



Environment, Climate Emergency and Transport Committee

Date:	Thursday, 22 October 2020
Time:	6.00 p.m.
Venue:	Via Microsoft Teams

Contact Officer: Mike Jones
Tel: 0151 691 8363
e-mail: michaeljones1@wirral.gov.uk
Website: www.wirral.gov.uk

AGENDA

- 1. WELCOME AND INTRODUCTION**
- 2. APOLOGIES**
- 3. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members are asked to consider whether they have any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

- 4. PUBLIC AND MEMBER QUESTIONS**

- 4a. Public Questions**

Notice of questions to be given in writing or by email, by 12noon, Monday, 19 October, 2020 to the Council's Monitoring Officer and to be dealt with in accordance with Standing Order 10.

- 4b. Statements and Petitions**

Representations and petitions to be dealt with in accordance with Standing Order 11.

4c. Questions by Members

Questions by Members to be dealt with in accordance with Standing Orders 12.3 to 12.8.

SECTION A - KEY AND OTHER DECISIONS

- 5. CLIMATE EMERGENCY ACTION PLAN (Pages 1 - 24)**
- 6. PARKING POLICY - PRIORITISING SAFETY AROUND SCHOOLS (Pages 25 - 72)**

SECTION B - BUDGET AND PERFORMANCE MANAGEMENT

- 7. 2021/22 BUDGET PROCESS (Pages 73 - 84)**
- 8. BUDGET AND PERFORMANCE MONITORING (Pages 85 - 90)**

SECTION C - WORK PROGRAMME / OVERVIEW AND SCRUTINY

- 9. ALLOTMENT PROVISION SCRUTINY REVIEW (Pages 91 - 128)**
- 10. ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE WORK PROGRAMME UPDATE (Pages 129 - 140)**



ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE

Thursday, 22nd October 2020

REPORT TITLE:	ENVIRONMENT AND CLIMATE EMERGENCY POLICY AND ACTION PLAN
REPORT OF:	NICOLA BUTTERWORTH, DIRECTOR OF NEIGHBOURHOOD SERVICES

REPORT SUMMARY

This report provides Committee with an update on the Council's response to the climate emergency and on the emerging Environment and Climate Emergency Action Plan, which has been developed over the past year following the Council's Environment and Climate Emergency Declaration in July 2019.

The emerging Action Plan, which is attached as Appendix 1, sets out the Council's response to the global climate crisis. The Action Plan sets out the initiatives that the Council is undertaking and will continue to develop in the face of the Climate Emergency. It is proposed that the Council prepares an Environment and Climate Emergency Policy to set the context, framework, and approach for the delivery of the Environment and Climate Emergency Action Plan.

The latest evidence indicates we need to get to net zero greenhouse gas emissions across the globe by the middle of this century to stop things getting much worse. To do this, we need to all but eliminate the use of fossil fuels for heat, power, and transport. This will require a considerable change in the way we live.

The emerging Action Plan is ambitious and proposes that the Council as an organisation aims to achieve 'net carbon neutrality by 2030.' The development of the Council's Environment and Climate Emergency has been supported by third party climate change experts, Local Partnerships, who have confirmed that the Council achieving net carbon neutrality in 10 years is ambitious but possible. Through the Environment and Climate Emergency Action Plan, the Council will lead the way locally and regionally in seeking to be net zero carbon in 10 years.

The Environment and Climate Emergency Action Plan forms the Council's contribution to the borough-wide Wirral Cool 2 Strategy. It seeks to show leadership by pursuing net zero carbon within the decade. In doing so, it supports progress towards de-carbonisation across Wirral by 2041 and the Government's legally binding national target of net zero target by 2050

The emerging Environment and Climate Emergency Action Plan sets out the Council's journey to becoming carbon emissions neutral within the decade. Many actions have already been undertaken with key aspects of the Action Plan already in place such as the

creating the Climate Emergency Team and launching the Tree, Woodland and Hedgerow Strategy earlier this summer. All aspects of the Council's function, ways of working, decision making, and service delivery will change as the Environment and Climate Emergency Policy and Action Plan are established.

The headline areas for delivery are:

- reduce emissions to net zero;
- fully informed decision making;
- becoming a carbon literate organisation;
- embrace home working;
- active transport (provision for cycling and walking);
- sustainable ways of operating;
- communication and engagement;
- carbon storage;
- climate resilient Wirral;
- preparing future generations; and
- measuring progress along the journey.

Already, the new ways of working which have been necessary because of the Covid-19 restrictions have created some unforeseen environmental benefits and opportunities. Many aspects of the way in which the Council works and provides services have fundamentally changed because of Covid-19 restrictions. These provide an opportunity to change the way we operate in the future. This has helped pave the way for the establishment of the Environment and Climate Emergency Action Plan with many of the actions within the plan now underway as a result.

This matter affects all Wards within the Borough.

RECOMMENDATIONS

The Committee is recommended to:

1. Note and endorse the actions that have been taken since the Council declared an Environment and Climate Emergency in July 2019;
2. Endorse the emerging Environment and Climate Emergency Action Plan attached as Appendix 1 to this report;
3. Establish an Environment and Climate Emergency Policy Members' Working Group to act as a Task and Finish Group and develop an Environment and Climate Emergency Policy with a membership of 6.
4. Instruct the Environment and Climate Emergency Policy Members' Working Group to report back to this Committee at a future meeting with recommendations for the Environment and Climate Emergency Policy.
5. The Monitoring Officer be authorised as proper officer to carry out the wishes of the Group Leaders in allocating Members to membership and substitute membership of the Environment and Climate Emergency Policy Members'

Working Group and to appoint those Members with effect from the date at which the proper officer is advised of the names of such Members.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

- 1.1 Wirral Council declared an Environment and Climate Emergency through an all-party resolution in July 2019. The development of an Environment and Climate Emergency Policy and emerging Action Plan is the Council's response to the declaration.
- 1.2 The Portfolio Holder for Environment and Climate Change endorsed the Cool Wirral Partnership's new climate strategy for the Borough called Cool 2 on 31 March 2020. This calls on those who support it to develop and share Locally Determined Contributions. The Environment and Climate Emergency Policy and Action Plan will fulfil this commitment.
- 1.3 The Wirral Cool 2 Strategy makes clear we need to all but eliminate damaging greenhouse gas emissions by 2041. To demonstrate the sense of urgency for action and provide the lead for others, it is proposed the plan will seek to achieve net carbon neutrality by 2030.
- 1.4 The Environment and Climate Emergency Policy and Action Plan will drive change to the way the Council operates, makes decisions, and provides services. The emerging plan therefore contains a significant number of actions to deliver such change. An influential internal management Action Group will be required to oversee the change and deliver the actions outlined. It is intended to therefore establish an Environment and Climate Emergency Officer Action Group to perform this function and to have representations from all the Council's directorates and service areas.
- 1.5 The Council has recently commissioned the support of leading climate change experts 'Local Partnerships' to help shape the Environment and Climate Emergency Action Plan and to validate the Council's journey to achieving net carbon neutrality in 10 years. Local Partnership's work has recently concluded, and they have provided recommendations and observations for the Council's Action Plan. Local Partnerships have validated the Action Plan, stating it can, if applied, achieve net carbon neutrality by 2030.
- 1.6 The Constitution enables the establishment of Working Groups from time to time to develop recommendations or investigate issues of interest or concern. The recommendation is to approve the establishment of an Environment and Climate Emergency Policy Members' Working Group. The Working Group will make recommendations which will be considered in due course by this Committee.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The Council has declared an Environment and Climate Emergency and with it an expectation that action will be taken to address the emergency. Therefore, the options of not acting or delaying action have not been considered as these would not respond to the Council's declaration. The emergency declaration has established an urgency for action to be accelerated and for the Council to transform the way it functions. The Environment and Climate Emergency Action Plan is being prepared to meet this expectation. There are examples of other local authorities being criticised for not acting having previously declared a climate emergency.
- 2.2 Whilst a membership of 6 is recommended for the Environment and Climate Emergency Policy Members' Working Group Committee could resolve to make the Working Group either a smaller size (to a minimum of 3) or a larger size.

3.0 BACKGROUND INFORMATION

- 3.1 Unnatural climate change across the world is widely evidenced and its impact is highlighted by significant events across the world. The world has already experienced a 1°C of abnormal heating since 1900. The speed of this change has risen, and the impacts are demonstratable and concerning.
- 3.2 World leaders are increasingly concerned about climate change and in recognition of this there have been several significant developments. The United Nation's Paris Agreement on Climate Change formally came into force in 2016. This sets out the globally agreed approach to mitigating carbon emissions and adapting to unavoidable change. The global goal is to limit average rises in temperature to 'well below' 2°C above the pre-industrial level and pursue efforts to limit the rise to 1.5°C. Under this agreement nations are required to develop their own Nationally Determined Contributions setting actions to help achieve the global goal. The agreement includes a 'ratchet mechanism' designed to encourage progressive improvement in these Nationally Determined Contributions which must be updated periodically and reported to the UN. At present the Nationally Determined Contributions submitted do not yet put us on a safe path.
- 3.3 In the wake of the Paris Agreement and subsequent review by the Intergovernmental Panel on Climate Change of evidence concerning the impacts of 1.5°C warming, the UK Government's own independent Climate Change Committee has made recommendations to Government. As a result, the UK Government has now tightened its legally binding target for emissions reduction. The target is now to achieve net zero emissions by 2050. Previously it was an 80% reduction in emissions compared to 1990 levels. More work will now be needed to keep within future legally binding carbon budgets.
- 3.4 The international and national position is well reflected in Wirral. We have a well-established climate change partnership, 'Cool Wirral', and the Council has maintained a commitment to tackling the impacts of climate change over many years. On 31 March 2020, the Council's Portfolio Holder for

Environment and Climate Change endorsed the Cool Wirral Partnership's new follow up strategy 'Cool 2' following support with public consultation and scrutiny from the Environment Overview and Scrutiny Committee. The Council is a member of the Cool Wirral Partnership and has committed to supporting the delivery of the Cool 2 Strategy and to a contribution to it in the form of the Climate Emergency Action Plan.

- 3.5 The Cool 2 strategy sets two goals for Wirral the place:
- To stay within a local emissions' 'budget' of 7.7 million tonnes of CO2 between 2020-2100 and to reach 'net zero' pollution as early as possible before 2041.
 - To ensure a climate resilient Wirral adapts to cope with existing change and further unavoidable disruption this century.
- 3.6 Wirral Council has prioritised responding to climate change over many years as a signatory to the 'Nottingham Declaration on Climate Change' and its successor, the 'Climate Local Initiative.' This commitment was reaffirmed in July 2019 with the all-party 'Environment and Climate Change Emergency Declaration.' The Declaration made a clear commitment to achieving carbon neutrality by seeking additional funding to resource the Council's response, planting additional trees, investing in electric vehicle charging infrastructure, exploring investment in solar farms, and implementing appropriate decision making tools supported by a staff and Member training programme.
- 3.7 The Council will lead by example through the establishment of the Environment and Climate Emergency Policy and Action Plan and the proposed ambitious but achievable target of the Council and its entity being 'net carbon neutral' by 2030. This will be a 10-year journey. The Climate Emergency Action Plan will be the Council's 'locally determined contribution' to the Cool2 strategy which sets a target for Wirral as a whole, to be carbon neutral by 2041. The partnership's other members will be urged to declare environment and climate emergencies and to develop their own locally determined contributions.
- 3.8 It is proposed that this Committee develops the Environment and Climate Emergency Policy through a Task and Finish Group with a membership of 6. The Working Group will make recommendations which will be considered in due course by this Committee.

Environment and Climate Emergency Headlines and Progress

- 3.9 The Environment and Climate Emergency Policy and Action Plan will be used as tools to transform the way the Council operates, engages with residents, and works with partners. The Action Plan will therefore focus on the Council's functions from service provision, decision making and procurement to energy consumption, transport, and ways of working. The policy and action plan will contribute to the Cool2 strategy and targets for Wirral as a place, however, their focus will be on transforming the Council's operation to demonstrate commitment and leadership for the climate emergency response.

3.10 The following are proposed environment and climate emergency headlines to be delivered through the Environment and Climate Emergency Policy and Action Plan. Many of the actions initially identified in response to the Declaration have been undertaken:

- **REDUCE EMISSIONS TO NET ZERO:** Through a switch to 100% green energy and reduced demand, transforming the Council's buildings, street lighting and fleet. The Council's Recovery Plan and new ways of working post Covid-19 will be a major opportunity to address building efficiency and introduce green energy.
INFORMED DECISION MAKING: The re-introduction of carbon budget reporting, introduce sustainability appraisals, and ensure the climate emergency is considered in all reporting and decision making. The Environment and Climate Emergency Policy is a matter which is capable of being a material consideration for planning decisions and a significant matter to be considered in the development of the Local Plan.
- **CARBON LITERATE ORGANISATION:** A commitment to becoming a 'carbon literate organisation' through training of decision makers. Carbon Literacy courses have commenced for senior officers and Members in partnership with APSE Training.
- **EMBRACE HOME WORKING:** Support for staff to work from home, virtual communication and a blended approach to office provision and access to resources. Officers and Members need to support to work from home but the new ways of working and communicating established as part of the Covid-19 lockdown are here to stay and support the climate emergency response.
- **ACTIVE AND ALTERNATIVE TRANSPORT:** Invest in facilities and infrastructure to support active and alternative powered transport. The Council are working with partners to support and sustain the growing interest in active transport, which accelerated during the Covid-19 lockdown. There are also a number of initiatives to establish infrastructure for alternative powered transport such as charging facilities for electric vehicles.
- **SUSTAINABLE WAYS OF OPERATING:** Embed climate considerations into everyday operations by becoming a digital council, reducing internal business travel and promoting active travel, electrifying council vehicles, running more sustainable events, greening our procurement strategy, working towards a circular economy and increased recycling and reuse of waste.
- **COMMUNICATION AND ENGAGEMENT:** Raise awareness of the changes local people can make to help with the climate emergency and communicate what we are doing as a Council as part of the Cool Wirral partnership.
- **CARBON STORAGE:** Capture more carbon naturally by increasing Wirral's woodland and tree cover and protecting its soils and natural habitats. In the summer we launched Wirral's Tree, Woodland and Hedgerow Strategy, which sets out to plant and grow over 200,000 trees in the next 10 years. To work with local groups to nurture the trees and monitor their growth and potential disease.
- **BIO-DIVERSITY AND POLLINATION:** Establish new methods of operation and land management to promote wildflowers, pollinators, and

insects. This summer we have piloted the creation of 16 pollinator sites across the borough with reduced maintenance. The sites have proven to be an initial success encouraging insects and wildflowers.

- **CLIMATE RESILIENT WIRRAL:** Futureproof Wirral against climate change through coastal and flood management and nature-based solutions. We have secured funding to develop our Resilient Parks project and the sea defence infrastructure at West Kirby are due to start.
- **FUTURE GENERATIONS:** Invest in Wirral's young people and support their understanding and response to the climate emergency. We have transformed our Eco Schools and Cool Schools programmes.
- **MEASURING PROGRESS:** Establish a publicly accessible and dynamic performance platform linked to the communications plan. We will transition the climate emergency element of the Covid-19 dashboard to form the metrics for the Environment and Climate Emergency Policy and Action Plan.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There will be financial implications to declaring an environment and climate emergency and setting a corporate priority for the Council. Successful delivery of the Environment and Climate Emergency Policy and Action Plan will require a realignment of the Council's resources. There will be cost implications for the Council to consider achieving net carbon neutrality in 10 years. If recommendations are endorsed, a long-term financial plan will be developed and presented to this Committee.
- 4.2 In the year since the Environment and Climate Emergency Declaration was made, the Council has had to face the unprecedented challenge of responding to the Covid-19 crisis. The crisis has fundamentally changed the way the Council operates and placed a significant burden on finances moving forward. The Council now has a challenge to set a medium-term financial plan and prioritise service provision as a result. However, responding to the environment and climate emergency remains a corporate priority and the threat from climate change is undiminished. Therefore, the Environment and Climate Emergency Policy and Action Plan will have to be delivered within the Council's diminished financial envelope. The Covid-19 crisis has provided some unexpected benefits and opportunities for the Council, through the enforced ways of working during the lockdown period. Such working practices and emphasis will therefore be built into the Council's developing Covid-19 Recovery Plan.
- 4.3 It should be noted that not taking or delaying action is not cost neutral and the lack of a local response is likely to be more costly in the long run and expose the Council to the risk of more significantly more costs from having to respond the impact of climate change, such as extreme weather events.

