

**SELECT COMMITTEE ON COMMUNITY SAFETY
AND COMMUNITY SERVICES**

Thursday, 2nd September, 2010 at 6.00 p.m.
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Cotterill (Vice Chairman) (In the Chair)
Councillors Attwood, Burston, Caunt, J R Davies, Foster, Mrs P Martin,
Ryder, Ms Wood and Wright.

OFFICERS

Assistant Director of Finance (Revenues, Benefits and Management Support) (Lead Officer to the Committee), Assistant Director of Environmental Management, Team Manager – Parking Management (Both Directorate of the Urban Environment), Head of Community Safety and Anti Social Behaviour Unit Development Manager, (Chief Executive's Directorate), Head of Service (Directorate of Children's Services), Principal Solicitor and Miss K Fellows, (Both Directorate of Law, Property and Human Resources).

ALSO IN ATTENDANCE

Sergeant M Hall (West Midlands Police).

13. **COMMENTS OF THE CHAIRMAN**

The Chairman welcomed Sergeant M Hall to the meeting.

14. **APOLOGY FOR ABSENCE**

An apology for absence from the meeting was submitted on behalf of Councillor C Wilson.

15. **SUBSTITUTE MEMBER**

It was reported that Councillor Wright had been appointed as a substitute member for Councillor C Wilson.

16. **DECLARATIONS OF INTEREST**

No Member made a declaration of interest in accordance with the Members' Code of Conduct in respect of any matter to be considered at the meeting.

17. MINUTES

RESOLVED

That the Minutes of the meeting of the Committee held on 10th June, 2010, be approved as a correct record and signed.

18. PUBLIC FORUM

No matters were raised under this Agenda item.

19. CHANGE IN ORDER OF BUSINESS.

Pursuant to Council Procedure Rule 13(c) it was

RESOLVED

That, the next item of business be agenda item 8 – Safe and Sound, Dudley’s Community Safety Partnership: The role of the responsible Authorities followed by the remaining agenda items.

20. SAFE AND SOUND, DUDLEY’S COMMUNITY SAFETY PARTNERSHIP: THE ROLE OF THE RESPONSIBLE AUTHORITIES.

A report of the Chief Executive was submitted on the roles the statutory partners play within safe and sound, Dudley’s community safety partnership as distinct from their individual agency roles.

RESOLVED

That the information contained in the report submitted, on the roles the statutory partners play within safe and sound, Dudley’s community safety partnership as distinct from their individual agency roles, be noted.

21. CIVIL PARKING ENFORCEMENT

A report of the Director of the Urban Environment was submitted on the powers of the Council in operating Civil Parking Enforcement.

Prior to the presentation of the report, the Team Manager – Parking Management circulated a leaflet entitled Parking and Traffic Regulations outside London.

Resulting from the presentation of the report, Members made suggestions, comments, recommendations and raised questions.

In responding to the questions from Members the Assistant Director of Environmental Management and Team Manager – Parking Management indicated as follows:-

- The Council had powers of enforcement in relation to footways where restrictions were in force such as single/double yellow lines or Traffic Regulation Orders were in force.
- That the Highway Code provided guidance to motorists in relation to footway parking and a general code of conduct that should be followed.
- The Police could issue fixed penalty notices in relation to footway parking, however they would exercise a subjective test as to whether such parking was causing an obstruction.
- Single or double yellow lines would not necessarily prevent parking, and cause an offence as parking would be allowed to load and unload vehicles, (unless there were loading restrictions), to allow passengers to board and alight vehicles and holders of blue badges could park for up to three hours, subject to complying with the requirements of the Blue Badge Scheme.
- That enforcement of the regulations contained in the Traffic Management Act 2004, contained stringent guidelines.
- The Council employed 20.5 parking enforcement officers and it was hoped that further officers would be recruited.
- That Members would be advised of the number of penalty charge notices issued, the number that had been appealed and the sickness rate amongst civil parking enforcement officers.
- That approximately fifteen thousand penalty charge notices had been issued.
- There was provision for the Council to take on additional parking enforcement powers, however this would follow a robust publicity exercise.
- That the Council employed ten parking enforcement officers to patrol public car parks prior to the implementation of the current legislation and an additional ten and a half staff were employed following the implementation of the legislation.
- Parking enforcement officers were provided with further opportunities to enforce on street parking when walking from car park to car park.
- Resources were targeted within areas where there had been contravention of restrictions and evidence such as intelligence being utilised for that purpose.
- That car parking enforcement action was maximised with the amount of resources available.

- That Civil Parking Enforcement Officers were salaried staff, as the legislation prohibited setting targets for issuing penalty notices.
- That there were websites which provided assistance with challenging notices issued by Local Authorities.

In responding to further questions from Members Sergeant Hall stated that there was no guidance in relation to obstructive pavement car parking, however there was relevant case law. Whether the vehicle was causing an obstruction would be judged subjectively by the particular Police Officer involved.

The Team Manager – Parking Management stated that where the Council had powers of parking enforcement these could not be transferred to the Police.

