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THURSDAY, 28 JANUARY 2016

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE **EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR ENVIRONMENTAL & PUBLIC PROTECTION** WHICH WILL BE HELD IN **ROOM 67, COUNTY HALL, CARMARTHEN**, AT **11.00 AM**, ON **THURSDAY, 4TH FEBRUARY, 2016** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

Mark James

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Mr Kevin Thomas
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Ref:	AD016-001

A G E N D A

1. DECLARATIONS OF PERSONAL INTERESTS.
2. PARKING CONTRAVENTION CODE 27 - CODE OF PRACTICE 3 - 10
3. TO SIGN AS A CORRECT RECORD THE DECISION RECORD OF THE MEETING OF THE EXECUTIVE BOARD MEMBER FOR ENVIRONMENTAL AND PUBLIC PROTECTION HELD ON THE 21ST SEPTEMBER 2015. 11 - 14

EXECUTIVE BOARD MEMBER DECISION

DATE: 4TH FEBRUARY 2016

Executive Board Member:	Portfolio:
Cllr. T J Jones	Environment & Public Protection

Parking Contravention Code 27 – Code of Practice

Recommendations / key decisions required:

1. Approve the code of practice for parking contravention code 27
2. The code of practice be made available on the Council's Parking webpage.

Reasons:

To set out an enforcement protocol for parking contravention code 27 outside driveways. The code of practice for contravention code 27 is intended for use by Carmarthenshire County Council's Civil Enforcement Officers.

Directorate Environment Name of Head of Service: S G Pilliner Report Author: J McEvoy	Designation Head of Transport & Engineering	Tel No. 01267 228150 E Mail Address: SGPilliner@carmarthenshi re.gov.uk
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Declaration of Personal Interest (if any):

None

Dispensation Granted to Make Decision (if any):

N/A

(If the answer is yes exact details are to be provided below:)

DECISION MADE:

Signed:

DATE: _____

EXECUTIVE BOARD MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified:	
Reason(s) why the Officer's recommendation was not adopted:	

EXECUTIVE SUMMARY EXECUTIVE BOARD MEMBER DECISION

Parking Contravention Code 27 – Code of Practice

Contravention code 27 is defined in the County Council's Guidance Policies for the Enforcement and Cancellation of Penalty Charge Notices, Appendix 1, Table of contraventions.

"Contravention 27 Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway."

Contravention code 27 relates to Section 86 of the Traffic Management Act, see Appendix 1.

CODE OF PRACTICE:

(1) For residential driveways the Civil Enforcement Officer requires authorisation via confirmation from the Parking Services Administration Office that the driveway is obstructed without the consent of the occupiers of the property. The Parking Services Administration Office will have received a complaint from the occupiers of the property about obstruction of the driveway.

(2) The Civil Enforcement Officer does not require authorisation for enforcement at dropped footways at pedestrian and cycle crossovers.

Observation period:

Three minutes.

Observations:

(a) If there is evidence of loading/unloading, the Civil Enforcement Officer to log for minimum of 20 minutes casual observation

(b) If evidence of setting down/picking up passengers and luggage is observed, then casual observation to be followed.

Exemptions:

(i) Emergency services vehicles (police, fire, ambulance etc.)

(ii) Vehicles displaying a valid health emergency badge

(iii) Vehicles carrying out statutory work (water, gas, electricity etc.) by prior approval through application or in an emergency.

Recommendation:

1. Approve the code of practice for parking contravention code 27.
2. The code of practice be made available on the Council's Parking webpage.

DETAILED REPORT ATTACHED ?

No

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: S G Pilliner

Head of Transport & Engineering

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
YES	YES	NONE	NONE	NONE	NONE	NONE

1. Policy, Crime & Disorder and Equalities

Parking contravention code 27 is intended to prevent obstruction of dropped kerbs. Obstructing any dropped kerb will cause inconvenience either to the owner of a property with a dropped kerb who cannot obtain access or egress from their property, or in respect of pedestrian dropped kerbs, obstruction can cause danger to pedestrians, particularly the elderly, disabled and parents/carers with prams.