5.0 LEGAL IMPLICATIONS

5.1 There are no direct legal implications from the establishment and delivery of the Environment and Climate Emergency Policy and Action Plan. It should be noted however, that the adequacy and inaction of both national and local government is under scrutiny by environmental interest groups with the threat of potential legal challenge in some areas. Several local authorities have been criticised for not putting their climate emergency declarations into action.

5.2 Paragraph 26 of Part 1 of the Council's Constitution states as follows:

"Panels, Forums, Working Groups, Liaison and Task & Finish Groups may be established by Committees. Their purpose of these working groups is to examine in detail specific issues or aspects of policy, procedure, or service, according to their remit. These groups do not take any decisions but inform the deliberations of the committees. Their membership may include councillors from each party, non- councillors by invitation and, occasionally, employees"

5.3 Paragraph 2 of Part 3 Section B of the Council's constitution states as follows

"Working Groups Involving Members

Working groups, may be established by a Committee from time to time to develop recommendations or investigate issues of interest or concern alongside formal Sub-Committees. They shall be for specific purposes and shall be time limited. They will only be established when the matter cannot be undertaken by a relevant Committee and each committee is limited to establishing [two] such committees at any one time.

They usually fall into one of the following categories:

(a) Advisory groups relating to policy development or service functions

Usually established to advise about an issue or subject area. The relevant Committee shall specify terms of reference and membership, which may include invited persons holding relevant expertise or knowledge and Members who are not members of the parent Committee.

(b) Task & Finish Groups

Small groups of Members appointed by a Committee or Sub-Committee for the purpose of advising the parent committee about either:

- (i) an in-depth policy review
- (ii) performance monitoring
- (iii) responding to a major policy consultation.

The terms of reference and purpose are specified by the relevant Committee

5.4 It is proposed that the Environment and Climate Emergency Policy Members' Working Group be set up as Task and Finish Group with the brief of to develop an Environment and Climate Emergency Policy, reporting back with recommendations to this Committee.

- 5.5 Task and Finish groups do not meet in public session and are not subject to the Access to Information Procedure Rules. Working Groups are not subject to the requirement for political proportionality. However, it would be good practice to apply the same principles. If rules for the allocation of seats are to be applied, then the following principles should be observed;
- (a) That not all seats are allocated to the same political party.
 - (b) That the political group with the majority of seats should have the majority of seats on the working group.
 - (c) That the number of seats allocated to each political group shall be the same as the proportion of the total number of seats on the authority held by each political group.
- 5.6 it is suggested that the Task and Finish Group should be of a size of 9 members with its membership being appointed on a proportionate basis.
- 5.7 With 6 members appointed from this Committee, the distribution of seats on the Working Group should be 3 Labour (with 2 substitutes), 2 Conservative (with 1 substitutes) and 1 Liberal Democrat (with 1 substitute).

6.0 **RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

- 6.1 The Environment and Climate Emergency Declaration will have resource implications for the Council as directorates will play their part in delivering the Environment and Climate Emergency Action Plan when established. The Action Plan will apply to all Council services and resources should be appropriately realigned as a result. The emerging Environment and Climate Emergency Action Plan sets out the resource implications of the journey to achieving net carbon neutrality, however the following issues will be key to this:

6.2 Environment and Climate Action Group

The internal Action Group of senior officers will be established to oversee the delivery of the Environment and Climate Emergency Action Plan and ensure the Council remains on track against emissions reduction targets. It is proposed that each directorate will be represented on the Action Group, which will be chaired by the Director of Neighbourhood Services. The Action Group will manage the Environment and Climate Emergency Action Plan's performance and establish reporting arrangements to this Committee and the Cool Wirral Partnership.

6.3 Recovery Plan

The Council's Covid-19 Recovery Plan and difficult financial position provide an opportunity to reconfigure how the Council operates and bring forward changes to the way the Council operates and delivers services. As has been mentioned elsewhere in this report, the Covid-19 crisis has provided unforeseen benefits and enabled some of the climate emergency actions (previously fledging) to become embedded. Home working, digitalisation, active travel, reduced energy demand and reduced staff travel have all been progressed during the Covid-19 enforced lockdown. The Council's Recovery

Plan and rationalisation of assets is a 'green reset' opportunity which will help accelerate the impact of the Environment and Climate Emergency Policy and Action Plan.

6.4 Staff Investment and Development

To enable the Council to become a Carbon Literate Organisation, investment in carbon literacy training will be required for the Council's senior people and carbon awareness briefings for all staff and members. The employee development structures including core competences are being amended to include carbon literacy as a core requirement.

7.0 RELEVANT RISKS

- 7.1 Unnatural climate change presents an existential threat. There are already many direct risks associated with existing and unavoidable change locally, including disruption and damage from more frequent extreme weather events including recent high-profile storms, heat waves and flooding. The actions needed to prevent more dangerous change demand a response from all parties from global to local. Everyone must play their part in addressing climate change and organisations who can lead and support others such as the Council must do so. Having a robust Environment and Climate Emergency Policy and Action Plan with clear targets in place, is a crucial mechanism to mitigate identified risks and play a part in wider efforts to address the problem.
- 7.2 The Council has made a series of public commitments to act on climate change, including the declaration of an Environment and Climate Emergency in July 2019. A failure to demonstrate action and commitment to change would present a reputational risk. There are local authorities across the country, who, having declared a climate emergency, are now under scrutiny having done little to turn their declaration into action.
- 7.3 The Council's corporate risk register has been amended to reflect the environment and climate emergency declaration and the identification of the risk climate change has on the Council, Wirral as a place and its residents. The delivery of the Climate Emergency Action Plan and working jointly with partner organisations and communities forms the mitigation to such risk. The risks associated with the effective delivery of the Climate Emergency Action Plan and targets, have been identified and mitigated. The Environment and Climate Emergency Board will monitor these risks as part of their management of the action plan.
- 7.4 The Council's difficult financial position caused by the worldwide Covid-19 crisis and its effect on medium term financial planning, is a potential risk to the effective delivery of the Environment and Climate Emergency Policy and Action Plan. The Action Plan requires the realignment of resources across the Council for key objectives to be achieved. The emergency declaration remains in place along with the urgent need for action, nothing has changed in this respect. Therefore, the exercise to adjust the Council's medium-term financial plan will need to be undertaken with climate emergency as one of the focus

points. There are also opportunities and new ways of working coming from the Covid-19 crisis that can support the adjustments required to the financial plan and envelope.

8.0 ENGAGEMENT/CONSULTATION

8.1 There has been full public consultation delivered as part of the development of climate emergency related strategies such as the Tree Woodland and Hedgerow Strategy and in support of the Cool Wirral Partnership's Climate Change Strategy, Cool 2 including a number of climate emergency public events. The Climate Emergency Action Plan sets out a comprehensive communications and engagement plan for ongoing resident and stakeholder engagement on climate emergency issues.

9.0 EQUALITY IMPLICATIONS

The Equality Impact Review is attached via link below:

<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The Environment and Climate Emergency Declaration was resolved with all party support at Council on the 15th July 2019 due to 'extreme concern' about the impact of climate change and the urgent need for action. The Environment and Climate Emergency Action Plan has been developed in response. Through the establishment and delivery of the Environment and Climate Emergency Policy and Action Plan, it is proposed that the Council commits to achieving net carbon neutrality by 2030. This is an ambitious but achievable target, and it will have fundamental benefits to Wirral's environment and residents. A key objective of the action plan is for officers and members to be 'carbon literate' in order the fully understand the climate related implications of their decisions and the impact of the way in which services are delivered.

The content and recommendations contained within this report are expected to:

- Reduce emissions of CO2
- Reduce emissions of Greenhouse Gasses
- Demonstrate that Wirral Council plans to deliver on its commitments
- Contribute towards attainment of Wirral Cool2 Strategic Plans

REPORT AUTHOR: Mike Cockburn
Head of Service Environment and Climate Change (int)
email: mikecockburn@wirral.gov.uk

APPENDICES

Appendix 1 – Environment and Climate Emergency Action Plan.

BACKGROUND PAPERS

Cool Wirral Partnership (2019) [Cool 2: A strategy for Wirral in the face of the global climate emergency](#)

UN (2015) [Paris Agreement](#)

Intergovernmental Panel on Climate Change 2018: [Summary for Policymakers](#). In: *Global Warming of 1.5°C. A special report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty*

CCC (2018) [Managing the Coast in a Changing Climate](#) (including various appendices and accompanying reports)

CCC (2019) [Net Zero: The UK's contribution to stopping global warming](#)

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet Wirral Tree, Woodland and Hedgerow Strategy	27/07/2020
Decision of the Cabinet Member for Environment and Climate Change A New Climate Change Strategy for Wirral	31/03/2020
Environment Overview & Scrutiny Committee Climate Emergency Headlines	12/03/2020
Environment Overview & Scrutiny Committee Environment and Climate Emergency Declaration Update	24/09/2019

APPENDIX 1

Wirral Council

Environment and Climate Emergency Action Plan

2020 – 2030

Summary

FOREWORD:

This plan sets out Wirral Council's response to the global climate crisis - the things that we are doing and will do in the face of the Climate Emergency.

The latest scientific evidence on the damage to our climate paints a very serious picture. To put it simply, if we do not stop producing the pollution which is causing unnatural global warming as a matter of urgency, then we are heading towards a global catastrophe.

The science says that we need to get to net zero greenhouse gas emissions across the globe by the middle of this Century if we are to stop things getting much worse. To do this, we need to all but eliminate the use of fossil fuels for heat, power, and transport which will require a considerable change in the way we work.

Luckily, we are not starting from scratch. We know many of the things that we need to do and are doing some of them already. However, in the light of the new evidence, we need to move even further and faster.

Though the situation is daunting, we can all play a part in turning things around. This is both a crisis and an opportunity. Through our action plan, Wirral Council will lead the way in reaching net zero carbon emissions by 2030, ahead of the Cool Wirral Partnership's area-wide target of 2041 and the government's national 2050 target. Together, we can build a more sustainable and climate resilient Wirral.

INTRODUCTION:

The Climate Challenge

Unnatural Climate Change is widely evidenced and is happening right now. We have already seen 1°C of abnormal heating since 1900, and while this may not sound like much, the speed at which it has risen, and the impacts are very concerning.

In 2018, the Intergovernmental Panel on Climate Change (IPCC) published a special report which found that we must limit warming to 1.5°C if we are to avoid a tipping point of irreversible changes. The warmest five years on record have all occurred since 2015, and if we continue as we are, we are on track to hit 1.5°C as early as 2030 (NOAA, 2020).

Predicted impacts of this global heating and the associated extreme weather events include risks to health, livelihoods, food security, water supply, human security, and economic growth (IPCC, 2018). We have less than ten years left to take the serious action required to avert this crisis and avoid the potentially catastrophic consequences for people and the planet.

What are we doing?

Even before we declared an Environment and Climate Emergency, Wirral Council prioritised responding to climate change as a signatory to the Nottingham Declaration on Climate Change and its successor, the Climate Local Initiative. This commitment was reaffirmed in July 2019 with our cross-party declaration of an Environment and Climate Emergency (CE). It commits us to achieving carbon neutrality by seeking additional funding to resource our response, planting additional trees, investing in more electric vehicle charging points, exploring the possibility of a solar farm, and implementing appropriate decision making tools supported by a staff and member training programme. With the CE declaration we are joining other local authorities which have declared an emergency and committed to carbon neutrality by 2030 to recognise the gravity of the situation, following parliament's national declaration in May.

Tackling climate change demands that we eliminate climate-related pollution and adapt to the unavoidable changes from pollution already in the atmosphere. We aim lead by example and encourage wider action through this Environment and Climate Emergency Action Plan for 2020-2030. It is a key part of our locally determined contribution to the borough-wide COOL Wirral Partnership Strategy, laying out how we as a council will mitigate against, and become more resilient to, climate change. Many environmentally conscious measures have already been taken including installing solar panels on council buildings and replacing streetlamps with low LED lamps, but there is much more to be done to reduce the carbon impact of Wirral's public services.

Part of a Bigger Picture

The climate emergency is a 'more than council' issue. It is part of a wider effort locally, nationally, and internationally. Whilst this plan focuses on what we as a council will do, we recognise the importance of using our influence to encourage others to play their full part too. We will build on the foundation we have already established as the convener of the Cool Wirral Partnership to co-ordinate and encourage wider action. By working together, we can achieve carbon neutrality across the council's operations by 2030 and across the borough as a whole by 2041, setting an example for other local authorities and leading the way in the national government's bid to be carbon neutral by 2050.

Our Approach

To develop our Environment and Climate Emergency Action Plan, we reviewed pre-existing guidance and best practice examples from a broad range of organisations with relevant expertise in the climate emergency agenda. We used the Association of Public Service Excellence's (APSE) resources and guidance as an initial framework for our action plan, and then cross-referenced this with resources from the Local Government Association (LGA), Ashden, Friends of the Earth, the Centre for Alternative Technology, as well as the Greater Manchester Combined Authority, Bristol City Council, Lambeth Council and Cornwall Council's climate emergency action plans. A composite action plan has therefore been created building on the experience and expertise of all these organisations, while also being aligned to the existing strategies and unique position of Wirral. The action plan areas have been developed in collaboration with the service areas they pertain to. This cross-directorate ownership not only ensures that actions are ambitious and achievable, but that they will be fully integrated into service delivery to address the requirements of the climate emergency resolution.

THE ACTION PLAN:

Leadership

Wirral Council is committed to providing the leadership and governance mechanisms required to deliver on our ambitious emissions objectives. We will establish an Environment and Climate Emergency Action Group to drive the actions and change processes forward, with representation at a senior level to provide the necessary influence and capacity. The Action Group will ensure that progress is reported against the plan's milestones.

The Council will play a key supporting role in the delivery of the Cool 2 strategy, working with partners and Wirral's communities to drive the change required. We will encourage our partners to declare climate emergencies and develop action plans of their own to support Cool 2. By providing secretarial support to the Cool Wirral partnership's steering group and ensuring there is capacity to respond to the Climate Emergency, we will play an active part in Cool 2's execution.

Through the Council's commitment to becoming a 'Carbon Literate Organisation', Council members and officers will receive training and ongoing support to provide climate emergency leadership across Wirral and the Liverpool City Region.

Resources and Finance

To fully respond to the CE declaration, the Council has committed to ensuring that the necessary resources are aligned to deliver the requirements of the Environment and Climate Emergency Action Plan. We recognise the immense scale of the plan we are proposing and the challenge getting to net zero by 2030 presents given the ongoing financial difficulties the Council faces. However, as a stated corporate priority, the Council is re-aligning finance and resources to ensure that the actions and investment set out in the Environment and Climate Emergency Action Plan can be carried out. Currently Climate Emergency funding comes from a number of sources including mainstream council funding following the annual budget allocation as well as various grants, funding schemes, and awards.

A key responsibility of the Environment and Climate Emergency Action Group will be to identify and pursue funding and resource opportunities to support the delivery of the action plan. The Action Group will work individually and collaboratively with the Cool Wirral partnership, regional colleagues and institutions, and central government to ensure that funding opportunities are utilised to maximise our climate emergency response. All heads of service will be expected to support in the identification and raising of funds for climate emergency initiatives.

Measurement and Reporting

As part of the Environment and Climate Emergency Declaration, the Council has committed to reinstating the production of an annual Carbon Budget Report which will be instrumental in measuring progress made towards emissions reductions. We will work with Local Partnerships, a public sector consultancy firm, to develop a robust pathway projection for getting to net zero by 2030, which will then be a key resource to benchmark our progress against. The CEAP workbook itself will be a dynamic RAG-rated document that will be updated frequently by Council officers as actions are initiated and completed.

The Environment and Climate Emergency Action Group will have overall oversight and will convene monthly throughout the year to monitor progress. It will be responsible for producing an annual

report on the progress made towards achieving the CEAP's key objectives to reach carbon neutrality for the Council and its provision by 2030 and to ensure a more climate resilient Wirral.

Staff Investment

We realise that our bold climate commitments will only go from words on a page to real action if we have our whole work force behind them. We need our staff to be invested: to understand climate change and the contributions they can make individually and as a team to combat it. Crucially this is not just a plan for one team, it is a cross-departmental collaborative action plan for all our service areas and implicates every member of staff.

We will push for awareness and action across all levels of the council from core management competence to climate emergency check-ins and the delivery of carbon literacy training for key officers which will be rolled out further through lunch and learns and internal staff engagement activities. We need everyone who works for the Council to act as Climate Champions and push for the changes we want and need to see within their areas.

Transport

It is well known that the transport sector is one of the major polluters and contributors to climate change, and this is no different at the local level. As a council will are therefore well aware of our transport emissions and have been working hard to reduce them, with the Environment and Climate Emergency Action Plan committing to even more sustainable travel alternatives. We will do this at multiple levels through the creation of a Wirral Council Sustainable Travel Support Team who will work with local residents, businesses, and the community to encourage sustainable travel.

