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Ask for

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To: Members of Improvement and Scrutiny Committee - Places

Tuesday, 23 April 2019

Dear Councillor,

Please attend a meeting of the **Improvement and Scrutiny Committee - Places** to be held at **2.00 pm** on **Wednesday, 1 May 2019** in County Hall, Matlock, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in cursive script that reads 'Janie Berry'.

JANIE BERRY
Director of Legal Services

AGENDA

PART I - NON-EXEMPT ITEMS

1. Apologies for absence

To receive apologies for absence (if any)

2. Declarations of interest

To receive declarations of interest (if any)

3. Minutes of the meeting held on 26 February 2019.

(Pages
1 - 4)

To confirm the non-exempt minutes of the meeting of the Improvement and Scrutiny Committee – Places held on 26 February 2019.

4. Derbyshire Flood Risk Management Strategy - Annual update.

5. Civil Parking Enforcement

(Pages
5 - 16)

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Item No.

MINUTES of a meeting of the **IMPROVEMENT AND SCRUTINY COMMITTEE – PLACES** held at County Hall, Matlock on 26 February 2019.

P R E S E N T

Councillor S Bull (in the Chairman)

Councillors K S Athwal, E Atkins, T Kemp and P Makin.

Also in attendance were Councillor B Lewis, J Battye, J Berry, K Horsley and R Short (Elvaston Castle Action Group).

Apologies for absence were submitted on behalf of Councillor D Charles.

01/19 **MINUTES** **RESOLVED** that the Minutes of the meeting of the Committee held on 28 November 2018 be confirmed as a correct record and signed by the Chairman.

02/19 **COMPLAINT AGAINST THE HANDLING OF A PETITION FROM ELVASTON CASTLE** The Council had received a complaint from Elvaston Castle Action Group (ECAG) about how their petition was handled at the Council meeting on 5 December 2018 and a report of the Director of Legal Services gave details of the Council's Petition Scheme and how it pertained to this complaint.

The Chairman outlined the procedure of the hearing and invited Rachel Short, a representative of the ECAG, to present the complaint. Ms Short stated that ECAG felt that the handling of the petition "was not democratic because it did not allow debate between the incumbent Council and members in opposition". The Group felt that the time allowed for the petition to be debated was unfairly apportioned, with Councillors Spencer and Lewis using up the entire 15 minutes debating time, despite warnings from the Chairman of the remaining time available. Consequently, Councillor Smith (a member of an opposition party) had no opportunity to speak. They felt disappointed that the views of 10,500 petitioners had been dismissed "out of hand in an abrupt and negative manner".

The Director of Legal Services and Monitoring Officer (Janie Berry) outlined the petition scheme and the Council Procedure Rules. She advised that the Rules of Debate for Full Council allow for each Councillor to speak for a time period of up to but no more than 10 minutes. The first Councillor exercised this right to speak for a full 10 minutes which, under the terms of the petition scheme only afforded other Councillors 5 minutes in which to get their views across. The second Councillor invited to speak by the Chairman spoke for the remaining 5 minutes available. Ms Berry stated that there was provision in the Constitution to extend the debate but at no point did any

Councillor seek a suspension or variation of the Council Procedure Rules “Rules of Debate”

Committee members were invited to make contributions to the discussion, many of which acknowledged the disappointment expressed by the ECAG. They went on to state, however, that although the Council debate did not meet the expectations of the ECAG it was conducted in accordance with the Council Procedure Rules. Committee members were then asked to vote on whether or not they considered the petition was handled in accordance with the Council’s Petition Scheme.

RESOLVED that Members of the Committee unanimously voted that there was no breach in protocol and that procedures had been followed in line with the Council’s Petition Scheme.

03/19 DISCUSSION WITH THE CABINET MEMBER FOR STRATEGIC LEADERSHIP, CULTURE AND TOURISM Councillor Barry Lewis, Cabinet Member for Strategic Leadership, Culture and Tourism, attended the meeting along with Joe Battye, Service Director - Economy and Regeneration and gave an update on the key achievements and challenges faced by the department over the last year.

The Library consultation, which included drop-in sessions and focus groups, had now ended, with 7,000 contributors. . Achievements relating to the Library Service were:

- the opening of a new library in Glossop;
- progress towards building a new library in Belper, with completion expected early 2020;
- the participation of 8,000 children took part in the Summer Reading Challenge;
- book start packs issued to 2,500 babies.

The Records Office had catalogued the national mining archive, using £135,000 of external funding. It had also received a £25,000 Archives Revealed grant which was used to exhibit the Sir John Franklin archive of the expedition to the North West Passage.

