved: That

- a) The Director of Operations, the Facilities Management Officer and the Environmental Services Manager be invited to the next meeting of the Committee to provide the memorial safety report listed on the forward plan or if this is delayed an explanation as to what is happening on this matter; and
- b) The programme of infrastructure delivery 2006-2026 be added to the Committee's work programme.

108. Future Work Programme

The Committee considered its future work programme in-light of the matters on the forward plan. The Overview and Scrutiny Partnership Manager informed the Committee that direct access homeless provision would be scheduled in the work programme for August next year to co-ordinate with a report to Cabinet. A Member raised the issue of Maidstone Housing Trust and the Committee agreed that they should continue to look at housing and meet with the trust when appropriate. The Committee put forward suggestions for future items for 2008/09 including reviewing the provision and availability of affordable housing in the Borough. Mrs Woodhouse was requested to investigate if there was a Parking supplementary planning document and to circulate to all scrutiny members which areas of cabinet portfolios corresponded to the Committee's terms of reference. It was clarified that the Best Value Review process and value for money was within the gift of the Corporate Service Select Committee.

Resolved: That

- a) Direct access to homeless provision be moved to August 2008 on the Committee's work programme;
- b) Memorial Safety and the programme of infrastructure delivery be included on the work programme for March.
- c) Maidstone Housing Trust be included on the work programme as an important service for the Committee to review; and
- d) Affordable housing be put forward as a review for 2008/09.

109. Duration of the Meeting

6:30 p.m. to 8:00 p.m.