The Council will push for our staff to travel more sustainably and ensure provision for them to do so via a new Wirral Council Staff Travel Plan and Electric Vehicle Strategy. We will also ensure that the required infrastructure is in place across Wirral to enable active travel, be it in the installation of LED streetlights across the whole borough or the development of more local cycling networks. Wirral's 2020 Active Travel strategy and taking advantage of forward planning development projects will be key to this work.

Lastly, we will push for behaviour change to normalise car sharing, use of public transport, or better still walking and cycling through training and engagement activities like the LCR-wide Sustainable Travel Campaign and walk to school initiatives.

Assets and Energy

One of the most important areas for understanding and reaching our net-zero carbon emissions target is the Council's Assets and Energy sector. If we are to achieve carbon neutrality by 2030, we need to understand where our carbon emissions are currently coming from to manage and reduce them.

The first plank in the Asset Management Energy Strategy is therefor to re-establish the Council's Carbon Budget targeting and reporting which will then enable the development of a carbon management system. We will evaluate our assets and identify the biggest corporate carbon emitters, then determine how best to reduce them. Lower emissions standards will also be established and enforced for our assets.

In addition to energy consumption, the source of our energy has a huge impact on our emissions. Accordingly, we will set ambitious targets for short-term low carbon energy and seek out renewable energy alternatives to power our buildings and services.

Culture and Events

The Council runs many events and cultural activities in the community, and these represent an excellent opportunity to demonstrate our green credentials and put pressure on contractors to be more sustainable. We will work to decrease the carbon footprint of our major commercial events which occur as part of Wirral's culture programme by ensuring at least 75% of traders and suppliers are local, reducing the energy intensity of events where possible, banning single use plastics and non-biodegradable materials, providing vegetarian and vegan food is more widely, and promoting sustainable travel.

Cultural events will provide a space to push the climate emergency message and educate and encourage our local communities to act through positive and empowering messaging. We will also work collaboratively with partners to raise awareness of the climate emergency and drive behaviour change throughout the Wirral and Liverpool City Region. We will continue to research new ways of doing things to make sure future events as sustainable as they can be.

Communication

We want our staff internally and residents externally to be armed with the best knowledge around climate change and what they can do to help, so communication work is weaved throughout our entire action plan as well as occupying it's own section. The Action Plan therefore commits to developing a dedicated Environment and Climate Emergency Communication Strategy which will take a two-winged approach.

We will target staff with an internally focussed campaign using roadshows and workplace challenges to keep our employees aware of the corporate work we are doing and how they can contribute. We will also run an externally focussed campaign for residents to raise awareness of the changes local people can make to help with the Climate Emergency and communicate what we are doing as a council to lead by example.

Waste Management

We are all well drilled in the 'three r's' of reduce, reuse, and recycle, but the way we deal with our waste really does have a big impact on the environment and we can all do better to reduce it. That's why our first action within waste management is to promote the principles and benefits of a circular economy to our partners, local businesses, and industries through the Merseyside Recycling and Waste Authority, Liverpool City Region, and Chamber of Commerce.

In recognition that resources are finite, we will implement a new Materials Management Policy within the council covering prevention, reuse, recycling, and the correct disposal of all materials. We will make sure that all council buildings have recycling facilities for a range of materials and plan to establish a council employee swap shop to play our part.

We will also promote prevention, reuse, and repair to residents by organising swap events across Wirral, piloting a subsidised bulky collection in targeted wards, and raising awareness in future generations through our Eco-schools and Cool Schools Programme. Lastly, will explore the feasibility of a Joint Waste Management Service to implement new services and meet the needs of the Climate Emergency and new government legislation.

Procurement Management Strategy

As a council, we work with many external contractors to procure good and services. This presents an unparalleled opportunity to directly influence the wider community by building climate emergency

requirements into our existing contracts and holding service providers to account. In response to the CE declaration, we will overhaul our current contract management framework to ensure that all future contracts require contractors to deliver on their end of climate emergency requirements as well.

A Climate Emergency statement will be developed and issued to commissioners to encourage their environmental challenge to contracts. All tender documents will also have to include a Wirral Council Environmental Impact Statement and contractors will need to demonstrate their commitment to sustainability. We will investigate ways to measure and regulate the legitimacy of contractors and suppliers' environmental activity against their commitments to hold them to account.

New council environmental policies such as the ban on single use plastics, the tree strategy, and pollinator policy will all be built into the contract management system. An Environmental Impact Strategy workshop will be offered to commissioners to support this work.

Carbon Capture

In addition to reducing our greenhouse gas emissions directly, the Council recognises that getting to net-zero emissions by 2030 may also require some offsetting. Our new Tree, Woodland and Hedgerow Strategy for 2020-2030 will play a major role here by committing to plant 210,000 trees over the next decade, equating to an ambitious doubling in Wirral's tree canopy cover by the time they are fully grown. To achieve this, we will establish an action plan for the tree planting programme and work with local interest groups under the umbrella of the Tree Strategy Overview and Advisory Action Group.

A suite of new environmental policies will support with carbon capture efforts. The council's new pollinator policy will help to protect key pollinators like bees, as will our revised grass verge maintenance approach. Investments in new blue and green infrastructure projects will also support the climate emergency by capturing carbon and making Wirral more resilient to Climate Change. Urban greening features such as green corridors and the potential greening of brownfield sites will all work to sequester carbon and improve the overall environmental quality of Wirral.

Ways of Operating

The way we do things can have a big impact on the environment and behaviour change can be one of the biggest things to alter. However, nothing has shown us that rapid behaviour change is possible better than our response to COVID-19. Although the Council had already introduced Microsoft Teams and was pushing for more virtual meetings to reduce internal business travel, the number of Teams meetings understandably skyrocketed by 276% between March and April as we shifted to homeworking. We will build on this momentum and embed online meetings into the 'new normal' in our Recovery Plan and by establishing WorkSmart champions.

The council will also work to reduce paper usage, creating a cross-departmental Paperless Team to spearhead the reduction of paper use throughout the organisation and actively contact top users each month with support on how to reduce paper requirements. As with Microsoft Teams, the shift to working from home due the COVID-19 has resulted in a 41% reduction in pages printed in April in 2020 compared to April 2019, and we will work to maintain this positive change.

Informed Decisions

Before the actions we take, the decisions we make themselves have a huge impact on how well we can integrate the CE into our day-to-day service delivery and work. At a higher level, we will make sure that the environment and climate emergency implications are considered for all council reports and decisions.

Climate emergency considerations must be embedded into the Council's reports and the way we work. To achieve this, sustainability appraisals will be introduced for all significant plans and strategies. Committee report templates will also be required to refer to environmental impacts moving forward as part of our whole-Council approach to combatting climate change. Annual carbon budget reporting will be re-introduced to inform council decisions and the Green Spec for council buildings will be updated to reflect the climate emergency. Lastly, we will extend our influence by introducing environment and climate emergency obligations for council supported partnerships and arm-length bodies.

Resilience and Adaptation

Climate change projections suggest that we can expect hotter summers, wetter winters, and an increase in the frequency and severity of extreme weather events such as storms, floods, and heatwaves (IPCC, 2018). As a coastal borough highly vulnerable to sea level rise and flooding, it is crucial that we develop a resilience and adaptation strategy to plan for the future. To do this, we will further develop our coastal protection and flood management systems.

We will produce a flood awareness campaign to improve understanding of flood risks, and revise Wirral's Local Flood Risk Management Strategy in line with the national strategy. The council will also deliver natural flood management projects such as the work getting underway in Coronation Gardens in Greasby as part of Wirral's Resilient Parks plan. Ongoing research and investment into necessary sea defences along Wirral's coast will also be carried out to make sure Wirral is climate crisis ready.

Community Engagement

We need a whole-society approach if we are to effectively tackle climate change effectively from an individual to local and even national level because we can't do it alone. That means it's really important that we have the people of Wirral on Action Group, and its why we helped to convene the Cool Wirral Partnership to have an area-wide approach. In support of the partnership, we will organise meetings at least four times a year, provide secretarial support, ensure political and officer representation, and support the wider engagement and communications activities of Cool Wirral.

We will work with partners to develop a Cool Wirral Communications programme, share stories of council, partner, and wider climate action to raise awareness of progress towards local climate objectives, and support community engagement via dedicated social media channels like @CoolWirral on Twitter. We will also encourage the development of locally determined contributions in support of the Cool 2 strategy, promoting the Cool Communities, Cool Places of Worship, Cool Businesses, Cool Schools, and Cool Homes programmes.

Health and Wellbeing

The links between health and the environment are clear, with most CE initiatives such as active travel, reducing pollution, and tree planting having co-benefits for individual health and air quality. As a council, our public health team will work closely with the climate emergency team and

communications team to develop decisions and actions which improve the health and wellbeing of our residents.

We will raise awareness of the negative impacts that climate change is likely to have close to home in terms of the health of Wirral residents. We will also promote activities residents can actively take up themselves for their own health and the environment such as switching to more active travel types like walking and cycling and changing to a less meat-intensive diet and eating more fruit and vegetables.

As a council our Wirral Air Quality Group will continue to monitor air quality and identify ways to lessen air pollution. We also acknowledge that the impacts and indeed responses to climate change will be played out across Wirral's socio-economically uneven playing field, and so we will work to reduce Wirral's health inequalities and ensure that CE initiatives are for the benefit of all, but particularly the more vulnerable in our communities.

Future Generations

Protecting the environment was voted as the most important issue to young people in the Youth Parliament's 2019 Make Your Mark Survey, showing that young people really care about combatting climate change. This is something which we as a council we must capitalise on by demonstrating what we are doing, and further raising awareness among young people of the causes and impacts of climate change and what they can do about it.

Wirral is already involved in the global Eco Schools programme, so we will mobilise this resource and revise the curriculum to further reflect the climate emergency. We will also develop staff training workshops for teachers and promote Wirral's Cool Schools Programme to encourage all schools to participate, not just our Eco Schools.

We will promote greener practices in Wirral's secondary schools and colleges by encouraging them to hold 'Swap It Up' clothes swapping events. We will also develop a Green Learning Pathways Programme so that young people can develop the skills and gain the qualifications needed to fill knowledge gaps in the local green economy in the future.

Equality Impact Assessment

When implementing the action plan, it will be important to ensure climate emergency actions reach all areas of the borough and socio-economic groups to reduce existing inequalities. Lower income groups are likely to be less resilient to the impacts of climate change due to their limited resources to respond. At the same time, some of the more affluent areas of Wirral are exposed to significant flood risk such as Hoylake, West Kirby and New Brighton. For this reason, a resilience and adaptation plan has been developed to counter against flooding and coastal risk. Like the Wirral-wide COOL2 Climate Strategy which the CEAP contributes to, the action plan must promote a "just transition" to net-zero carbon emissions, ensuring the benefits and burdens are shared equally and do not have any adverse effects on the vulnerable (Cool Wirral Partnership, 2019).

CALL TO ACTION:

This Environment and Climate Emergency Action Plan is our cross-directorate corporate commitment to tackling climate change. It lays out our ambitious ten-year pathway to achieving carbon neutrality and adapting to the impacts of climate change. We need every individual and team across the council to get invested, get involved, and play their part in its delivery. Together, we

can lead the way in making Wirral a greener and more climate resilient place to live, and empower our residents to do the same

Reference List

1. Association for Public Service Excellence (APSE) (2019a) *Local Authority Climate Emergency Declarations: Strategic and Practical Considerations for Climate Emergency Declarations, Targets and Action Plans*. Manchester: Association for Public Service Excellence (APSE). Available from: <https://www.apse.org.uk/apse/index.cfm/local-authority-energy-collaboration/apse-energy-publications1/local-authority-climate-emergency-declarations/#>
2. Association for Public Service Excellence (APSE) (2019b) *APSE Energy's 12 Points to Stimulate Thought on Taking the Climate Emergency Agenda Forward Locally*. Available from: <https://www.apse.org.uk/apse/index.cfm/local-authority-energy-collaboration/apse-energy-views/2019/apse-energye28099s-12-points-to-stimulate-thought-on-taking-the-climate-emergency-agenda-forward-locally/>
3. Local Government Association (LGA) (2016) *The Potential for Energy Efficiency and Renewable Energy: A Guide for Councillors and Officers*. Available at: <https://www.local.gov.uk/sites/default/files/documents/potential-energy-efficien-10a.pdf>
4. Local Government Association (LGA) (2017) *A Councillor's Workbook on Acting on Climate Change*. Available at: https://www.local.gov.uk/sites/default/files/documents/11.78%20A%20Councillor%27s%20workbook%20on%20acting%20on%20climate%20change_3.pdf
5. Emma Jones (2019) *Top Climate Actions for Councils*. Available at: <https://www.ashden.org/news/top-climate-actions-for-councils>
6. Ashden & Friends of the Earth (2019) 31 Climate Actions that Councils Can Take and Their Cobenefits [sic] (Downloadable Excel File). Available at: <https://www.ashden.org/downloads/files/31-actions-for-councils-v1-31Oct2019-Online.xlsx>
7. Friends of the Earth (2019a) *33 Actions Local Councils Can Take on Climate Change*. Available at: <https://policy.friendsoftheearth.uk/insight/33-actions-local-authorities-can-take-climate-change>
8. Friends of the Earth (2019b) *Climate Action Plan for Councils: 50-Point Plan to Tackle the Climate and Nature Emergency*. Available at: <https://takeclimateaction.uk/sites/files/climate/documents/2020-06/Climate%20Action%20Plan%20for%20councils%20June%202020.pdf>
9. Friends of the Earth (2019c) *20 Actions Parish and Town Councils Can Take on the Climate and Nature Emergency*. Available at: <https://policy.friendsoftheearth.uk/reports/20-actions-parish-and-town-councils-can-take-climate-and-nature-emergency>
10. Friends of the Earth (2019d) *Policy Changes Needed to Enable Local Authorities in England to Deliver on Climate Change*. Available at: <https://policy.friendsoftheearth.uk/insight/policy-changes-needed-enable-local-authorities-england-deliver-climate-change>
11. Friends of the Earth (2019e) *Friends of the Earth's Climate Action Plan*. Available at: <https://policy.friendsoftheearth.uk/climate-action-plan>
12. Developing Your Local Climate Emergency Action Plan' & 'Developing a Zero Carbon Model for Your Area' in Centre for Alternative Technology (2019) *Zero Carbon Britain: Rising to the Climate Emergency*, pp. 145-150. Available at: <https://www.cat.org.uk/info-resources/zero-carbon-britain/research-reports/zero-carbon-britain-rising-to-the-climate-emergency/>
13. Centre for Alternative Technology (2017) *Zero Carbon Britain: Rising to the Climate Emergency*. Available at: <https://www.cat.org.uk/info-resources/zero-carbon-britain/research-reports/zero-carbon-britain-making-it-happen/>

14. Greater Manchester Combined Authority (2019) *5-Year Environment Plan for Greater Manchester: 2019-2024*. Manchester: Greater Manchester Combined Authority. Available at: <https://www.greatermanchester-ca.gov.uk/what-we-do/environment/>
15. Bristol City Council (2019) *Mayor's Climate Emergency Action Plan*. Available at: <https://www.bristol.gov.uk/documents/20182/33379/Mayor%27s+Climate+Emergency+Action+Plan+2019+FINAL>
16. Lambeth Council (2019) *Corporate Carbon Reduction Plan: Becoming a Carbon Neutral Council by 2030*. Available at: <https://modern.gov.lambeth.gov.uk/documents/s107089/Appendix%20A%20LBL%20carbon%20reduction%20plan.pdf>
17. Cornwall Council (2019) *Climate Change Plan: Creating the Conditions for Change through*
18. *Direct Action and a New Form of Place-Based Leadership for Cornwall to Become Net Carbon Neutral*. Available at: <https://www.cornwall.gov.uk/media/40176082/climate-change-action-plan.pdf>
19. Cool Wirral Partnership (2019) *Cool2: A Strategy for Wirral in the Face of the Climate Emergency*. Available at: <https://www.wirral.gov.uk/sites/default/files/all/About%20the%20council/climate%20change/Cool2-Strategy-2020.pdf>
20. United Nations (2015) *Transforming Our World: The 2030 Agenda for Sustainable Development*. Available at: United Nations. (2015) Transforming our world: the 2030 Agenda for Sustainable Development. Available at: <https://www.sustainabledevelopment.un.org>
21. Local Government Association (LGA) (2020) *UN Sustainable Development Goals: A Guide for Councils*. Available at: <https://www.local.gov.uk/un-sustainable-development-goals-guide-councils>
22. National Oceanic and Atmospheric Administration (2020). *Global Climate Report – Annual 2019*. Available at: <https://www.ncdc.noaa.gov/sotc/global/201913>
23. Youth Parliament (2019) *Make Your Mark 2019 Results Report*. Available at: <https://2u6szgq3e9x2hmfuy16guf8q-wpengine.netdna-ssl.com/wp-content/uploads/2020/05/2019-v2-Make-Your-Mark-Report-2019-with-Infographics.pdf>

This page is intentionally left blank



ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE

Thursday, 22 October 2020

REPORT TITLE:	PARKING POLICY REPORT ON PARKING ENFORCEMENT
REPORT OF:	NICOLA BUTTERWORTH, DIRECTOR OF NEIGHBOURHOOD SERVICES

REPORT SUMMARY

At the meeting of Council on 14 October 2019 a motion was proposed prioritising safety around schools to help encourage children to walk or cycle to school [Minute 80 refers]. Council considered that enhanced priority to safety around schools should be included within the existing Parking and Enforcement Policy and requested that the Cabinet Member for Community Services reviews the Policy and adopts the suggested amendments to prioritise illegal parking enforcement around schools.