Buxton Museum had celebrated its 125th birthday, with an exhibition of Collections and Curiosities. A grant of £71,000 had been used to commission digital art, which saw 125,000 visitors. A partnership had been set up with the British Museum, with £10,000 grant going towards archaeological collections. The museum was currently working with the University of Nottingham with “Depicting Derbyshire” and a grant had been received from the Buxton Crescent Heritage Trust.

Members of the Committee asked questions in relation to the portfolio and Councillor Lewis and Ms Battye responded accordingly. The Chairman thanked Councillor Lewis for an interesting and informative report.

RESOLVED that the presentation be received.

04/19 **TOURISM DEVELOPMENT IN DERBYSHIRE** Joe Battye and Frank Horsley, Head of Economic Regeneration presented an update on the Council's approach to supporting the growth of the tourism sector in Derbyshire following the previous improvement and scrutiny report published in March 2017.

Recent data indicated continued strong growth for tourism in Derbyshire with a 38% increase in total revenue generated between 2006 and 2017. The number of day visitors in 2017 was 38m and there were 3.9m overnight stays

There had been direct Council investment and partnership activities at both strategic and operational level. The Council was central to promoting the value of the sector to key regional bodies. Local Authority Investors Panel were undergoing a thorough review with the County Council, including looking at ways to take tourism forward in the county. The Marketing Peak District & Derbyshire (MPDD) work with partners and industry to develop and grow a successful and sustainable visitor economy and ensure the sector fully contributes to the growth, prosperity and wellbeing of Derbyshire, its residents, businesses and communities.

The MPDD had been successful in attracting considerable external funding to support project activity and marketing campaigns however it still relied on core funding from local government partners, with the County Council the main funding provider. On 1st February 2018, Cabinet approved a three year funding commitment of £300k and the MPDD entered into a service level agreement (SLA) with the Council. The report went on to list in detail the key aims and obligations of the MPDD. They had also recently introduced a new governance structure that would provide for a more efficient executive role for the Board whilst widening partner influence including the newly formed Local Authority Investors Panel.

A key focus for support to tourism had been through the £1.5m ERDF project "Growing & Developing the Visitor Economy in Derbyshire" which was managed and led in partnership by MPDD. An additional application had been submitted for further funding that would extend the project until 2022 with a decision expected Spring 2019. The project focused on providing a sector specific business support offer in Derbyshire, to ensure businesses primarily engaged in the visitor economy, had access to the information and support needed to grow and develop, and were well positioned to take advantage of emerging and growing trends in the visitor economy in the area. The five strands of activity were listed.

The Council provided £150k as matched funding towards the project largely focused on providing business support activity within the "Promoting Derbyshire Products" and "Supporting Market Towns" strands.

The most notable recent development in support of tourism had been the establishment of the Derbyshire Culture, Heritage and Tourism (CHAT)

Board which met for the first time in June 2018 which ensured the assets, infrastructure and products/services provided complement the experience of and meet the expectations of our customers whether it be visitor, investor or resident.

An action plan had been established that identified key development projects, opportunities for collaborative activity, supporting partners to lever and co-ordinate funding opportunities and develop coherent data and intelligence to support development. This work supported the delivery of the “Peak District and Derbyshire Growth Strategy for the Visitor Economy 2015 – 2020” and would shape the strategic framework moving forward.

The CHAT Board had identified key “signature” projects to champion and would co-ordinate the development of a proposed Tourism Action Zone for Derbyshire as a response to the Government’s recently published Tourism Sector Deal. Work had also commenced on a proposed “County of Culture” campaign planned for 2021.

As well as the above direct support to the tourism sector, the Council played a key role in supporting the development through a number of projects and activities including Derwent Valley Mills WHS, Peak District LEADER programme, Cycling/Walking infrastructure such as the White Peak Loop and “Visit. Sleep. Cycle. Repeat” and Buxton Crescent, Peak Resort and Eroica.

Members of the Committee asked many questions in response to the report, particularly on how the Council was encouraging visitors to stay overnight and what help and information was available to small businesses who wish to provide a service to visitors.

RESOLVED that (1) the report be noted and

(2) that Joe Battye provide the Committee with an advice sheet detailing support available to businesses operating in the visitor economy.

05/19 **WORK PROGRAMME** There was a short discussion about the Committees Work Programme.

RESOLVED that a topic for consideration at the next meeting of the Committee would be Civil Parking Enforcement

Civil Parking Enforcement

Civil Parking Enforcement within Derbyshire



What is Civil Parking Enforcement?

