

Civil Parking Enforcement (CPE)

General Overview

As you are all no doubt aware, Monmouthshire's preparations to assume parking enforcement responsibility from Gwent Police are well underway.

In addition to the off-street car parks that the council already manages, we will shortly be responsible for enforcing all on-street parking restrictions as well. The police will continue to be responsible for dealing with any restrictions provided on:

- * M4 branch to/from Cardiff towards the second Severn Crossing;
- * M48 branch to Chepstow and the Severn Crossing;
- * A40, linking the M50 via Monmouth and Abergavenny with Brecon and west Wales;
- * A465, linking the Heads of the Valleys with Abergavenny and continuing towards Hereford;
- * A449, connecting Newport with the A40 towards Monmouth and the M50;
- * A4042, connecting Newport with Abergavenny;
- * A48/A466, from the M48 through Chepstow to the English border.

along with any dangerously parked vehicles, obstructions and moving traffic offences on County roads.

Historically, the traffic regulation orders provided by MCC have been individual orders to support restrictions such as double yellow lines, disabled bays and loading bays being implemented. However, to facilitate the management of the Civil Parking Enforcement role being transferred from Gwent Police, Welsh Government have requested that all of these orders be combined into a single (consolidated) order. The Order will have no effect of substance other than the improvement of administration and enforcement.

This has required officers to undertake a full and extensive review of all of the restrictions provided County wide, to consider whether they are still necessary and appropriate and whether any works are required to ensure that they are legally compliant.

As such, you may have noticed lines being refreshed within your respective areas recently and you will continue to see this for the forthcoming weeks, along with any signs associated with parking restrictions being replaced, removed or cleaned in order that the restrictions are enforceable.

An individual cabinet member report will be presented on 10th April seeking approval to proceed with the advertisement and subsequent approval of the Consolidation Order.

Enforcement

Part of this process has meant that we have created a dedicated civil enforcement team to manage and enforce the parking traffic regulation orders within the county, which will lead to improved parking in areas with existing problems as well as an increased turnover of parking spaces and improved safety for pedestrians and road users. It will also discourage

inappropriate and inconsiderate parking on restricted zones like double yellow lines or zig-zag markings and create a safer highway network for all road users.

Under CPE, the council will be able to enforce:

- * Double and single yellow lines
- * Disabled bays
- * Limited waiting bays
- * Taxi ranks
- * Coach bays
- * Loading bays
- * Zig-zag markings at schools (if restrictions apply) and pedestrian crossings
- * Double parking or parking too far away from the kerb edge
- * Parking in bus stops

Appeals and Charges

Following a feasibility study undertaken on behalf of all 5 Gwent local authorities (LAs) in 2017, it was considered that the most cost effective solution to implementing CPE, would be for Monmouthshire County Council to undertake its own enforcement in-house; however, the back-office function of appeals and the payment of Penalty Charge Notices (PCNs) would be outsourced to Rhondda Cynon Taff (RCT) CBC, as they have been providing this service within their own area and indeed for Merthyr Tydfil CBC for a number of years and have the relevant experienced staff and systems established.

Therefore, MCC in partnership with Caerphilly, Torfaen, Newport and Blaenau Gwent now form part of the South Wales Parking Group, which is managed by RCT. This system allows for a fair and consistent approach to appeals and PCN payments and offers members of the public a single point of contact should they be issued with a PCN.

A PCN will be issued to a vehicle when a civil enforcement officer witnesses it parked in contravention of a traffic order. Two levels of penalty charge are set by the Welsh Government and will depend on the severity of the contravention. The charge will be £70 for the most serious contraventions and £50 for lesser ones.

If the PCN is paid within 14 days of receipt of the notice, the charge will be reduced by 50%. If no payment is received or no representations are made within 28 days, the council may issue a charge certificate and the charges will be increased by 50% to £105 for the most serious of offences and £75 for lesser contraventions.

Motorists will be able to pay PCNs by post using the envelope provided with the PCN, online by visiting the South Wales Parking Groups page www.swpg.co.uk (credit/debit card payment) or by telephone on 033 332 008 67. It should be noted that the registered keeper, or user of the vehicle if hired, is responsible for paying the PCN.

Additionally, motorists will be able to appeal the charge if they believe it has been wrongly issued. A challenge may be made in writing within 28 days of the date of issue, to SWPG, PO Box 112, Pontypridd, CF37 9EL, or online. The SWPG will either accept the reason(s) for challenge and cancel the PCN, after reviewing all of the evidence provided by the Civil Enforcement Officer (CEO) i.e. photographs and any written notes or reject the challenge and issue a Notice to Owner (NtO). A further representation by the appellant may be made once the NtO has been served. The NtO will set out the grounds for making a representation and the manner in which the representation must be made.

Advice and guidance on this can be found on our website - Challenging a PCN including a link to the Traffic Penalty Tribunal (TPT).

If the SWPG rejects the further representation, the appellant will then have the right to appeal the decision at the TPT. The role of the TPT is to provide independent adjudication on any PCNs issued and contested.

However, an appeal to the tribunal is the final stage in the challenge process and can only be done after the appellant has gone all the way through the challenge process with the enforcement authority which issued the penalty and has had a formal Notice of Rejection of representations.

Appellants can only make formal representations to the TPT if they feel that their appeal meets one of the reasons given for the grounds of appeal, which can be found here – <https://www.trafficpenaltytribunal.gov.uk/grounds-of-appeal-parking-penalty-charge-notice/>

Income generated by the charges will contribute to the cost of the service and any surplus will go towards the county's traffic initiatives and road improvements, in line with legislation.

Programme & Date of Commencement

Whilst we will assume enforcement powers from Welsh Government on the 8th April 2019, guidance dictates an initial notice period of 2 weeks is afforded to motorists in order to remind them of the need to park appropriately and in accordance with the relevant legislation.

However, it is seen as good practice for Local Authorities to extend this timeframe to further assist with the transitional period and allow motorists to adjust to the new procedures.

As such, we will be extending our 'polite' notice period for a further 2 weeks, meaning motorists 'on-street' will be given 4 weeks to adapt and correct their current and no doubt longstanding parking habits, which will also coincide with our Consolidation Order being formally advertised and made (subject to no adverse comments being received on the 10th April or within the call period).

Conclusion & Outcome

During this time, you may receive phone calls and emails from your constituents asking for more information in terms of the changes, as colleagues in the Police will be redirecting any calls and enquiries through to MCC. I would urge all of you to visit our website at <https://www.monmouthshire.gov.uk/parking-enforcement/> should you require any further information and would also suggest that residents do the same. Please note, that the information contained on the website is currently being updated to ensure that it is as explanatory and easy to understand as possible.

This is considered to be a dramatic change within Monmouthshire and is one that will undoubtedly take time for residents and communities to adjust to, but I am sure if we work together we will be able to better manage the expectations of our residents and improve road safety and traffic on our existing highway network.

Yours sincerely,

Mike Collins,

Senior Traffic Engineer,

Monmouthshire County Council / Cyngor Sir Fynwy