This report reviews and updates the Council’s Parking Enforcement Policy that was last reported to Cabinet on 15 March 2012 [Minute 344 refers]. Parking enforcement within Wirral is undertaken through the provisions of Part 6 of the Traffic Management Act 2004 (TMA 2004), enacted in March 2008 and which requires local highway authorities to produce and publish its policies and strategies on parking and enforcement.

The decision supports Objective 2 of the Wirral local plan 2020 – 2035 to ‘Promote safe, efficient and sustainable travel, improve accessibility, connectivity, and ease of movement, which reduces the need to travel by private car and encourages healthy lifestyles. Direct new development to locations which will provide easiest access to existing centres, high-frequency public transport corridors, pedestrian, and cycle routes’

This matter affects all Wards within the Borough.

This decision is a key decision.

RECOMMENDATIONS

The Environment, Climate Emergency and Transport Committee is recommended to

1. approve the revised parking enforcement policy included at Appendix A to this report.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

- 1.1 The recommendations support the notice of motion as approved at the meeting of Council on 14 October 2019. The Council is also required to produce and publish its policies and strategies on parking and enforcement to comply with the statutory guidance relating to Part 6 of the TMA 2004, and to carry out regular reviews of those policies and strategies.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Options were explored to best meet the notice of motion that enhanced priority to safety around schools should be included within the policy. Not changing the existing policy or changing it in another way were considered, however, the options presented in the proposed policy are considered to be the most appropriate in supporting the notice of motion.

3.0 BACKGROUND INFORMATION

- 3.1 At the meeting of Council on 14 October 2019 a motion was proposed prioritising safety around schools to help encourage children to walk or cycle to school [Minute 80 refers]. The three suggested amendments to prioritise illegal parking enforcement around schools have been adopted and sections 1.1, 1.3 and 1.4 in Appendix A of this report have been revised accordingly.
- 3.2 On the 21st October 2003 the Secretary of State for Transport, Local Government and the Regions, in exercise of powers conferred by Schedule 3 to the Road Traffic Act 1991 (RTA 1991), gave Wirral Council powers of decriminalised parking enforcement through the following Order:-
- The Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Wirral) Order 2003.*** The Order came into force on 17th November 2003.
- 3.3 As a consequence, on 17th November 2003, the responsibility for enforcing on-street parking restrictions transferred from Merseyside Police to Wirral Borough Council.
- 3.4 More recent legislation, which came into effect on 31st March 2008, has superseded the RTA 1991 and Civil Parking Enforcement (CPE), as it is now called, is now undertaken in accordance with Part 6 of the TMA 2004.
- 3.5 Wirral Council has adopted an Enforcement Concordat, which sets out general standards and principles that should be applied when undertaking any type of enforcement activity including parking. The principle of the concordat is that when enforcement or regulation is necessary it is undertaken in a firm but fair manner that is transparent, consistent, and proportionate. The concordat was originally adopted by the Council on 5th April 2001 [Minute 150 refers].
- 3.6 Part 6 of the TMA 2004 provides for a single framework in England for the civil enforcement of parking, bus lanes and some moving traffic offences. The aim of

CPE is to provide for a reasonable, transparent, and proportionate system of parking enforcement that is applied consistently across the country. The objective is to increase public confidence by providing a system that can be seen to be balanced and fair to the motorists whilst satisfying the Council's transport and parking duties and its policy aspirations.

- 3.7 The policy contained in Appendices A to E sets out a framework for parking enforcement within Wirral based upon the above legislation and principles. The document will be reviewed on a regular basis and updated when necessary; for example, to accommodate changes in legislation, corporate and departmental objectives, best practice, and local parking needs.
- 3.8 This policy is intended to ensure the Council delivers its parking enforcement service in a timely, fair and consistent manner in relation to all aspects from the issuing of penalty charge notices to dealing with any subsequent challenges or appeals.
- 3.9 The delivery of the parking enforcement service contributes towards the delivery of many of the broader aims and themes comprised within the Wirral Traffic Network Plan, Wirral Plan 2025 and Climate Change Strategy including; having a safe highway network through reducing dangerous and inconsiderate parking, reducing Wirral's carbon footprint by assisting in maintaining a free flow of traffic and reducing congestion, improving the quality of life of residents by reducing non-residential parking within residential areas, and ensuring compliance with on and off street parking controls to generate a turnover of parking space necessary for a prosperous local economy. Other benefits include maintaining access to facilities for persons with disabilities for example by ensuring that only valid blue badge holders park in designated spaces, ensuring that dropped crossing points are not obstructed and reducing the inconvenience and dangers posed by inconsiderate footway parking and parking across residential driveways.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The report reviews and updates existing policies. There are no financial implications arising out of this report. Any income raised through parking fines is spent on running parking services. Any surplus from fines or surplus from parking charges has historically been used to contribute to the council's overall highways and infrastructure service's net overall budget, which is £7.4million in 2020/21. This service delivers statutory functions

5.0 LEGAL IMPLICATIONS

- 5.1 The Council have powers to undertake Civil Parking Enforcement in accordance with Part 6 of the Traffic Management Act (TMA), 2004. It also has powers under sections 32 and 35 of the Road Traffic Regulation Act (RTRA), 1984 to charge parking fees. The Council is also required to produce and publish its policies and strategies on parking and enforcement to comply with the statutory guidance relating to Part 6 of the TMA 2004, and to carry out regular reviews of those policies and strategies.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 The existing and proposed policies will be implemented by existing staffing and suppliers as part of their normal duties. There are no resource implications.

7.0 RELEVANT RISKS

7.1 Failure to review regularly and publish policies on parking enforcement would be contrary to the statutory guidance issued by the Secretary of State.

7.2 In order to ensure that the service continues to deliver Council aims and objectives a regular review of the policy is required. It is also a means of demonstrating accountability and transparency in how the service is delivered.

8.0 ENGAGEMENT/CONSULTATION

8.1 Relevant Cabinet Members and senior Council officers were consulted on the application of the intention of the notice of motion into the policy. During the application of the policy, ongoing engagement will be carried out with the Blue Badge issuing Department and Wirral Information Resource for Equality and Diversity (WIRED) to ensure there are no implications as a result of the policy changes.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a policy, decision or activity.

9.2 This parking policy on parking enforcement has been subject to an Equality Impact Assessment. A copy can be found at: -

<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The link between poor air quality, the climate emergency and emissions from vehicles is well documented and evidenced. Effective control and management of car parking can have a positive impact in reducing the effects of transport on the environment. Encouraging modal shift away from the private motor car towards cleaner, more sustainable modes of transport will have a positive environmental/climate change impact.

The content and/or recommendations contained within this report are expected to:

- Reduce emissions of greenhouse gases.

REPORT AUTHOR: **Steve Atkins**
(Steve Atkins, Senior Network Operations Manager)
telephone: 0151 606 2270
email: steveatkins@wirral.gov.uk

APPENDICES

APPENDIX A – Parking Enforcement Policy

APPENDIX B - Contravention Codes, Observation Periods and Penalty Charge Amounts

APPENDIX C - Conventionally Served PCN - Flowchart

APPENDIX D - Postal Served PCN – Flowchart

APPENDIX E - Schedule of circumstances

BACKGROUND PAPERS

Statistical information contained within this report has been obtained from the Debt Management system used by the Council to manage and administer parking enforcement cases. Further information can be obtained by contacting the Network Operations Parking Services Team.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council	14 October 2019.

This page is intentionally left blank

APPENDIX A - PARKING ENFORCEMENT POLICY

1.0 PARKING ENFORCEMENT POLICY

1.1 Parking Enforcement is undertaken to assist in:

- Delivery of an efficient and accessible transport system for all,
- Management of parking, traffic levels and tackling congestion and causes of disruption on the highway network through effective parking controls to make Wirral a safer place to live, work in and enjoy.
- Supporting and improving the effectiveness of measures introduced to prevent or reduce accidents.
- Improving public transport accessibility and reliability,
- Meeting the needs of disabled people by improving access to and availability of dedicated parking space.
- Reducing unnecessary parking and traffic in residential and other environmentally sensitive areas.
- The economic sustainability of shops and businesses by encouraging a turnover of use of parking space, and hence maximising the available use of existing parking space.
- Ensuring that designated areas are kept clear for specific road users, i.e. loading, blue badge holders, goods vehicles, taxis etc.
- Ensuring that access for emergency vehicles, delivery and service vehicles is maintained.
- Allowing pedestrians and cyclists on route to work, school, or leisure safe travel unimpeded by illegally parked vehicles.

1.2 The policies and procedures in this document will be regularly reviewed to ensure:

- a) Changes in legislation, statutory and non-guidance, national and local policy are properly considered.
- b) That the service continues to support corporate and departmental aims and objectives.
- c) That the service continues to support and meets the needs of Wirral businesses, residents, and partner agencies.

1.3 It is not practical or feasible to enforce all types and areas of restrictions in all parts of the Borough, all of the time. Therefore, an outline enforcement regime as indicated below was adopted by the Council in 2012 and remains supportive to the service aims and objectives outlined above:

- Waiting, parking, and loading restrictions on principal or primary routes, will be enforced daily.
- Waiting, parking, and loading restrictions within the Birkenhead Controlled Parking Zone, will be enforced daily.
- Waiting, parking, and loading restrictions centred around outer Birkenhead, Liscard, Heswall and West Kirby shopping centres, will be enforced on a regular basis, no less than 3 times per week.

- Waiting, parking, and loading restrictions centred around the secondary shopping centres including Bromborough, Bebington, Upton, Hoylake, etc will be enforced on a regular basis, no less than once per week.
- Waiting, parking, and loading restrictions in and adjacent to public service and amenity facilities, industrial and business areas, will be enforced on a regular basis, and subject to demand.
- Residents parking zones in Liscard and Birkenhead, will be enforced daily
- Residents parking zones in other areas will be enforced on a regular basis, no less than once per week.
- Residents parking zones in Tranmere will be enforced on all match days
- School Keep Clear markings, yellow lines and dropped kerbs around schools throughout the Borough will be enforced daily during term time.
- Waiting, parking, and loading restrictions within other environmentally sensitive areas, will be enforced subject to demand.
- Waiting, parking, and loading restrictions in areas of seasonal demand will be enforced subject to demand.
- Waiting, parking, and loading restrictions in areas not covered in any of the above, will be enforced in response to identified problems and requests
- Temporary or permanent restrictions for special events will be enforced, as necessary.

1.4 To ensure an efficient and effective operation the exact location, frequency and times of patrols are left to the relevant Service Director and his appointed contractor to determine. Except that safety around schools shall be given daily priority during term time and at morning and afternoon peaks. These frequencies and times will be reviewed regularly.

2.0 THE FOLLOWING SECTIONS SET OUT THE GENERAL PRINCIPLES AND PROCESSES THROUGH WHICH PARKING ENFORCEMENT IS UNDERTAKEN IN WIRRAL.

2.1 Civil Enforcement Officers:

2.2 Civil Enforcement Officers (CEO's) are the public face of parking enforcement. Within Wirral this part of the service is contracted out to an external parking enforcement service provider under a term contract. The contract is for 5 years commencing on 1st October 2018 and includes a 5-year extension subject to satisfactory performance. The current contract is with NSL Services Limited. CEO's are deployed to enforce parking restrictions both on-street and off-street within Council car parks. When undertaking enforcement, they must wear a uniform identifying them as CEO's.

2.3 The hours and days of operation and patrols are determined through the contract but may be varied to address local parking issues and demands. Regular reviews and meeting take place to ensure that the service continues to meet these demands.

2.4 In addition to planned patrols and beats the Council will endeavour to respond to individual requests for enforcement in response to issues highlighted by

partner agencies, MPs, Councillors, and members of the public. Priority will be given to requests received from the Police to address particular traffic management or road safety issues.

3.0 **Use of Discretion by CEO's:**

3.1 A CEO should only issue a PCN when there is sufficient evidence to show that a parking contravention has occurred. To prevent CEO's being left open to claims of inconsistency, favouritism, or bribery, it is not normally appropriate for them to be able to exercise discretion. The only exception to this is on occasion where a driver returns to the vehicle before the CEO has recorded details of the contravention. In this situation, advice or a warning may be more appropriate.

4.0 **Observation Period:**

4.1 The observation period begins when the vehicle's details are entered onto the hand-held computer by the civil enforcement officer. The Penalty Charge Notice cannot be issued until the observation period has elapsed.

4.2 The first observed time is printed on the face of the PCN and recorded in the HHC.

4.3 Observation periods range in time, dependent upon each specific contravention, from 'nil' or instant issue ticket for loading bans or parking on school or pedestrian crossing zigzag markings to 10 minutes for exceeding the allowed time in a limited waiting bay. There is a three-minute period for most yellow line contraventions.

4.4 **Appendix B** attached to his report shows the observation periods for each of the contravention types enforced in Wirral.

5.0 **Penalty Charge Notice Amounts:**

5.1 Since March 2008 two levels of penalty charge amounts have applied in addition to the early payment discounts. PCN's are now issued with a higher or lower penalty amount depending upon the type of contravention, as determined by the legalisation. A full list of parking contraventions together with the appropriate current penalty charge amount is shown in **Appendix B** to this report.

5.2 For both higher and lower rate penalties a discount of 50% still applies if the penalty is paid within 14 days of issue, or 21 days for postal PCN's.

6.0 **Penalty Charge Notice (PCN) Content:**

6.1 Legislation requires that PCN's must contain certain minimum information, this includes;

- The date on which the notice is served.
- The name of the enforcement authority.

- The registration mark of the vehicle involved in the alleged contravention.
- The date and time of the alleged contravention.
- The grounds upon which the CEO serving the notice believes that the penalty charge is payable.
- The amount of the penalty charge.

The notice must also include information relating to the payment period and discount payment rate and period, the methods of payment available and information relating to the service of a Notice to Owner, appeals, challenges and the adjudication service

6.2 The CEO records this and all other relevant details onto the HHC including tax disc number and tyre valve positions if appropriate. The CEO will also record photographs of the contravention typically including images of the vehicle registration number, the parking contravention and the PCN attached to the vehicle.

6.3 Service of a Penalty Charge Notice by post:

6.4 Although in most circumstances PCN's are served on a vehicle or to the driver there are three circumstances in which a PCN may be served by post:

i) Where the contravention has been detected on the basis of evidence from an approved device (i.e. a camera);

ii) If the CEO has been prevented by threat or violence from serving the PCN conventionally to the vehicle or to the person who appears to be in charge of that vehicle;

iii) If the CEO had started to issue the PCN but did not have enough time to serve it before the vehicle was driven away and would otherwise have to write off or cancel the PCN.

6.5 In any of these circumstances a PCN may be served by post on the owner following a DVLA enquiry. The Postal PCN also acts as the Notice to Owner (NtO). Postal PCN's must be sent within 28 days of the contravention occurring, and in accordance with good practice the Council aim to send Postal PCN's within 14 days.

7.0 **Enforcement by Approved Devices (Cameras)**

7.1 The TMA 2004 gives authorities the powers to issue PCN's for contraventions detected with a camera and associated recording equipment. Prior to using such equipment, the Council must apply to the Secretary of State for the device and its associated processes and systems to be certified. The mobile CCTV car used within Wirral has been through this process and certified as an approved device for parking enforcement.

7.2 The discount payment period for a PCN issued on the basis of evidence from an approved device is increased from 14 to 21 days. This is because the postal

PCN also serves as the NtO and hence motorists only have one opportunity to make a formal representation, as the informal challenge stage only occurs when a PCN is placed on a vehicle.