Civil Parking Enforcement (CPE) is the name given to the transfer of powers from the Police to local authorities for enforcing parking contraventions. This was made possible by the Traffic Management Act 2004 and included statutory guidance and operational guidance to local authorities as to how it should be managed and the subsequent appeal process for the tickets issued.

The key differences are:

- the majority of parking contraventions, including parking on yellow lines and in parking bays, are no longer criminal
- local authorities enforce parking controls and keep the income from parking tickets – this money can be used to improve local transport/highway infrastructure
- a new type of parking ticket, called a Penalty Charge Notice (PCN), has been introduced.

Why did DCC introduce Civil Parking Enforcement (CPE)?

Derbyshire Constabulary transferred some powers to Derbyshire Council Council to enforce parking regulations within the County.

The council, as the Highway Authority, has a legal obligation to keep the highways free moving, safe and available to all users.

One of the tools used by the council to achieve this is by the use of parking regulations/restrictions. This is why it introduced CPE.

What benefits can well managed Civil Parking Enforcement have for the communities of Derbyshire?

- Improves turnover of parking spaces, providing better access to shops and services which in turn has local economic benefits.
- Acts as a deterrent to inconsiderate and dangerous parking (such as on double yellow lines at a junction)
- Alleviates congestion and pollution by keeping the highway open for the free flow of traffic.
- Reduces abuse of disabled parking spaces, leaving them free for genuine users

What are DCC CEOs responsible for enforcing?

- Limited waiting bays
- Double and single yellow lines
- On street pay and display bays
- Residents' parking zones
- Blue Badge bays
- Loading bays
- Bus stops



- Taxi bays
- School keep clears (if signed)
- Clearways
- Dropped kerb access (also police)
- Double parking (also police)
- Pedestrian crossings (also police)
- Car parks (with orders)

How is Civil Parking Enforcement managed within Derbyshire?

DCC only have 23 FTE CEOs covering the whole of Derbyshire.

Unfortunately we are unable to provide a reactive service, as resource levels and logistics of officer movements prevent urgent re-deployment.

Customer requests for enforcement are scheduled into routine patrols where possible and as and when resources allow.

Due to the large number of reports we receive, requests by email are preferred.

Email: contactcentre@derbyshire.gov.uk or parking@derbyshire.gov.uk

Call Derbyshire tel: 01629 533190

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What are the police still responsible for enforcing? (Moving Traffic Offence)

- Double white lines
- Obstruction – for example, pavements with no parking restrictions
- dangerous parking where there are no restrictions in place, for example, on bends, brows of hills and junctions.
- Dropped kerb access (also CEOs)
- Double parking (also CEOs)
- One-way traffic
- Box junctions
- Access only
- White-hatched areas
- Pedestrian crossings (also CEOs)



For police related offences, please Tel: 101

MUST NOT

&

DO NOT

Commonly asked questions

Q) Can cars park on the highway verge?

A) There are some offences that can be committed by parking on the verge such as unnecessary obstruction, criminal damage etc. If this is a concern for the community then we advise that people speak with their local Neighbourhood Policing Team to discuss any issues. If DYs are present then CEOs can look to enforce.

Q) Why aren't you doing enough to enforce parking outside of schools?

A) Unfortunately we do not have enough CEOs to attend and enforce at all school locations, also not every school has enforceable restrictions (TRO). All road users should comply with the Highway Code. We try to engage and support Heads of Schools and Governing Bodies to help educate and inform people parking and road safety. Parental/community support is key. A school will receive approximately one visit per term, if identified as a problem via members of the public, school bodies and Police. This is a significant national problem.

Commonly asked questions

Q) Can we have a residents parking scheme?

A) Yes, but the scheme must be self financing. We need to have between 200 to 300 properties bought into project. Via consultation approximately 75% of responses need to support the project.

Q) Why is there a disabled bay on my street?

A) The need would have been identified and approved via an Occupational Health Officer and our Traffic and Safety Team. A disabled bay within a residential area does not generally have a TRO. However, most bays located within urbanised areas (Town Centres) will have.

Commonly asked questions

Q) Can you enforce against people parking within the turning head on my street?

A) Unfortunately not, unless there is a parking restriction in place at that location.

Q) Why aren't you dealing with the parking issues outside of the Takeaway restaurants?

A) Reasonable loading and unloading for proprietor can be tolerated even with a parking restriction in place. To try and combat this issue is difficult as it is linked to unmanageable spikes in service demand. We are trying to work closely with Planning Authority Colleagues to consider parking provisions to support development.

Thank you for your time

Questions?

parking@derbyshire.gov.uk

Tel: 01629 538671