

CABINET MEMBER FOR STREETPRIDE

Venue: Training Room, 3rd Floor
Bailey House,
Rawmarsh Road,
Rotherham. S60 1TD

Date: Monday, 14th December, 2009
Time: 9.30 a.m.

A G E N D A

1. To determine if the following matters are to be considered under the categories suggested, in accordance with the Local Government Act 1972 (as amended March 2006).
2. To determine any item which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Minutes of previous meetings of the Cabinet Member for Streetpride held as follows:-
 - 5th October, 2009.
 - 2nd November, 2009.
 - 16th November, 2009.

For signature by the Cabinet Member
(see Minutes to be presented to Council 9th December, 2009)

4. Proposals to introduce an immobilisation policy for vehicles belonging to persistent / non paying parking offenders. (report attached) (Pages 1 - 4)
Martin Beard, Parking Services Manager, to report.
 - to put forward for consideration proposals to immobilise vehicles which are the subject of persistent parking offences.
5. Joint Procurement of Materials Testing Service. (report attached) (Pages 5 - 7)
Bob Stock, Network Principal Engineer, Streetpride, to report.
 - to outline the proposed joint procurement on behalf of the South Yorkshire Districts of highway materials sampling and testing services to operate from April 2010.
6. Funding for Transport Asset Management Proposed Programme. (report attached) (Pages 8 - 10)
Bob Stock, Network Principal Engineer, Streetpride, to report.
 - to outline the proposed programme of expenditure to utilise the Capital allocation received from the Department of Transport to assist the Council in developing it's capacity for managing highway assets.

**ROTHERHAM BOROUGH COUNCIL – REPORT TO CABINET MEMBER FOR
STREETPRIDE**

1. Meeting:	Cabinet Member for Streetpride
2. Date:	14 December 2009
3. Title:	Proposals to introduce an immobilisation policy for vehicles belonging to persistent / non paying parking offenders.
4. Programme Area:	Environment and Development Services

5. Summary

This report puts forward for consideration proposals to immobilise vehicles which are the subject of persistent parking offences.

6. Recommendations

It is recommended that: -

The immobilisation policy is introduced following appropriate publicity.

7. Background

The Council currently does not immobilise vehicles. However, the Traffic Management Act 2004 does allow this practise in certain circumstances. The Department for Transport's Statutory Guidance states the following:

"The Secretary of State is of the view that it (immobilisation) should only be used in limited circumstances such as where the same vehicle repeatedly breaks parking restrictions and it has not been possible to collect payment for penalties, primarily because the keeper is not registered, or is not properly registered, with the DVLA."

There are a significant number of such cases in Rotherham and it is anticipated that an introduction of an immobilisation policy will assist with:

- Collection of the unpaid parking fines.
- Deter future repeated illegal parking activity and payment avoidance.

Although the Council do not directly immobilise vehicles, the practise is used by bailiffs appointed by the Council to collect unpaid parking debts. It often proves to be successful, with debtors paying the outstanding fines in order for their vehicles to be released.

The Council already has access to the DVLA database to obtain information regarding untaxed vehicles. This allows removal of such vehicles in appropriate circumstances.

8. Proposals and Details

The Department for Transport's guidelines contained in the Traffic Management Act specify that a vehicle with three or more unpaid parking fines, because the keeper is not registered, should be classed a "persistent offender". Punitive action, rather than the normal debt collection procedure followed by the Council, is deemed to be appropriate.

Such offenders often appear to believe that they can park anywhere. This can cause obvious road safety issues or cause resentment of residents within Residents' Parking Schemes who have to pay for parking permits.

The normal debt collection procedure includes the debt being registered at the Traffic Enforcement Centre at Northampton County Court. However, this can only be successful if the keeper is registered with DVLA. There is also a £5 debt registration fee for each debt.

The new proposals would mean that details of a vehicle in the above category would be circulated to all Civil Enforcement Officers. Observation of the vehicle would then be reported to the Parking Services office or a Supervisor if the observation was made on a Saturday. The vehicle must be parked in contravention and a 15 minute observation period must have elapsed before immobilisation following the issue of a penalty charge notice. After 15 minutes an appropriately trained Officer would immobilise the vehicle by clamping and place a notice thereon (**Appendix A**) informing the keeper that he / she must contact the Parking Services office to make arrangements to pay the fine and a release fee in order for them to regain the vehicle. In the event that no contact is made

after 24 hours or the keeper refuses to pay the fine, the vehicle will be removed by the Council's appointed contractor. The debtor would then be given seven days before the vehicle would be sold at auction. The Council would clear the debt with the income from the sale (or as much as possible if the sale did not cover the amount owing). Any surplus would be returned to the keeper.