7.3 The Council's mobile CCTV vehicle is deployed to places where enforcement is difficult or sensitive such as outside school entrances or locations with a high turnover of persistent, but generally short term parking, which creates traffic problems but is difficult to enforce by conventional means.

8.0 Prevention of Service of the PCN

8.1 The TMA 2004 gives authorities the power to serve a PCN by post if the CEO is prevented from issuing the PCN conventionally to either the vehicle or the driver.

9.0 Prevention of Service by threat or violence.

9.1 A PCN may be served by post if the CEO attempts to serve it but is prevented from doing so by some person. This includes situations where the person who appears to be in charge of the vehicle is abusive or prevents service indirectly through intimidation or directly through threats or actual physical force.

9.2 In such circumstances, the PCN printed by the CEO will be cancelled and a Postal PCN, containing further information, will be served following a DVLA enquiry to obtain keeper details. This will only be done after checks to ensure there is sufficient primary and supporting evidence to deal with any subsequent representations or appeals. In these circumstances a 14-day discount payment period will apply.

10.0 Prevention of service by "drive away"

10.1 A PCN may also be served by post if the CEO had begun to issue it, but the vehicle was driven away before the CEO had finished issuing the PCN or been able to serve it. 'Begun to issue' is defined as having completed all observations and entered sufficient data such that the PCN would otherwise have to be cancelled.

10.2 In such circumstances, the PCN printed by the CEO will be cancelled and a Postal PCN, containing further information, will be served following a DVLA enquiry to obtain keeper details. This will only be done after checks to ensure there is sufficient primary and supporting evidence to deal with any subsequent representations or appeals. It is recommended that the CEO records the excise license number of the vehicle and if possible, informs the motorist of the contravention before they drive away. The Council shall keep a record of which CEO's ask for a Regulation 10 PCN to be issued and will consider whether there is anything in the manner in which the officer is working that has contributed to this. In these circumstances a 14-day discount payment period will apply.

10.3 A PCN may not be served by post if the motorist returns to the vehicle before the CEO has started to issue the PCN. Jotting down details is not classed as starting to issue the PCN.

11.0 Exemptions to contraventions:

11.1 There are a number of vehicle types and circumstances for which exemptions from waiting restrictions may apply, depending upon the provisions contained within the relevant Traffic Regulation Order (TRO), typically these are:

- Vehicles used for Police, Fire Brigade and Ambulance purposes.
- Vehicles carrying out statutory authorised powers and duties if they cannot be used for such purposes in any other road.
- Vehicles involved in contracted highway maintenance, improvement, or reconstruction where there is a need for them to be parked adjacent to the work site.
- Vehicles involved in building, industrial or demolition operations.
- Post Office and other vehicles engaged in the delivery of postal packets and bearing a livery used by a universal service provider within the meaning ascribed by the Postal Services Act 2000. This does not include private vehicles used by postmen/women whilst carrying out letter deliveries.
- Electricity Board, Gas Board, Water Authority, British Telecom, or other telecommunications (and/or their appointed contractors), whilst actively laying, altering, or undertaking repairs to pipes, cables, or other apparatus.
- Vehicles used in the connection of the loading or unloading of goods.
- Vehicles displaying a valid disabled person's badge (blue badge) and a parking disc on which the driver or the person in charge of the vehicle at the time it was parked has marked the time at which the period of waiting began, and where permitted by the prevailing parking restrictions.
- Vehicles used as an official vehicle for the purpose of a wedding or funeral at a church or place of worship.
- Vehicles used in connection with the posting, or removal, of any advertising material in poster form, or is being used for cleaning windows or chimneys in, or on, premises adjacent to that parking space.
- Any vehicle (typically bullion vehicles or specially adapted Security vans) involved in the delivery or collection of cash and other high value goods at a bank or other premises.

11.2 PCN's will not normally be issued to vehicles falling within the above categories, however, if a PCN is issued it will only be cancelled on appeal if sufficient evidence is provided to prove that an exemption applies.

12.0 PENALTY CHARGE NOTICE APPEAL PROCESS AND FLOWCHART

12.1 Councils must review and publish their policies on how they deal with appeals, challenges, and representations against PCN's. The following details outline

the main stages of penalty notice processing from initial issue through to debt recovery.

- 12.2 The flow chart included in **Appendix C** shows the various stages of progression and appeal for conventionally served PCN's and in **Appendix D** for postal PCN's.
- 12.3 **PCN stage** – Following the issue of a PCN, the notice can either be: paid, challenged, or cancelled. If payment is made then a discount of 50% is applied if paid within 14 days (21 days if the PCN was served by post), beginning with the date on which the PCN was served.
- 12.4 **Informal Challenge stage** - an informal challenge is an appeal made in the period of 28 days between the issue of a PCN and the issue of an NtO.
- 12.5 **Notice to Owner (NtO) stage** - If a PCN is not paid within a period of 28 days, beginning with the date on which the PCN was served, or it is not successfully challenged within that period, the Council may serve a NtO on the owner of the vehicle, requiring payment of the PCN.
- 12.6 **Formal Representation stage** - Following the issue of an NtO the vehicle owner may make formal representation to the Council within a period of 28 days.
- 12.7 **Appeal stage** – If a formal representation is rejected, a vehicle owner may further appeal through the Traffic Penalty Tribunal Service (TPT) to have the appeal heard by an independent parking adjudicator.
- 12.8 **Charge Certificate stage** - Charge Certificates are issued in circumstances where no payment has been received to either PCN or the subsequent NtO, or where an appeal has been rejected and no payment received before the end of the period of 28 days, beginning with the date of the notice of rejection. A charge certificate increases the standard PCN charge by 50%.
- 12.9 **Debt Registration stage** - If a Charge Certificate is not paid within 14 days the authority may apply to the Traffic Enforcement Centre at Northampton County Court to register the debt as a debt recoverable by Bailiffs. Within Wirral an additional stage, the pre-debt registration letter, has been introduced to give motorists a further opportunity to make payment. The process of registering a debt attracts a small charge, levied by the Court, which is subsequently added to the overall total debt. Once a debt is registered the debtor is sent an Order for Recovery and Witness Statement allowing a further 21-day period to either pay the debt or file a Witness Statement.

A witness statement may be filed on one of four grounds.

1. The Notice to Owner was not received.
2. A formal representation was made to the local authority, but the rejection notice was not received.

3. An appeal was made to the Parking/Traffic Adjudicator, but no response has been received.
4. The penalty charge has been paid in full.

A witness statement can be rejected by the court and the Council has the right to challenge the truthfulness of the ground on which the statement has been filed.

- 12.10 **Warrant Registration stage** – Following debt registration, failure to either pay the debt in full or complete a valid Witness Statement will result in the authority applying for a Warrant of Execution from Northampton County Court, Traffic Enforcement Centre. Once a Warrant of Execution has been obtained an instruction will be given to the Councils Bailiff Service provider for certificated bailiffs to collect the outstanding debt.

13.0 Challenges, Representations and Appeals

- 13.1 This section contains information on the process and decision making when considering appeals. This is framework for guidance; however, each case will be considered on its own merits.

- 13.2 The Council has discretion to cancel a PCN at any point in the process even if it is established that a contravention did occur. Where a decision has been made not to cancel a penalty; a written explanation will always be provided together with information on how to challenge the penalty further, if such a stage is available.

- 13.3 When a PCN is issued it contains advice on how the motorist may appeal if they wish to do so. In the first instance, this is termed an informal challenge.

- 13.4 It is important to note that given the quasi-judicial role of the statutory appeals process, elected members and unauthorised officers should not play a part in deciding the outcome of individual challenges or representations.

13.5 Challenge (informal):

- 13.6 An informal written challenge may be made to a PCN at any time prior to the issue of an NtO. The challenge should state the grounds on which it is being made together with any mitigating circumstances and supporting evidence. The Council will give full and proper consideration to such representations in accordance with the following paragraphs and respond in a timely manner. If a challenge is received within 14 days of the PCN being served, and if the Council subsequently reject the challenge, a further 14 days discount period will normally be allowed. If a challenge is rejected the Council will provide reasons as to why.

- 13.7 Making an informal challenge does not affect the right of the vehicle keeper to make a subsequent formal representation against the issue of a PCN.

13.8 Representations (formal challenge):

13.9 A formal challenge or representation can only be made after the NtO has been sent to the registered keeper. There are a number of statutory and non-statutory grounds on which a representation can be made. These are also the same grounds on which a Parking Adjudicator may consider an appeal against the Council's rejection of these initial representations.

13.10 The statutory grounds for representation against a PCN are as follows;

(a) that the recipient —

- (i) was never the owner of the vehicle in question;
- (ii) had ceased to be its owner before the date on which the alleged contravention occurred; or
- (iii) became its owner after that date;

(b) that the alleged contravention did not occur;

(c) that the vehicle had been permitted to remain at rest in the parking place by a person who was in control of the vehicle without the consent of the owner;

(d) that the relevant designation order is invalid;

(e) that the recipient is a vehicle-hire firm and —

- (i) the vehicle in question was at the material time hired from that firm under a vehicle hiring agreement; and
- (ii) the person hiring it had signed a statement of liability acknowledging his liability in respect of any PCN fixed to the vehicle during the currency of the hiring agreement.

(f) that the penalty charge exceeded the amount applicable in the circumstances of the case.

(g) that there has been a procedural impropriety on behalf of the authority.

(h) In the case where a PCN was served by post on the basis that a CEO was prevented by someone from fixing it to the vehicle concerned or handing it to the owner or person in charge of the vehicle that the CEO had not been so prevented; or

(i) The NtO should not have been served because the PCN had already been paid.

13.11 In addition to the statutory grounds for appeal the Council is also obliged to consider any non-statutory or mitigating circumstances. The owner/keeper is required to give full details and supporting evidence of any such circumstances.

- 13.12 If a representation is rejected the Council will issue a formal Notice of Rejection (NoR), this will also detail the reasons for the decision. The Council will also state the amount outstanding and allow a further period of 28 days in which to pay. Guidance and an application form detailing how to further appeal to the Traffic Penalty Tribunal are sent out with the NoR.
- 13.13 Further details on grounds for appeal are given in section 4.27 below. Representations made outside the period of 28 days beginning with the date on which the PCN is served, may be disregarded; however, the Council will make allowance in exceptional circumstances.
- 14.0 Appeals to the Traffic Penalty Tribunal**
- 14.1 The Traffic Penalty Tribunal (TPT) is the independent tribunal set up to consider appeals by motorists and vehicle owners whose vehicles have been issued with a PCN, and whose representations have been refused by the Council. It is free for motorists to use the TPT and cases are considered by Parking Adjudicators, who are specialist impartial lawyers appointed by the tribunal service.
- 14.2 When the TPT receives a Notice of Appeal they will notify the Council to submit its evidence to the adjudicator within a period of 21 days. The appellant can choose to have the appeal considered in a number of different manners.
- 14.3 **Postal Hearings** - The Adjudicator will consider the appeal based solely on the written evidence the appellant and the Council have supplied. A written decision will be sent to both parties, normally within a week of the case being decided.
- 14.4 **Personal Hearings**- An appellant may choose to attend in person and have their appeal heard in any of a number of locations listed on the Notice of Appeal form. Typically, Wirral hearings are held in Liverpool.
- 14.5 Although a formal process, personal hearings are undertaken in a relatively informal manner to put the appellant at ease. Those attending normally include the Adjudicator, the appellant, and the Council representative. The appellant will have the opportunity to put his case to the Adjudicator and to clarify or answer any questions put to them. Although those attending are not required to give their evidence under oath, all parties are reminded of their duty to tell the truth.
- 14.6 The Adjudicator will normally give their decision at the end of the hearing, which will be confirmed in writing to both the appellant and the Council. In all cases the adjudicator's decision is binding on both the appellant and the Council.
- 14.7 In exceptional circumstances, the adjudicator may refer a case back to the Council for reconsideration. These cases are directed to the Chief Executive and must not be dealt with by the team who considered the original representations. If the Council does not accept an adjudicator's recommendation it must notify the adjudicator and the appellant of the reasons for its decision before issuing a charge certificate.

14.8 If the Council accepts the recommendation of the adjudicator it must cancel the NtO and refund any sums already paid.

14.9 Although a Parking Adjudicator has powers to award costs against either party, this is unusual. Costs will only be awarded if in the opinion of the Parking Adjudicator either party has behaved in a frivolous, vexatious, or wholly unreasonable manner. Costs are normally limited to out of pocket expenses such as postage and stationary costs.

14.10 **Telephone Hearings**

14.11 Telephone hearings follow a similar process as personal hearing except that they take place by telephone using a conference call facility. They have the benefit that the appellant can make a personal representation without the need to travel to and from a hearing venue.

14.12 **Appeal grounds and decisions**

14.13 This following section covers the grounds for appeal and the framework for decision making when considering these. It provides advice on dealing with mitigating circumstances for a range of scenarios. It also recognises that each case is different and that sometimes situations are beyond the control of the motorist. The list cannot provide guidance on every possible scenario and is therefore not exhaustive.

14.14 It is the responsibility of the person making the representation to support their claim. The Council will not normally engage in evidence gathering on behalf of the person who is appealing.

15.0 **Statutory Grounds for Appeal:**

15.1 There are a number of statutory grounds on which a motorist can appeal. If proved the appeal should be allowed and the PCN cancelled. Such grounds include:

15.2 **Claims that the contravention did not occur:**

15.3 If proved this would mean that the PCN was issued incorrectly because no parking contravention took place. Examples could include:

a) The motorist was **loading or unloading** at a time when it is allowed but the CEO did not notice this.

Representations should be accepted if it can be shown that the goods being delivered were heavy, bulky, or so numerous that it would be impractical to legally park elsewhere. Loading should be taking place close to the premises concerned and be timely, i.e. not spread out over an unreasonably long period of time. However, where the Traffic Regulation Order specifically prohibits loading, such as taxi ranks and bus stop clearways or in car parks where a valid ticket has not been purchased, then the PCN is unlikely to be cancelled.

b) The motorist had a **permit or ticket**, but the CEO did not see it.

If a valid permit or P&D ticket is produced and the CEO confirms that a permit or ticket was in evidence but could not be clearly seen; for example, details obscured by wiper blade; then representations would normally be accepted. However, appellants should note that this reason will only be accepted if it is the first such representation on these grounds from that person. Repeat claims for subsequent PCN's for the same contravention are unlikely to be cancelled.

c) The motorist had a **disabled badge on display**, but the CEO did not see it.

As with P&D parking tickets, it is the motorist's duty to ensure that disabled badges are clearly displayed so that the expiry date and serial number are clearly visible. However, if a valid disabled persons badge is provided and it is a first occasion for that contravention then representations would normally be accepted even if the disabled badge was not correctly displayed at the time the PCN was issued. Repeat claims for subsequent PCN's for failing to display or correctly display a disabled persons badge are unlikely to be cancelled.

d) Claims the **signs / markings** were not in the correct position or had been damaged or were not visible.

If, following investigation, a significant or material error is found with the signs, lines, or the traffic regulation then representations would normally be accepted. In such cases action will also be taken to prevent further PCN's being issued in those circumstances and to rectify the error. Partially worn lines, utility gaps or minor departures such as missing end bars will be considered on a case by case basis but will not normally be accepted if the purpose and intent of the lines is obvious to a motorist acting in a reasonable manner.

e) The **date or registration number on the PCN is incorrect**.

If it can be shown that the date or registration number is incorrect the appeal will be allowed.

f) A **PCN was never served** on the vehicle.

Occasionally a PCN may be removed from a vehicle either by a third party or by adverse weather conditions. If the CEO has photographic evidence to show the PCN was originally served correctly and/or where evidence supports the claim that the PCN was removed, the motorist will normally be given a further opportunity to pay the PCN at the discounted rate. Similar repeat claims for subsequent PCN's are unlikely to result in the discount being re-offered.

g) Claims that the adjacent **pay and display machine was not working**.

Claims of this nature will be checked against service records for the relevant machine and any complaints or enquires received. If validated the appeal will be allowed, however, if there is another nearby ticket machine which could have been used then the representation may not be allowed.

h) The motorist was **carrying out building works nearby and had a valid dispensation.**

As with other tickets and disabled badges, proof of a valid dispensation that matches the details of the vehicle is likely to result in the representations being accepted for a first offence for this contravention. Repeat claims for subsequent PCN's for the same contravention are unlikely to be cancelled.