2. Legal

The legislation which allows local authorities to issue Penalty Charge Notices to vehicles parked across kerbs is set out in Section 86 of the Traffic Management Act.

3. Finance

None. The code of practice is intended for use by the Council's Civil Enforcement Officers in the course of their civil parking enforcement duties.

The local authority is not required to provide any traffic order, signs or markings specifically prohibiting parking adjacent to a dropped section of the footway.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: S G Pilliner

Head of Transport & Engineering

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee – N/A

2. Local Member(s) - N/A

3. Community / Town Council – N/A

4. Relevant Partners - N/A

5. Staff Side Representatives and other Organisations - N/A

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Decision of the Executive Board Member for Environmental and Public Protection, 23rd May 2014 ON STREET PARKING CONTRAVENTIONS RELATED TO SECTION 85 AND 86 OF THE TRAFFIC MANAGEMENT ACT.		http://online.carmarthenshire.gov.uk/agendas/eng/EN_PP20140523/MINUTES.HTM

Appendix 1

Section 86 Traffic Management Act 2004 Prohibition of parking at dropped footways etc.

(1) In a special enforcement area a vehicle must not be parked on the carriageway adjacent to a footway, cycle track or verge where—

(a) the footway, cycle track or verge has been lowered to meet the level of the carriageway for the purpose of—

- (i) assisting pedestrians crossing the carriageway,
- (ii) assisting cyclists entering or leaving the carriageway, or
- (iii) assisting vehicles entering or leaving the carriageway across the footway, cycle track or verge; or

(b) the carriageway has, for a purpose within paragraph (a)(i) to (iii), been raised to meet the level of the footway, cycle track or verge.

This is subject to the following exceptions.

(2) The first exception is where the vehicle is parked wholly within a designated parking place or any other part of the carriageway where parking is specifically authorised.

A “designated parking place” means a parking place designated by order under section 6, 9, 32(1)(b) or 45 of the Road Traffic Regulation Act 1984 (c. 27).

(3) The second exception is where the vehicle is parked outside residential premises by or with the consent (but not consent given for reward) of the occupier of the premises.

This exception does not apply in the case of a shared driveway.

(4) The third exception is where the vehicle is being used for fire brigade, ambulance or police purposes.

(5) The fourth exception is where—

(a) the vehicle is being used for the purposes of delivering goods to, or collecting goods from, any premises, or is being loaded from or unloaded to any premises,

(b) the delivery, collection, loading or unloading cannot reasonably be carried out in relation to those premises without the vehicle being parked as mentioned in subsection (1), and

(c) the vehicle is so parked for no longer than is necessary and for no more than 20 minutes.

(6) The fifth exception is where—

(a) the vehicle is being used in connection with any of the following—

(i) undertaking any building operation, demolition or excavation,

(ii) the collection of waste by a local authority,

(iii) removing an obstruction to traffic,

(iv) undertaking works in relation to a road, a traffic sign or road lighting, or

(v) undertaking works in relation to a sewer or water main or in relation to the supply of gas, electricity, water or communications services,

(b) it cannot be so used without being parked as mentioned in subsection (1), and

(c) it is so parked for no longer than is necessary.

(7) In this section “carriageway”, “cycle track” and “footway” have the meanings given by section 329(1) of the Highways Act 1980 (c. 66).

(8) References in this section to parking include waiting, but do not include stopping where—

(a) the driver is prevented from proceeding by circumstances beyond his control or it is necessary for him to stop to avoid an accident, or

(b) the vehicle is stopped, for no longer than is necessary, for the purpose of allowing people to board or alight from it.

(9) The prohibition in this section is enforceable as if imposed—

(b) elsewhere in England and Wales, by an order under section 1 of that Act.

**EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR
ENVIRONMENTAL & PUBLIC PROTECTION**

MONDAY, 21ST SEPTEMBER, 2015

PRESENT: Councillor: T.J. Jones (Executive Board Member)

The following Officers were in attendance:

Mr R. Staines	Head of Housing and Public Protection
Ms S. Watts	Environmental Health and Licensing Manager
Mrs M. Evans Thomas	Democratic Services Officer

Room 67, County Hall, Carmarthen : 10.00 a.m. - 10.45 a.m.