In the event of the perpetrator making contact, photographic identification and proof of address could also be obtained in order for any other parking debts to be the subject of debt collection.

9. Finance

The cost of an appropriate immobilisation device would be less than £100. It is anticipated that an amount significantly more than this could be collected. There are vehicles currently in use in Rotherham with between 3 and 20 outstanding fines each. The locations in which such vehicles are parked are known to the Service therefore it is not expected to take long before action proves successful.

10. Risks and Uncertainties

Immobilisation can be viewed as a draconian measure. Accordingly, the publicity must be robust enough to explain the reasons for the action.

11. Policy and Performance Agenda Implications

N/A

12. Background Papers and Consultation

EDS Transportation Unit
Legal Services
Financial Services

Contact Name: Martin Beard
Parking Services Manager

Extension 2929
E-mail: martin.beard@rotherham.gov.uk

APPENDIX A

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL
Environment & Development Services**

PO Box 660
ROTHERHAM S60 9DQ

**The Civil Enforcement of Parking Contraventions (England)
General Regulations 2007**

Notice of Vehicle Immobilisation.

- An immobilisation device has been fixed to this vehicle and no attempt should be made to drive it or otherwise put it in motion until it has been released from the device.
- In order to secure the vehicle's release please contact Rotherham MBC Parking Services on 01709 822952. The fee payable will then be explained.
- Unlawful removal of the immobilisation device is an offence.
- Removal or interference with this notice by anyone other than the owner or person in charge of the vehicle or the enforcement authority is an offence. A person contravening this offence shall be guilty and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- Any person who, without being authorised to do so in accordance with the Regulations, removes or attempts to remove an immobilisation device fixed to a vehicle in accordance with this regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date of Service of Notice
Date of Contravention
Observed from
Observed to
Contravention code
Civil Enforcement Officer
VRM
Make of vehicle
Location

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	STREETPRIDE SERVICE
2.	Date:	14 December 2009
3.	Title:	JOINT PROCUREMENT OF MATERIALS TESTING SERVICES
4.	Directorate:	ENVIRONMENT AND DEVELOPMENT SERVICES

5. Summary

The report outlines the proposed joint procurement on behalf of the South Yorkshire Districts of highway materials sampling and testing services to operate from April 2010.

6. Recommendations

That the proposals for letting a joint contract on behalf of the four South Yorkshire Districts for highway materials sampling and testing services be noted.

7. Proposals and Details

In 1986 The South Yorkshire Laboratory was transferred to Sheffield CC to be operated as a joint service for the four SY districts.

At a meeting of the South Yorkshire Leaders' Group on 23 January 2009 approval was given to the reconfiguration of the Laboratory as a mainstream Sheffield City Council service. The prior legal agreement between the South Yorkshire Authorities was to be terminated with the Laboratory continuing to provide testing services to the other districts under a service level agreement.

At the meeting of the South Yorkshire Laboratory Member Governance and Audit Board on 24 March 2009 it was resolved, due to operational and financial difficulties, that the Laboratory was no longer viable beyond 2009/10 and should be wound down. A copy of the minutes from the meeting is attached as an appendix.

At the same meeting it was also resolved that "consideration be given to where it might be appropriate, and of common interest and value, to develop joint procurement arrangements for future delivery of any present Laboratory services that lend themselves to such an approach, taking into account the Sheffield Highway Maintenance PFI project, which commences in August, 2011."

In order to secure materials testing services beyond 2010 discussions have taken place between highway officers of the four districts towards joint procurement and a draft specification and tender document prepared to be the subject of competitive tender under EU regulations. In order to utilise the expertise remaining within the Laboratory it is proposed that Sheffield take a lead role in letting the contract to be utilised by all four districts.

Due to the Highways PFI proposed for Sheffield a two year term is proposed for the contract.

In order to ensure that a contract is in place for April 2010 invitations to tender were to be issued on 8 December 2009 with submissions to be returned by 18 January 2010. Tenders will be jointly evaluated by officers from all four districts.

8. Finance

General compliance testing and consultancy services relating to highway materials are funded from the Streetpride Revenue account. It is anticipated that the level of testing within the contract can be reduced to effect a saving in 2010/11. Additional, site specific testing, where required, is charged directly to individual schemes as a works cost.