15.4 **Vehicle Ownership:**

a) The recipient has never been the owner of the vehicle in question

Representations will be accepted if the DVLA confirms that the motorist was not the registered keeper at the time of the contravention.

b) The recipient had ceased to be the owner before the date of the contravention

Representations will be accepted if the registered keeper is able to provide proof that the vehicle was sold or otherwise disposed of before the date of the contravention. Accepted documentation could include a bill of sale, registration or insurance documents or a letter from the DVLA. The registered keeper would be expected to provide details of the new owner, to whom a new NtO may be sent.

c) The recipient had become the owner after the date of the contravention

Similarly, representations are likely to be accepted if the current registered keeper can provide proof that the vehicle was purchased after the date of the contravention. Such documentation could include an invoice, registration or insurance documents or a letter from the DVLA. The new owner should be able to provide details of the previous owner to whom, a new NtO may be sent.

15.5 **Vehicle Taken Without Consent:**

Claims that the vehicle had been left by a person who was in control of the vehicle without the consent of the owner

Representations on these grounds should be accompanied with a valid police crime report reference number and will normally be accepted. It is the vehicle keeper's responsibility to control use of a vehicle and claims that an unknown family member or friend had left the vehicle will not normally be

accepted unless there is evidence to supporting the matter being reported to the police at the time of the incident.

15.6 Recipient is a Vehicle-Hire Firm and;

(i) the vehicle in question was at the material time hired from that firm under a vehicle hiring agreement; and

(ii) the person hiring it had signed a statement of liability acknowledging his liability in respect of any PCN fixed to the vehicle during the currency of the hiring agreement;

Representations will be accepted if the hire company can provide proof that the vehicle was hired at the time of the contravention and the company can provide the full name and address of the person who hired the vehicle. In these instances, a new NtO will be sent to the person named by the hire company.

15.7 The Traffic Regulation Order was Invalid

Claims made on these grounds are infrequent and are usually concerned with the correct legal procedure for the making of the TRO. Representations will be allowed if it can be proven that the process for making the traffic order or the content of the order was flawed in some way.

15.8 Non-Statutory Grounds for appeal – Mitigation and Discretion

There are no statutory grounds for appeal where the recipient acknowledges that a contravention has occurred but argues that extenuating circumstances apply, however, best practice and guidance indicates that Councils should still consider such appeals.

15.9 A schedule of the more common circumstances encountered by motorists and/or raised in appeals, together with information and guidance on how the Council will consider each, is contained within **Appendix E** to the report.

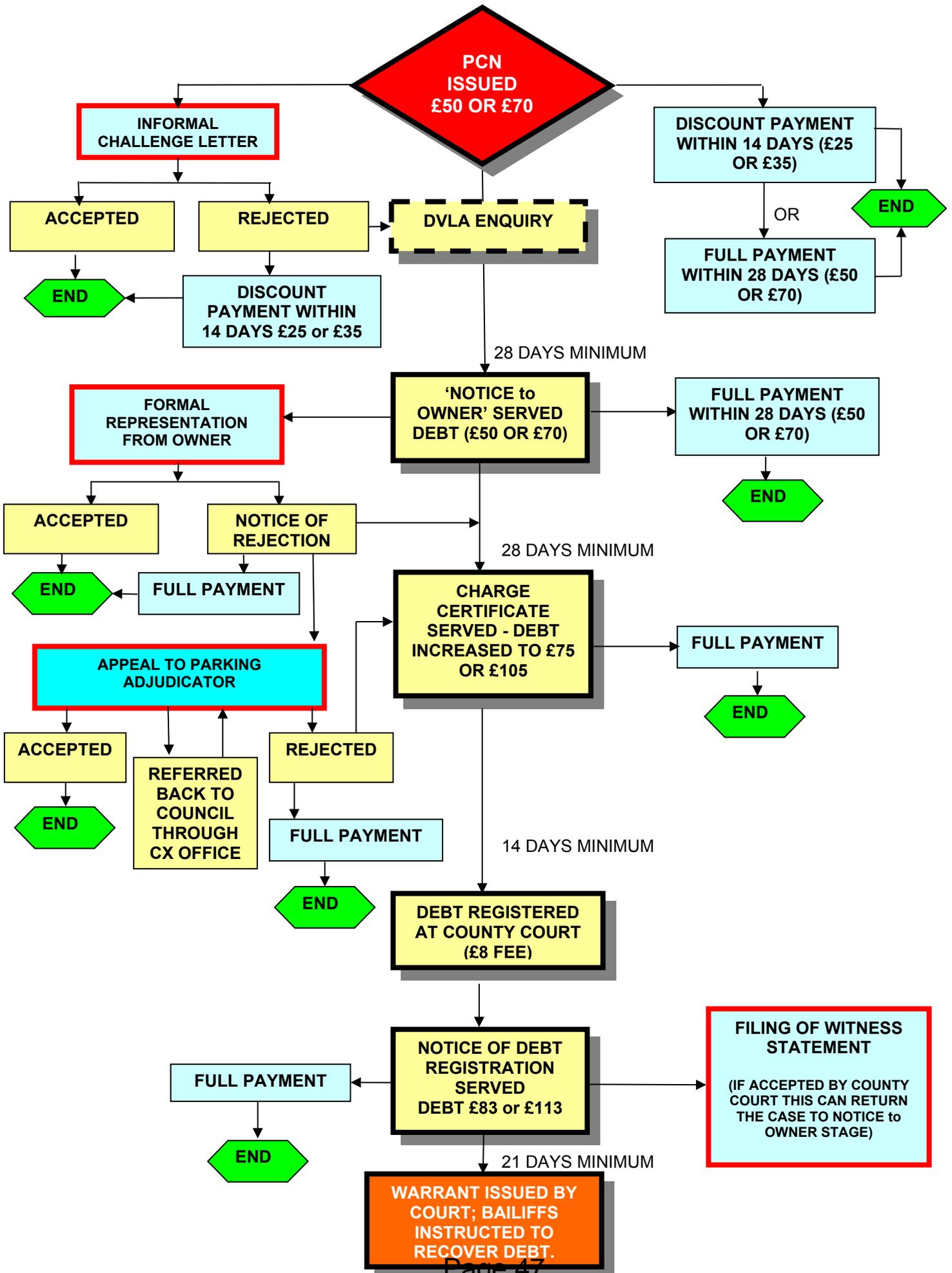
APPENDIX B - CONTRAVENTION CODES, OBSERVATION PERIOD AND PENALTY CHARGE RATE

Code	Description	Current Observation Period	Penalty Charge Rate
ON STREET			
1	Parked in a restricted street during prescribed hours	3 minutes	£70
2	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	instant	£70
5	Parked after the expiry of paid for time	instant if more than 10 mins expired	£50
6	Parked without clearly displaying a valid pay & display ticket or voucher	5 minutes	£50
7	Parked with payment made to extend the stay beyond initial time	instant	£50
12	Parked in a residents' or shared use parking place or zone without either clearly displaying a valid permit or voucher or pay and display ticket issued for that place, or without payment of the parking charge	5 minutes	£70
14	Parked in an electric vehicles' charging place during restricted hours without charging	instant	£70
16	<i>Parked in a permit space or zone without clearly displaying a valid permit</i>	5 minutes	£70
19	Parked in a residents' or shared use parking place or zone either displaying an invalid permit or voucher or pay and display ticket, or after the expiry of paid for time	instant	£50
20	Parked in a loading gap marked by a yellow line	5 minutes	£70
21	Parked in a suspended bay/space or part of bay/space	instant	£70
22	Re-parked in the same parking place or zone within specified no return period	instant	£50
23	Parked in a parking place or area not designated for that class of vehicle	5 minutes	£70
24	Not parked correctly within the markings of the bay or space	instant	£50
25	Parked in a loading place during restricted hours without loading	5 minutes	£70
26	Parked in a special enforcement area more than 50 cm from the edge of the carriageway and not within a designated parking place	instant	£70
27	Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway	instant	£70
30	Parked for longer than permitted	10 minutes	£50
40	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	instant	£70
42	Parked in a parking place designated for police vehicles	instant	£70
45	Stopped on a taxi rank	instant	£70
46	Stopped where prohibited (on a red route or clearway)	instant	£70
47	Stopped on a restricted bus stop or stand	instant	£70
48	Stopped in a restricted area outside a school	instant	£70
61	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	5 minutes	£70
62	Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway	instant	£70
99	Stopped on a pedestrian crossing or crossing area marked by zig-zags	instant	£70
OFF STREET			
70	Parked in a loading place or bay during restricted hours without loading	instant	£70
71	Parked in an electric vehicles' charging place during restricted hours without charging	instant	£70
73	Parked without payment of the parking charge	instant	£50
74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	instant	£70
80	Parked for longer than permitted	10 minutes	£50
81	Parked in a restricted area in a car park	instant	£70
82	Parked after the expiry of paid for time	instant if more than 10 mins expired	£50

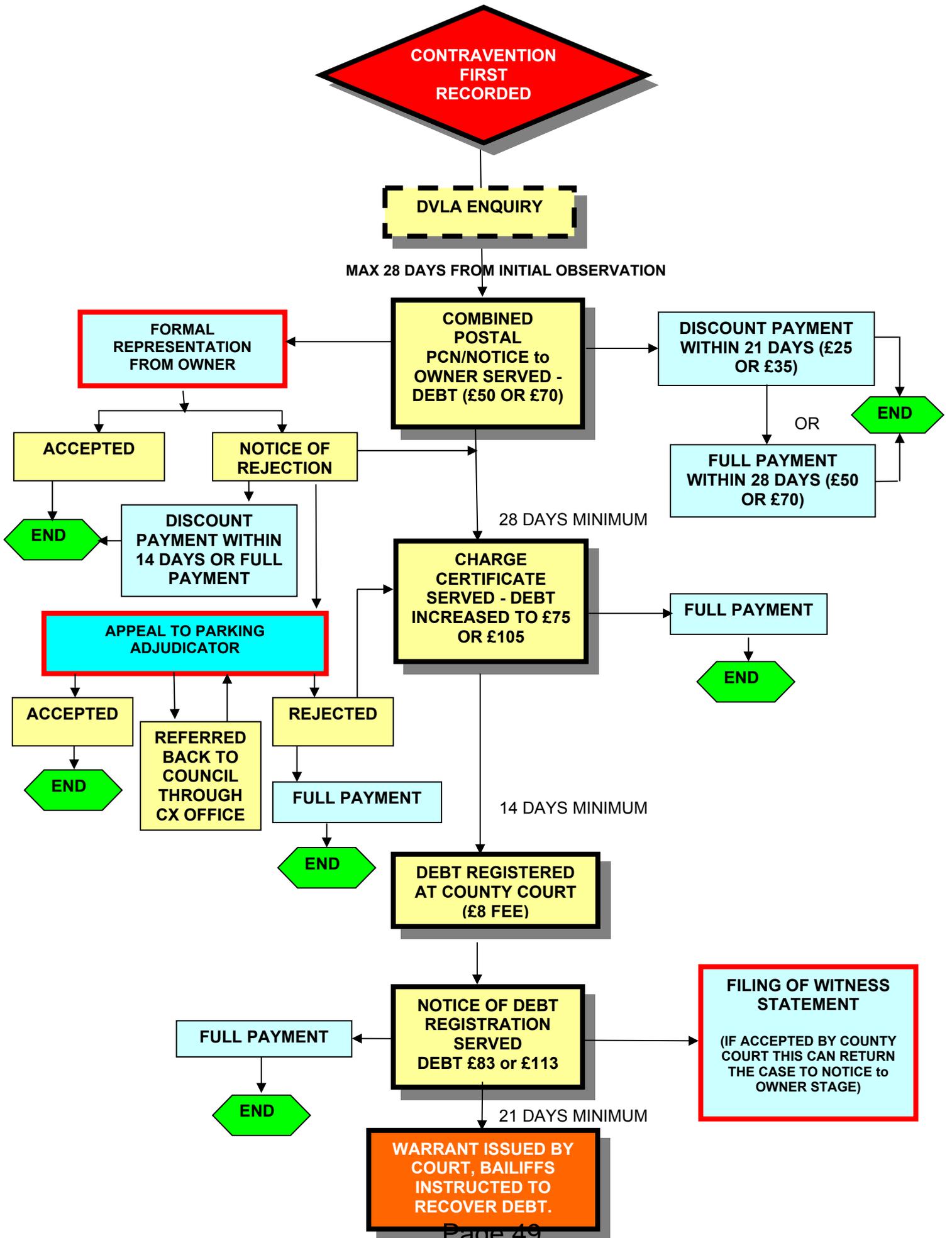
83	Parked in a car park without clearly displaying a valid pay and display ticket or voucher or parking clock	5 minutes	£50
85	Parked without clearly displaying a valid permit where required	instant	£70
86	Not parked correctly within the markings of a bay or space	instant	£50
87	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	instant	£70
89	Vehicle parked exceeds maximum weight or height or length permitted	instant	£70
90	Re-parked within time limit for no return period	instant	£50
91	Parked in a car park or area not designated for that class of vehicle	instant	£70
92	Parked causing an obstruction	instant	£70
95	Parked in a parking place for a purpose other than that designated	instant	£50

Instant - indicates that a nil observation period applies and a penalty notice will be issued instantly.

APPENDIX C CONVENTIONALLY SERVED PCN – FLOWCHART



APPENDIX D POSTAL SERVED PCN - FLOWCHART



This page is intentionally left blank

APPENDIX E – SCHEDULE OF CIRCUMSTANCES

THE FOLLOWING SECTIONS, ARRANGED IN ALPHABETICAL ORDER, DETAILS SOME OF THE MORE COMMON CIRCUMSTANCES ENCOUNTERED BY MOTORIST AND/OR RAISED IN APPEALS, TOGETHER GUIDANCE ON HOW EACH IS CONSIDERED:

1.0 Bank holidays:

1.1 Parking and waiting restrictions apply on all days including bank holidays unless the associated signage indicates otherwise. Bank Holiday enforcement is usually reduced and concentrated in town centres or known problem areas.

2.0 Bank visits:

2.1 Appeals from individuals or companies made on the basis of collecting or delivering money from a bank will not normally be accepted as a reason for cancellation. Motorists should contact their bank or a cash in transit company about future security arrangements.

2.2 There is an exemption that applies to security or bullion vehicles whilst loading/unloading large quantities cash and coins etc.

3.0 Blocked access:

3.1 An obstructed or blocked access to a private car park or property is not a valid reason to park on adjacent parking restrictions. Appeals on this basis will not be allowed. An exception to this would apply when a driver has to collect a key to unlock a gate or barrier to gain access proving this does not take an unreasonably long period of time.

3.2 In some circumstance the Council can take action against vehicles that are parked adjacent to a dropped footway crossing without the permission of the owner of the property to which the crossing provides access. See section on **Double parking and dropped kerbs** for further details.

3.3 Where restrictions are in force a PCN may be issued to a vehicle if it is parked in contravention of the restriction.

3.4 Where access to/from a property is being blocked and no parking restriction are in place the Police may in some circumstances be able to deal with the matter as an obstruction offence.

4.0 Broken down vehicles: (See also Vandalised Vehicles)

4.1 Appeals relating to a vehicle breakdown will normally be accepted if they appear to be unavoidable and, if supporting evidence in the form of one or more of the following is produced:

- Dated garage receipt, on headed paper, properly completed and relating to repair of a relevant fault, within a reasonable time of the contravention,

- Till receipt for purchase of relevant spare parts purchased on or soon after the date of contravention,
 - Confirmatory letter from the RAC, AA or other similar breakdown/motoring organisation,
- 4.2 Written confirmation from the CEO that the vehicle appeared to be broken down. In these circumstances the CEO should give due consideration to issuing a PCN in the first place.
- 4.3 Each case will be considered upon its own merits, however, where records show that a driver has previously claimed vehicle breakdown and it is suspected that this is being used as a means of avoiding liability for PCN's then appeals on these grounds may not be accepted unless further substantiated proof is provided.
- 4.4 Notes left in windscreens stating that "the vehicle has broken down", will not usually be accepted as a sole reason for not issuing a PCN.

5.0 Builders / tradesmen:

- 5.1 In Residential Parking Zones: Trade related vehicles are not exempt from parking restrictions and when parked within a controlled resident zone must display either a valid Visitor's Parking Permit (obtainable from the resident) or a Parking Dispensation (if applicable, obtainable from Streetscene).
- 5.2 In Yellow Line Restrictions: Exemptions apply whilst loading /unloading of tools and materials is taking place but at all other times the vehicle must be moved to an area where parking is permitted.

6.0 Bus stops:

- 6.1 A restricted bus stop will be indicated with yellow lines and a time plate showing the hours of operation. A PCN may be issued to any vehicle other than a bus waiting in a restricted bus stop.