It was further reported that parking on the exit and approach to Zebra Crossings was considered dangerous and a civil offence and the vehicle owner would be requested to move the vehicle immediately, however, should they fail to do so, a penalty charge notice would be issued.

In relation to Zebra Crossing parking the Police could also issue fixed penalty notices which would result in three fixed penalty points and a fine, with those notices taking precedence over any previous notices issued by the Council.

RESOLVED

- (1) That the Assistant Director of Environmental Management be requested to
 - (a) Circulate to Members details of the number of Penalty Charge Notices issued by the Council, the number of appeals against those Notices and details of absences of the Civil Parking Enforcement Officers
 - (b) Send a briefing note to all Members of the Council advising them of the respective parking enforcement responsibilities of the Council and the Police, including details of the information presented during the course of this meeting.
 - (c) Write a letter to the Department of Transport advising them of a suggestion made by Members that a minimum distance should be set between the obstruction and the end of the pavement when determining whether obstructive pavement parking had occurred.
- (2) That, the Director of the Urban Environment be requested to submit a further report in relation to Civil Parking Enforcement to a future meeting of this Committee.

22. ANTI-SOCIAL BEHAVIOUR MINIMUM SERVICE STANDARDS.

A report of the Chief Executive was submitted on progress made to date in establishing a set of common minimum service standards in response to complaints of anti-social behaviour (ASB).

During the presentation of the report the Anti Social Behaviour Unit Development Manager reported that it was no longer a government requirement to carry out the Place Survey referred to in the first point of the second paragraph in the appendix to the report.

In responding to a question from a Member the Anti Social Behaviour Unit Development Manager indicated that Anti Social Behaviour Orders were currently being reviewed by the Government.

RESOLVED

That the information contained in the report, and Appendix to the report, submitted on the progress made to date in establishing a set of common minimum service standards in response to complaints of anti-social behaviour, be noted.

23. WORK PROGRAMME FOR 2010/11

A report of the Lead Officer to the Committee was submitted on the revised work programme for 2010/11 municipal year.

It was noted that the second reference made to the Quarterly Corporate Performance Management report under the heading 2nd September, 2010 should be deleted.

A Member requested that a representative from Children's Services be invited to the next meeting in order that Domestic Violence in conjunction with children being taken into care could be considered.

RESOLVED

- (1) That the work programme for the Committee for 2010/11 as updated be approved as follows:-

Date of Meeting	Item
10/06/10	Work Programme for 2010/11
	Annual Report of the Safe and Sound Board
	Domestic Abuse Reporting
	Directorate of Law, Property and Human Resources – Equality and Diversity Annual Report
	Annual Report of the Committee to Council

Any questions/issues to be raised with a Member of the Safe and Sound Board (to be included on all agendas)

02/09/10

Quarterly Corporate Performance Management Report

Anti Social Behaviour Minimum Service Standards

Safe and Sound, Dudley's Community Safety Partnership: The Role of the Responsible Authorities.

Civil Parking Enforcement.

Work Programme for 2010/11

04/11/10

Update on the Council's Capital Strategy

Quarterly Corporate Performance Management Report

Domestic Violence

20/01/11

Quarterly Corporate Performance Management Report

Proposed Revenue Budget 2011/12

Progress report on Operation Paragon

Corporate Review of Anti Social Behaviour

Hate Crime.

17/03/11

Quarterly Corporate Performance Management Report

Annual Report of the Head of Contingency and Disaster Management for 2009/10

Directorate Reporting on Section 17 of the Crime and Disorder Act 1998 – Directorate of Corporate Resources

Outline Work Programme for 2011/12

Directorate of Corporate Resources – Equality and Diversity Action Plan

National Support Framework for Crime and Disorder Reduction Partnership.

Corporate Review of Domestic Abuse Service Provision

- (2) That the Lead Officer to the Committee be requested to report to the Select Committee Chairman's meeting that Councillor Foster wished a Working Group to be formed in order to conduct a fundamental review of the scrutiny process.
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24. QUARTERLY CORPORATE PERFORMANCE MANAGEMENT REPORT.

A report of the Lead Officer to the Committee was submitted on the performance of the Council in relation to the activities relating to the terms of reference of this Committee for the fourth quarter of 2009/10.

RESOLVED

That the information contained in the report, and Appendix to the Report, submitted on the Council's quarterly performance of the fourth quarter of 2009/10, on the activities relating to the Terms of Reference of this Committee, be noted.

25. TO CONSIDER WHETHER TO REQUEST THE ATTENDANCE OF ANY SAFE AND SOUND BOARD MEMBER OR THE PROVISION OF ANY INFORMATION AT A FUTURE MEETING IN RELATION TO THE SELECT COMMITTEE ON COMMUNITY SAFETY AND COMMUNITY SERVICES WORK PROGRAMME.

Following discussion on this issue it was:

RESOLVED

That the attendance of any Safe and Sound Board Member or the provision of any information at the next meeting be not pursued.

The meeting ended at 7.35 p.m.

CHAIRMAN