9. Risks and Uncertainties

Normal contractual risks apply to the procurement.

To cease compliance testing would increase the risk of unsuitable materials being supplied and incorporated within works with the potential for reduced life from the construction or additional future risk to highway users.

10. Policy and Performance Agenda Implications

Rotherham Safe Ensuring the quality of materials supplied for incorporation within the highway provides for the safety of users

Sustainable Development Significant proportions of re-cycled materials are now used in highway construction. These materials can be more variable in quality than primary source materials and effective testing is therefore more important to ensure that the materials supplied are fit for purpose.

11. Background Papers and Consultation

SOUTH YORKSHIRE LABORATORY MEMBER GOVERNANCE AND AUDIT BOARD; Minutes of the Meeting held on 24th March, 2009

RBT procurement have been provided with a copy of this report.

Contact Name : *Robert Stock, Network Principal Engineer, Streetpride, telephone 822928, bob.stock@rotherham.gov.uk*

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	STREETPRIDE SERVICE
2.	Date:	14 December 2009
3.	Title:	FUNDING FOR TRANSPORT ASSET MANAGEMENT : PROPOSED PROGRAMME
4.	Directorate:	ENVIRONMENT AND DEVELOPMENT SERVICES

5. Summary

The report outlines the proposed programme of expenditure to utilise the Capital allocation received from the Department of Transport to assist the Council in developing it's capacity for managing highway assets.

6. Recommendations

That the programme of Capital Expenditure for 2009/10 described in the report be agreed.

7. Proposals and Details

In the autumn of 2008 the Department for Transport invited applications from highway authorities for funding to assist in developing their asset management capability with regard to highway assets. Applications needed to be submitted by 19 December 2008.

On 9 March 2009 the Chief Executive received a letter from DfT confirming that, following consideration of our bid the Minister had allocated a total of £83,100 in Capital funding and £50,000 in Revenue funding to the Council. The Revenue element of the allocation was fully committed by expenditure during 2008/9 but the Capital allocation remains available for the current year.

The Department decided to make funding available as it recognised that progress on the development of Asset Management Plans by local authorities was variable and that often development was being hindered by a lack of data on the highway assets.

The guidance provided by the Department on the formulation of bids indicated that the new funding was designed to assist local authorities with gathering important inventory information and condition data necessary to adopt an asset management approach. The scheme was also designed to give authorities an opportunity to make further and better use of existing data and explore new data sources and combinations of data.

A range of activities across Streetpride are proposed utilising the funding available:

Activity	Estimated cost
Commission an inventory video survey of the highway network including 3 software licences to enable data analysis. This will be used to establish an inventory of signage, traffic calming features and street furniture.	£35,000
Undertake surveys to collect inventory data and condition data for highway retaining walls.	£20,000
Undertake surveys to collect inventory data and condition data for highway verges and trees.	£10,000
Purchase of notebooks and associated software for highway data collection	£5,000
Purchase of data capture devices for grounds maintenance staff.	£2,100
Purchase of Ground Penetrating Radar data (construction thicknesses) for Classified roads	£6,000
Commission consultancy services to assist in developing use of condition survey data in predicting future network deterioration.	£5,000

All of these activities support actions on data management and maintenance contained within the Highway Asset Management Plan.

8. Finance

The programme is wholly funded by Capital grant from the DfT.

9. Risks and Uncertainties

The following statement was contained within the allocation letter from DfT:
'You should also be aware that the Audit Commission has announced that asset management will feature in the Key Lines of Enquiry to be followed in the new Comprehensive Area Assessment from this year. Audit teams will consider whether "the organisation has a strategic approach to asset management based on an analysis of need to deliver strategic priorities, service needs and intended outcomes".'

It is clear that the Council needs to be able to demonstrate that it is according highway asset management development appropriate priority.

10. Policy and Performance Agenda Implications

Rotherham Achieving	Well maintained highways also help the Council present the right image to prospective investors and developers.
Rotherham Safe	Maintenance of the highway asset to a high standard helps provide the safe well maintained environment that people can enjoy and take pride in.
Fairness	Accessibility issues addressed as part of highway maintenance and highway improvement programmes.

11. Background Papers and Consultation

Highway Asset Management Plan 2007-10

Financial Services have confirmed that the activities listed are permitted expenditure.

Contact Name : *Robert Stock, Network Principal Engineer, Streetpride, telephone 822928, bob.stock@rotherham.gov.uk*