7.0 Care organisations:

- 7.1 In Residential Parking Zones: The Council issues dispensations allowing carers to park within Residential Parking Zones whilst attending residents. Dispensations are issued upon application, and must be supported by an official letter from the care organisation or, in the case of a private carer (relative etc), confirmation from the resident's GP that he/she is in need of regular, permanent care within their home. Suspected abuse will be investigated and permits may be withdrawn.
- 7.2 In Council Car Parks: Dispensations are not valid in Council car parks.
- 7.3 Yellow Lines: Dispensations do not allow carers to park on yellow line restrictions and will not be issued for this purpose.

8.0 Children / elderly people:

8.1 Appeals on the basis of delays caused by young children or elderly people will not normally be accepted. It is the responsible adult's duty to ensure that sufficient allowance is made at the time of parking to accommodate these largely foreseeable delays (see also **Emergencies** below).

8.2 PCN's issued whilst children are being dropped-off or collected from schools will not normally be cancelled unless the correct observation period was not allowed by the CEO.

9.0 Council officers and members on duty:

9.1 Council officers and elected members are expected to fully comply with parking regulations and will be issued with a PCN if a contravention occurs:

9.2 In Council Car Parks: Staff and members are not exempt and must comply with any restrictions in force e.g. by purchasing a pay and display ticket and claiming back if appropriate.

9.3 In Residential Parking Zones: a valid visitor's permit or parking dispensation, obtainable from Streetscene must be displayed.

9.4 Yellow Lines: Dispensation will not be given to allow staff or members to park on yellow lines.

9.5 Appeals for Cancellation of PCN: These must be in writing and will only be supported if relevant valid grounds can be proven. All staff appeals are independently audited by the Head of Service.

10.0 Controlled Parking Zones:

10.1 Much of Birkenhead town centre area is largely defined within a controlled parking zone (CPZ). All entry and exit points to the CPZ are signed and provide details of the blanket waiting restriction which applies, as indicated by the single yellow lines, throughout the area. There is no requirement for time plates within the zone to inform of the restrictions that apply unless the local restrictions differ from the blanket restrictions that are shown on the entry zone signs.

11.0 Delays:

11.1 Appeals on the basis of delays due to queues at shops, banks, leisure centres etc, meetings taking longer than expected, caught up in crowds etc, will not normally be allowed. It is the motorist's responsibility to make sufficient allowance for these largely foreseeable delays at the time of parking (see also **Emergencies** below).

12.0 Dental / doctor's appointments:

12.1 Appeals on the basis of delays relating to medical treatment will only be considered if it can be shown that the delays were significantly longer than the normal delays

experienced whilst attending such appointments. Claims should be supported in writing from the relevant medical practitioner.

13.0 Description of vehicle incorrect:

13.1 During the PCN issuing process a record is made of the make, colour and registration number of the vehicle, which will appear on the PCN. Other details such as tax disc number and positions of tyre valves may also be recorded.

13.2 Incorrect colour: PCN are issued in a variety of weather and lighting conditions and some paint finishes vary significantly with angle and light. Colours such as silvers, greys and blue etc may be easily mistaken. Where there is a close relationship between the colours then the PCN will normally be pursued. For widely differing colours i.e. a blue car recorded as red car which cannot easily be explained by the above greater consideration will be given to cancellation of the PCN. If all other details are correct this may, however, indicate a re-spray not advised to DVLA.

13.3 Incorrect make: Although many manufacturers produce different models that look very similar it would be difficult to enforce a PCN issued to a Vauxhall which turned out to be a Ford, although an exception may be a modified or de-badged vehicle. In most cases serious consideration will be given to cancelling the PCN.

13.4 Tax Disc Number: All tax disc numbers are unique; if the number recorded by the CEO on the vehicle at the time of issue matches the DVLA records the Council will usually pursue the PCN irrespective of any errors regarding colour or make.

14.0 Blue Badge Concession:

14.1 Blue badges must only be used when the vehicle is being used to transport a disabled person either as a driver or as a passenger. It is not permitted to use the badge for any other purpose e.g., shopping for a disabled person when they, themselves, are not being transported in the vehicle. Full guidance on the use of a Blue Badge, is provided by the Department for Transport in its booklet which is issued to all new Blue Badge holders.

14.2 Blue badges must be clearly and properly displayed whilst the vehicle is parked, with the expiry date and serial number visible. The time disc/clock should also be clearly displayed and correctly set where a time limit or time restriction is in place.

14.3 Failure to adhere to the rules may result in a PCN being issued for contravention of the prevailing parking restriction. When considering blue badge appeals relating to failure to correctly display a disabled badge (and/or clock) an appeal will normally be allowed upon proof of the existence of a valid blue badge. The letter of cancellation sent to the person making the representation will contain information on how to correctly display and avoid receiving a PCN in the future; it will also state that a lenient approach may not be taken in any future cases.

14.4 When a Disabled Badge is clearly and properly displayed a motorist may park:

On Street, in

- Limited waiting bays, for any length of time
- On Street pay and display bays: free of charge without time limit
- On Street residents only parking bays: free of charge without time limit
- On Street Disabled Parking Bays: check accompanying time plate for any time limits
- Yellow Lines: For a period not exceeding 3 hours

Off Street, in

- Council Car Parks: In accordance with details provided on the car park information boards. Vehicles must park within the bays provided, but are not restricted to those dedicated for blue badge holders. Blue Badges cannot be used on double yellow lines or hatched areas within a Car Park.

- 14.5 Disabled Badge Holders are not allowed to park in any street or area where a loading restriction is in place – these are marked with kerb blips or kerb markings.
- 14.6 Disabled Badge Holders are not allowed to park in any area specifically reserved for other vehicles or purpose i.e. Taxi Ranks, Bus Stops or Goods vehicle loading bays etc. or in any area where they may cause an **obstruction or danger** to other road users.
- 14.7 To benefit from the concession parking must always be in accordance with the rules of the Blue Badge Scheme.
- 14.8 Civil Enforcement Officers have a right to ask to see and to inspect a Blue Badge.

15.0 Double parking and dropped kerbs:

- 15.1 The contravention of double parking is defined as when a vehicle parks on any part of the carriageway of a road where no part of the vehicle is within 50 cm of the edge of the carriageway.
- 15.2 The contravention of parking on a part of a road adjacent to a dropped or raised kerb applies where a vehicle parks on the carriageway adjacent to a footway, cycle track or verge where the footway, cycle track, verge or carriageway has been lowered or raised for the purpose of –
- assisting pedestrians crossing the carriageway
 - assisting cyclists entering or leaving the carriageway
 - assisting vehicles entering or leaving the carriageway across the footway, cycle track or verge.
- 15.3 The contravention does not apply where a vehicle is parked outside residential premises by or with the consent (but not for reward) of the occupier of the premises. This exception does not apply in the case of a shared driveway. Enforcement action will not be taken where a vehicle is parked outside residential premises unless and until the Council has been asked to do so by the occupier of the property.
- 15.4 The following exceptions to the double parked or parked adjacent to a dropped footway contravention apply:

- vehicles parked wholly within a designated parking place or any other part of the carriageway where parking is specifically authorised
- vehicles used by the fire, ambulance or police services
- loading and unloading
- vehicles used for waste collection, building works or road works.

16.0 Drink driving or other arrest:

16.1 If the driver of a vehicle has been arrested or otherwise detained and, as a direct result, a contravention of a parking restriction occurs, any resultant PCN will be enforced unless;

The driver can provide proof, preferably in writing, confirming date, time and evidence of arrest including custody number, officer and Police Station involved.

17.0 Dropping off and picking up passengers:

17.1 It is permitted to stop in restricted lengths of street to drop off and collect passengers except when the following restrictions apply; designated clearways, zigzags (schools and pedestrian crossings) and “no loading” restrictions. Parking to await a collection is not permitted. Any appeals considered will take into account factors such as elderly passengers, disabled persons, young children or large amounts of luggage similarly Hackney Carriages or Private Hire Vehicles will be allowed additional time to announce their arrival and accept payment.

18.0 Emergencies:

18.1 An emergency is typically a serious unplanned and unforeseen situation that results in a contravention occurring. The most common are accidents or medical emergencies requiring treatment. Appeals will normally be allowed provided independent supporting evidence is made available.

19.0 Emergency call out - Plumbers, electricians, gas fitters:

19.1 Parking to attend an emergency will normally be considered justification to cancel a PCN, however, only during the period which is required to make the premises safe i.e. turn off the main supply. During any subsequent repairs or planned work the vehicle should be parked within a permitted parking place or with a relevant dispensation displayed.

20.0 Emergency duties:

20.1 Doctors, nurses, midwives and first responders engaged on emergency duties should, wherever possible, park legally as this is the safest for all concerned. Appeals will normally be allowed provided supporting evidence is made available.

20.2 Regular or planned visits are not considered an emergency.

21.0 Estate agents:

21.1 Estate agents visiting a client's property within a residential parking zone should either display a valid Visitors or Business/Property Owner Permit if available.

21.2 Estate agents are not exempt from parking restrictions.

22.0 Footway parking:

22.1 Typically waiting and loading restrictions apply to the whole width of the highway, including any footways and verges; consequently footway/verge parking will be enforced where a TRO is in place in a street. Additionally, TRO's can also be introduced solely to preventing footway/verge parking and there are several locations across the Borough where this type of order exists. In the absence of a TRO it is much more difficult to enforce, however, the Police may be able to issue a fixed penalty notice for obstruction in certain circumstances.

22.2 The Highway Code also states that drivers should not park partially or wholly in the pavement unless signs permit it.

23.0 Funerals, weddings and civil partnerships:

23.1 Vehicles actively involved in a funeral, wedding or civil partnership will not be issued with a PCN.

23.2 However, vehicles belonging to mourners and wedding or civil partnership guests are not exempt and must comply with any restrictions in force. In some location parking dispensation may be available via Streetscene.

24.0 Garages - PCN issued whilst in for repair:

24.1 Although it would be expected that a garage would accept responsible for any PCN that incurred in relation to a customer's car whilst in their custody, the Council has no powers to enforce payments from them. Ultimately the responsibility for the PCN rests with the registered keeper of the vehicle and it is they who would have to seek to recover the costs of the PCN from the garage.

25.0 Glaziers:

25.1 Appeals relating to glazier company vehicles when parked close to the location of an emergency repair would normally be allowed provided evidence in the form of documentation or CEO's notes, confirmed that such activity was taking place at the time of the issue of the PCN.

25.2 PCN's issued to vehicles not required for delivery of materials or tools will not be cancelled

26.0 Government department vehicles:

26.1 There are no automatic exemptions for government department vehicles.

26.2 Appeals on the basis of vehicles being involved in activities such as surveillance must be supported in writing from a senior manager on headed notepaper. Wherever possible Government Agencies should liaise in advance with the Council.

27.0 Hackney carriages / private hire vehicles:

27.1 Hackney Carriages and Private Hire Vehicles (PHVs), like other vehicles, may stop on restrictions to allow passengers to board or alight for as long as is reasonably necessary for the purpose. If a licensed Hackney Carriage or PHV is left unattended whilst, for example, assisting passengers into premises it may be issued with a PCN.

27.2 Appeals on this basis, especially those involving elderly, infirm or disabled passengers should include appropriate evidence.

28.0 Hiring agreement:

28.1 Responsibility for a PCN issued during a period of hire, lies with the hirer of the vehicle at the time.

28.2 The Hire Company must make formal representation to the Council and provide a copy of the hire agreement.

28.3 The agreement must clearly state the name and address of the hirer, the start and finish dates for the hire period and the hirer's signature. It must also contain a clause regarding the hirer's liability for any PCN's incurred during the hire period. Following receipt of the above a new NtO will normally be issued to the hirer. If the above information is not provided by the hire company or is not relevant to the date of the offence then the PCN will continue to be enforced against them.

Intervention in challenge and representation processes by members and other officers:

28.4 The procedures and policy for dealing with challenges and representations against the issue of PCN's are as set out in this report and legislation. The procedures include the ultimate right of all motorists to refer the matter to an independent adjudicator through the TPT.

28.5 To preserve the integrity of these procedures they shall be undertaken by trained staff within Parking Services and should not be subject to external pressure by either members of the Council or other senior officers, designed to influence a decision, by virtue of their position alone.

29.0 Keeper's liability:

29.1 Legislation states that a PCN "shall be payable by the person who was the owner of the vehicle involved in the contravention at the material time". This is deemed to be registered keeper of the vehicle, as per records held at the Driver and Vehicle Licensing Agency (DVLA). If at the time of the contravention the keeper was not the driver of the vehicle, then it is their responsibility to pay the PCN and seek recompense from the driver.

30.0 Loading / unloading:

30.1 Vehicles are permitted to remain at rest in contravention of waiting restrictions, including resident parking zones, whilst carrying out activities of loading or unloading provided that:

30.2 Loading activity involving the vehicle is observed by the CEO. The observation period shall be for at least three minutes for private motor cars and a PCN shall only be issued if no activity is seen during this period.

30.3 In the case of goods vehicles a longer observation period, up to a maximum of 20 minutes will normally be allowed. This is to allow the driver to complete delivery paperwork and to take account of the longer time needed to unload/stack larger volumes of goods.

30.4 Appeals on the basis of loading must include supporting evidence to explain why no activity was observed.

31.0 Location of contravention – incorrect:

31.1 If it can be proven that the location stated on the PCN is incorrect then the PCN will be cancelled.

32.0 Lost keys:

32.1 Appeals on the basis of car keys being lost, stolen or locked in a car which in turn resulted in a contravention occurring will be considered favourably providing supporting evidence is available for example from the police or a motoring organisation.

32.2 The following will also be taken into account:

- If the vehicle was parked in a pay and display car park, did the loss of the keys prevent purchase of additional parking time?
- If the vehicle was parked on a yellow line, should it have been parked there in the first place?

33.0 Mis-spelling of keeper's name:

33.1 The mis-spelling of the keeper's name and/or address on the NtO does not invalidate it or discharge the liability of the person receiving it. It is the responsibility of the actual keeper of the vehicle to deal with the matter even if their name or address is misspelt.

33.2 Names and addresses are, in most cases, obtained from the DVLA and these details are usually supplied by the keepers themselves. It is also the keeper's responsibility to check and correct any mistakes in the vehicle keeper documents when they receive them.

33.3 If a mis-spelling is discovered the case records will be updated immediately to ensure that future letters and notices are sent out correctly.

34.0 Notes in a vehicle:

34.1 In most instances a PCN will be issued even if a note is displayed in the windscreen of a vehicle, unless there is some other obvious or supporting evidence.

35.0 Parked beyond bay markings:

35.1 Motorists are required to park their vehicle wholly within a designated parking place or any other part of the carriageway where parking is specifically authorised e.g. on and off street pay and display bays, residents' bays and limited waiting bays. If any of the vehicles wheels are outside or overhanging the bay and the Council considers that a significant or sufficient part of the vehicle is beyond the bay markings then a Penalty Charge Notice may be issued.

36.0 Pay and display – did not realise it was a P&D area:

36.1 Appeals based upon not seeing relevant signs or pay and display machines will not be allowed unless signs are missing or obstructed such that they would not be seen by a person acting reasonably.

37.0 Pay and display machines – out of order:

37.1 Claims of this nature will be checked against service records for the relevant machine and any complaints or enquires received. If validated the appeal will be allowed, however, if there was another nearby ticket machine and evidence confirms that other users had been able to purchase tickets around the same time then the representation is unlikely to be allowed.

38.0 Pay and display – gone to meter or for change:

38.1 Motorists are expected to arrive at their parking destination with sufficient means to pay any necessary parking charges. Appeals based upon the PCN being issued whilst going for change or to the meter will not usually be allowed. A 5 minute observation period is always allowed prior to issuing a PCN for not displaying a ticket, this is considered sufficient to obtain change or buy a ticket, additionally the CEO must also check whether there is anyone purchasing a ticket at any machine within eyesight or appears to be making their way back to the vehicle. Thus, someone who parks without displaying a ticket will have had at least 5 minutes formal observation in addition to any period of time before the vehicle was observed by the CEO.

39.0 Pay and display – wrong machine:

39.1 Pay and display tickets are not transferable between locations and are only valid for the car park or zone in which they were purchased. This is because different tariff structures exist in different areas. However, in circumstances where a higher value ticket is still time valid a more lenient approach may be taken.

40.0 Pay and display tickets:

40.1 Pay and Display car parks and streets require a ticket to be purchased at the time of parking for the length of time required. All tickets show the expiry date and time on

them along with the fee paid and the machine number. The applicable Parking Charges are displayed either on the machine or on an adjacent notice board.

40.2 Pay and Display Tickets must be clearly displayed whilst the vehicle is parked, face up showing the date/expiry time etc. The ticket must be valid for the location and the date and time during which the vehicle is parked.