1. DECLARATIONS OF PERSONAL INTERESTS.

No declarations of personal interest were made at the meeting.

2. SAFETY AT SPORTS GROUNDS.

The Executive Board Member was advised that, following the disaster at the Ibrox Stadium in Glasgow in January 1972 and the subsequent public enquiry, the Safety of Sports Grounds Act 1975 introduced a system of safety certification of sports grounds by Local Authorities. The Local Authority was required to determine the safe capacity of the ground, to prescribe and enforce such terms and conditions as it considers necessary or expedient to secure the reasonable safety of spectators and to undertake a periodical inspection.

The Safety of Sports Grounds Act 1975 defines a sports ground as:-

“A place where sport or other competitive activities takes place in the open air, and where accommodation has been provided for spectators, consisting of artificial structures or of natural structures artificially modified for the purpose.”

There were many other pieces of legislation which would be applicable to sports grounds depending on the type of ground and activity. Additionally, the Department for Culture, Media and Sport had produced a “Guide to Safety at Sports Grounds” (also known as the “Green Guide”) which was an advisory document for use by competent persons. The management of such grounds had a primary responsibility for the safety of spectators and should therefore apply the recommendations in the Guide in order to achieve safe conditions.

In paragraph 31 of the Final Reports of his enquiry into the Hillsborough Stadium Disaster, the Lord Justice Taylor recommended that:-

“To assist the Local Authority in exercising its functions, it should set up an Advisory Group consisting of appropriate members of its own staff, representatives of the police, fire and ambulance services and of the building authority. The Advisory Group should consult representatives of the club on a regular basis. The Advisory Group’s terms of reference should encompass all matters concerned with crowd safety and should require regular visits to the ground and attendance at matches. The Advisory Group should have a chairman from the Local Authority

and effective procedures. Its resolution should be recorded and it should be required to produce regular reports for consideration by the Local Authority.”

Carmarthenshire’s Safety Advisory Group had been established for a number of years and was currently chaired by the Environmental Health and Licensing Manager. There were terms of reference as recommended and regular meetings were held with the relevant clubs.

The Local Authority had a statutory obligation under:-

- the Safety at Sports Grounds Act 1975 (as amended) to issue General and Special Safety Certificates for designated sports grounds (for those over 10,000 capacity) – which included Parc y Scarlets and Ffos Las;
- the Fire Safety and Places of Sport Act 1987 Part III to issue a safety certificate for Regulated Stands (where a covered stand provided covered accommodation for 500 or more) – which included Richmond Terrace, Carmarthen.

The Local Authority would signpost non designated sport grounds to the Green Guide as a reference to management requirements.

RESOLVED that the report be received.

3. SERVICE DELIVERY PLAN - ENVIRONMENTAL HEALTH AND LICENSING.

The Public Health Services Section is required by the Food Standards Agency and the Health & Safety Executive to produce an annual Service Delivery Plan.

The Plan provided an outline of the Council’s service aims and objectives including links to the corporative objectives and plans. A brief description of the Council was included, defining its infrastructure, economy and organisation structure. The Plan also detailed the scope and demands of the Public Health Services Section.

The Plan was divided into sections which provided details of specific areas of each of the services and workplans for the coming year. This provided an opportunity to highlight where there were weaknesses and strengths within the relevant teams. Specific areas were highlighted as being at risk and those which the Section was no longer able to provide because of the limited resources. A breakdown of resources was provided, including staffing costs, administration, supplies and services, training etc. with comparisons between financial years. The final section contained information and details of quality assessments and illustrated the various ways that the Section ensured consistency, efficiency and competency.

RESOLVED that the Environmental Health and Licensing Service Delivery Plan for 2015/16 be approved.

4. DECISION RECORD

RESOLVED that the decision record of the meeting of the Executive Board Member for Environmental and Public Protection held on the 22nd July, 2014 be signed as a correct record.

CHAIR

DATE

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