40.3 PCN's may be issued for:

- Failing to display a valid ticket; meter feeding (purchasing additional time in an attempt to remain in the same parking place beyond the maximum time permitted) or Displaying a ticket that has expired.
- Appeals based upon a valid P&D ticket being produced and/or if the CEO confirms that a ticket was in evidence but could not be clearly seen, for example details obscured by wiper blade, would normally be accepted. However, appellants should note that this reason will only be accepted if it is the first such representation on these grounds from that person. Repeat claims for subsequent PCN's for the same contravention are unlikely to be cancelled.

41.0 Pay and display tickets – “Free after Three” and similar schemes

41.1 The Council may operate a number of parking concession schemes such as 'Free after Three' which may allow parking at a discount rate or without charge. Any specific rules of parking will be clearly displayed in the parking area, including the need to obtain a ticket, if appropriate. Ticket must be displayed and will be enforced in the same manner as full price tickets.

42.0 Penalty charge notice – discount period:

42.1 If a PCN is paid within 14 days of issue the amount of the penalty is discounted by 50%.

42.2 If a challenge is received from the keeper within 14 days of issue the discount period is automatically extended pending the Council's decision. If the challenge is subsequently rejected a further 14 days discount period will begin from the date of the notice of rejection. This information is included within the notice.

42.3 If a challenge is received later than the 14 day discount period the discount period will not be extended and the full amount must be paid in the event of the challenge being rejected.

42.4 If an NtO is sent to the keeper who is subsequently able to demonstrate that the PCN was not received at the time of the contravention, payment at the discounted amount will normally be accepted if paid within 14 days.

43.0 Penalty charge notice, early issue of:

43.1 If a motorist claims that a PCN was issued before the expiry of the requisite observation period, we will investigate fully as these periods are usually set within the hardware and software and cannot be easily overridden.

44.0 Permits - residents / visitor permits:

44.1 Resident parking permits must be clearly displayed on the windscreen of the vehicle. Permits are only valid in the zone indicated, for the vehicle to which they are issued and until the expiry date, if indicated.

44.2 Visitor's permits are issued to residents for use by visitors to their homes and must be clearly displayed on the windscreen of the vehicle.

44.3 Vehicles parked in resident only parking schemes without a valid resident/visitor permit may be issued with a PCN. When considering appeals if a valid permit is produced and/or the CEO confirms that a permit was in evidence but could not be clearly seen, for example details obscured by wiper blade, then representations would normally be accepted. However, appellants should note that this reason will only be accepted if it is the first such representation on these grounds from that person. Repeat claims for subsequent PCN's for the same contravention are unlikely to be cancelled.

44.4 A PCN may be issued if a permit is displayed for the wrong zone, on another vehicle (in the case of a residents permit) or after its expiry date.

45.0 Police officers on duty:

45.1 PCN's should not be issued to marked police vehicles when on official duty.

45.2 Requests for cancellation of any PCN issued to an unmarked police vehicle must be made by the Area Inspector or equivalent. It should contain confirmation that the vehicle was being used on official business and why it was necessary to park at that location.

45.3 PCN's issued to an unmarked police vehicle which is regularly parked outside a police station will not automatically be cancelled.

46.0 Police officer gave permission to park:

46.1 Appeals on this basis will only be allowed where details of the authorising Police officer are provided and the information can be confirmed.

47.0 Pregnant mothers with young children:

47.1 Generally pregnancy is not considered to be a disability, and not subject to the Blue Badge scheme concessions. Delays caused by pregnancy or young children will not normally lead to the cancellation of a PCN, as they can be expected and therefore anticipated.

47.2 However, this is obviously a sensitive area and each case should be treated on its merits, i.e. if the delay was short or was caused by a minor medical emergency, child being sick or expectant mother feeling unwell, then leniency may be shown.

47.3 If the delay appears to be a result of not making allowance of the demands of dealing with young children or her own condition, which could reasonably be anticipated, then the PCN should be enforced.

48.0 Private or un-adopted highway:

48.1 Although the vast majority of TRO's within the Borough apply to the adopted highway, TRO's may also be applied to areas of highway that are not adopted but to which the public have access to, by right or tolerance. A PCN issued on highway that is not adopted would not normally be cancelled for that reason alone.

49.0 Road signs / markings – missing, worn, obscured or broken:

49.1 Lines and marking should clearly indicate the restrictions in force; however, they do not need to be in a perfect condition. The test is whether a motorist acting reasonably would be aware of the presence and intent of the marking.

49.2 A partly worn line, utility gap or missing end bar will not normally be accepted as a reason for cancellation. However, this will sometimes depend on the position of the vehicle in relation to markings.

49.3 If signs or marking as confirmed as missing or defective the PCN should be cancelled.

50.0 Obscured signs:

50.1 Information signs accompanying waiting and loading restrictions must be clearly visible at all times. If it is claimed that a sign was obscured and could not be read (graffiti, weather or overhanging trees etc.) the sign should be inspected as soon as practicable and remedial action taken. If the claim is proved to be correct the PCN should be cancelled.

50.2 If the sign can be easily read then the PCN should be enforced.

51.0 Missing signs:

51.1 If a sign is claimed to be missing it should be inspected as soon as practicable and, if confirmed, arrangements made for its replacement. Where a sign is missing and the driver would not have been aware of the restriction because of the missing sign then the PCN should be cancelled. Consideration will be given to the position of the vehicle in relation to other visible signs and a PCN may not be cancelled if the driver parked near to or had driven passed a clearly visible sign.

52.0 Royal mail and universal service provider vehicles:

52.1 Vehicles being used for the collection or delivery of postal packets are exempt from no waiting restrictions (but not no-stopping restrictions) as long as they are actively

involved in such activity. Vehicles parked for long periods with no activity observed are subject to the same restrictions as ordinary motorists and a PCN may be issued. Cancellation of a PCN will only be considered if written confirmation is received from the area manager that the vehicle was actively involved in the collection / delivery of mail.

53.0 School restrictions:

53.1 Zig-zag markings outside of schools if accompanied by a regulatory sign/plate delineate a School Keep clear Order. They are installed for the protection of the children and such orders specifically prohibit vehicles from stopping on the zig-zag markings at school entrance points. The Council is committed to working with schools to reduce accidents and in support of this School Keep Clear markings are robustly enforced. Due to the nature of this type of parking contravention, which generally involves a driver stopping for a short period of time to drop off or collect a passenger, it is difficult to enforce by conventional enforcement. Therefore, this type of restriction is predominately enforced by the use of a mobile CCTV vehicle (an approved device). A rolling programme of enforcement around schools is in place and co-ordinated by the Council's Road Safety unit.

54.0 Time/date, calibration of hand held computers and pay and display machines:

54.1 Prior to commencement of each shift the CEO's shall check the calibration of their hand held computers to ensure that they reflect the correct time and date.

54.2 Pay and Display machines are checked daily for any visual defects. Before patrolling a pay and display area, the CEO will check the machine to see that the clock and display is working correctly and there are no coin jams in the coin slot. All Pay and Display machines are remotely monitored by computer systems and many faults are automatically reported to the Council's machine maintenance team for logging and action. The computer system retains detailed information including logs of faults and all transactions.

55.0 Unauthorised movement of a vehicle:

55.1 Movement of any vehicle by the Police is considered to be authorised.

55.2 Unless there is clear evidence that an unauthorised person has moved a vehicle then all PCN's should be enforced.

55.3 Claims that a vehicle was stolen and left in contravention will be considered provided a relevant crime report number is provided.

55.4 Claims of unauthorised use by another family member or a friend will not normally result in the PCN being cancelled unless it can be proven that the matter had been reported to the Police at the time the vehicle was taken.

56.0 Uniforms – civil enforcement officers:

56.1 CEO's must wear a uniform determined by the enforcement authority and in accordance with statutory guidelines.

56.2 The uniform should show:

- the wearer is engaged in parking enforcement
- the name of the Local Authority on whose behalf the CEO is acting
- a personalised number to identify the CEO

57.0 Vandalised vehicle:

57.1 When a vehicle has been damaged or vandalised to an extent that prevents it from being safely moved a PCN may be cancelled provided supporting evidence is produced such as:

- A Police crime number.
- A relevant Motoring Organization / Garage Service receipt.

57.2 Failure to provide supporting evidence or the absence of a relevant CEO observation may lead to the PCN being enforced.

58.0 Vehicles left unattended to gain access:

58.1 When a vehicle is left in contravention adjacent to an access point whilst a driver collects a key to gain access to a property, it is expected that this should take no longer than three minutes and will be catered for by the standard three minutes observation period.

58.2 Vehicles should not be left for longer periods or in contravention of no stopping orders or loading restriction. However, each case will be considered on its merits and extenuating circumstances will be taken into account.

59.0 Vehicle not at scene:

59.1 Where a vehicle keeper receives an NtO and claims that his/her vehicle was not parked in the area at the time, we will seek further proof from the keeper to confirm the identity of the registered vehicle against the details of the vehicle observed. In particular we will request details of the tax disc serial number, as these are all unique.

59.2 If the details match the records held by the Council then the PCN will normally be enforced. If they do not then the PCN may be cancelled and if appropriate details passed to the Police.

This page is intentionally left blank

Equality Impact Assessment Toolkit (March 2017)

Section 1: Your details

EIA lead Officer: Steve Atkins

Email address: steveatkins@wirral.gov.uk

Head of Section: Simon Fox

Chief Officer: Nicola Butterworth

Directorate: Neighbourhood Services

Date: 22/10/2020

Section 2: What Council proposal is being assessed?

The Council's Communities Equalities Officer has been consulted and involved in the decision. The Council has an obligation under the Equality Act 2010 and the Public Sector Equality duty (Sect 149 2011) to show due regard to the duty and show due regard to mitigate any negative impacts that may affect people with protected characteristics under the Act.

The proposal is to approve a revised parking policy following the resolution by Council in October 2019 that enhanced priority to safety around schools should be included within the policy.

Section 2a: Will this EIA be submitted to a Cabinet or Committee meeting?

Yes /No

If 'yes' please state which meeting and what date

Environment, Climate Emergency and Transport Committee –
Thursday, 22nd October 2020

Please select hyperlink to where your EIA is/will be published on the Council's website (please select appropriate link & delete those not relevant)

Delivery (Customer Services, Adult & Disability Services, Community Services, Merseyside Pension Fund, Environmental Services)

<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>

Navigate to Equality impact Assessments since 2017

Navigate to Delivery Services

Section 3: Does the proposal have the potential to affect..... (please tick relevant boxes)

- Services**
- The workforce**
- Communities**
- Other** (please state eg: Partners, Private Sector, Voluntary & Community Sector)

If you have ticked one or more of above, please go to section 4.

- None** (please stop here and email this form to your Chief Officer who needs to email it to engage@wirral.gov.uk for publishing)

Section 4:

Could the proposal have a positive or negative impact on any protected groups (age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)?

You may also want to consider socio-economic status of individuals.

Please list in the table below and include actions required to mitigate any potential negative impact.

Which group(s) of people could be affected	Potential positive or negative impact	Action required to mitigate any potential negative impact	Lead person	Timescale	Resource implications
Disability	Favourable impact - effective parking control can assist vulnerable road users such as blue badge holders by reducing the likelihood of obstructions, ensuring a turn-over of spaces and to ensure better access through designated spaces close to services. Disabled badge holders do not need to pay for parking as long as they display a valid disabled badge and/or observe other areas of the Parking Enforcement Policy so as not to contravene any other restriction that may bring about a penalty charge. Any parking badge must be clearly displayed, be used in accordance with the rules of the Blue Badge scheme and the guidelines of Dept for Transport	Continue to engage with the likes of WIRED and the blue badge issuing Department. Parking enforcement officers carry out an annual usage survey on blue badge and disabled bay occupancy. Additional disabled bays could be implemented if there is a demand from these survey or form customer feedback. An appeal process is in place for the vehicle owner to use to state why they feel that a penalty notice should	Steve Akins	Ongoing	Contained within existing Revenue Budget

		not have been applied			
Pregnancy & Maternity	Pregnancy is not considered to be a disability, and not subject to the Blue Badge scheme, and delays caused by young children should not normally lead to the cancellation of a Penalty Charge Notice.	<p>Each case should be treated on its merits, i.e. if the delay was short or was caused by a minor medical emergency, child being sick or expectant mother feeling unwell, then leniency may be shown</p> <p>An appeal process is in place for the vehicle owner to use to state why they feel that a penalty notice should not have been applied</p>	Steve Atkins	Ongoing	
All protected groups	Publication of Enforcement Policy and appeals process	The Enforcement Policy will be published and communicated in accordance with The Council's Communication Policies. Copies of the Policy and appeals process can be made available in different languages and formats on request within a reasonable timescale.	Jamie Dixon	November 2020	

Section 4a: Where and how will the above actions be monitored?

Further consultation and ongoing discussions with the Blue Badge issuing Department and Wirral Information Resource for Equality and Diversity (WIRED).

Section 4b: If you think there is no negative impact, what is your reasoning behind this?

The proposed policy will assist the Council to control and manage parking on street and in Council operated car parks for all road users.

Section 5: What research / data / information have you used in support of this process?

Road Traffic Act 1991, Traffic Management Act 2004, Equalities Act.

Section 6: Are you intending to carry out any consultation with regard to this Council proposal?

Yes / No – (please delete as appropriate)

If 'yes' please continue to section 7.

If 'no' please state your reason(s) why:

(please stop here and email this form to your Chief Officer who needs to email it to engage@wirral.gov.uk for publishing)

Section 7: How will consultation take place and by when?

Further consultation and ongoing discussions with the Blue Badge issuing Department and WIRED (Wirral Information Resource for Equality and Diversity) will take place following approval of the revised parking policy report.

Before you complete your consultation, please email your preliminary EIA to engage@wirral.gov.uk via your Chief Officer in order for the Council to ensure it is meeting it's legal publishing requirements. The EIA will need to be published with a note saying we are awaiting outcomes from a consultation exercise.

Once you have completed your consultation, please review your actions in section 4. Then email this form to your Chief Officer who needs to email it to engage@wirral.gov.uk for publishing.

Section 8: Have you remembered to:

- a) **Select appropriate directorate hyperlink to where your EIA is/will be published** (section 2a)
- b) **Include any potential positive impacts as well as negative impacts?** (section 4)
- c) **Send this EIA to engage@wirral.gov.uk via your Chief Officer?**
- d) **Review section 4 once consultation has taken place and sent your updated EIA to engage@wirral.gov.uk via your Chief Officer for re-publishing?**



ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE

22 October 2020

REPORT TITLE:	2021/22 BUDGET PROCESS
REPORT OF:	DIRECTOR OF NEIGHBOURHOODS

REPORT SUMMARY

The report provides the Committee with the process for budget setting as a transition year for 2021/22 and describes the financial position for 2021/22 which as at Quarter 1 was deficit of £45m, and the actions being put in place to mitigate the gap.

These actions include a phased approach of 5 stages and includes the timeline for the 2021/22 budget setting process of when budget proposals are presented to the Policy and Services Committees for the recommendation to Full Council to set the 2021/22 budget.

As this is a transition year, proposals have been identified and will be presented to the Committee by Officers due to the tight timescale to approve the budget. However, the Committee is encouraged to identify their own proposals for Officers to work up, if within the timescale, to be included for the 2021/22 Budget. For future years this will become the usual process and throughout the year the Committee will be identifying proposals for Officers to work up for the following years budget.

RECOMMENDATIONS

That the Committee note the Council's current financial position and process for the 2021/22 budget in this transition year.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The Policy and Resources Committee have responsibility for approving budget options that will be recommended to Full Council to set the annual budget. To enable the Policy and Resources Committee to recommend budget proposals to Full Council, the Committee needs to receive feedback from individual Committee's on those proposals.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The budget proposals are not presented to the Committee for consideration and are presented directly to the Policy and Resources Committee. However, this will not provide the Committee with the opportunity to take ownership of the proposals or to feedback to the Policy and Resources Committee on the outcome of the debate.

3.0 BACKGROUND INFORMATION

- 3.1 The Council must set a balanced budget by 11 March by law and the Local Government Finance Act, 1988 places certain responsibilities on the Chief Finance Officer, namely Section 114 (3): *"The chief finance officer of a relevant authority shall make a report under this section if it appears to him that the expenditure of the authority incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure."*

2020/21 and 2021/22 CURRENT BUDGET POSITION

- 3.2 As reported at Quarter 1 the year-end forecast for the 2020/21 budget was an expected deficit of £30m. Since then, further funding has been provided by Government and information has been received from Government on a compensation scheme for lost income from sales, fees and charges as a result of Covid-19.
- 3.3 Taking the new third tranche of funding received of £3.2m and an assumption of £9.3m compensation for lost income from sales, fees and charges, plus some further adjustments, the 2020/21 year-end deficit forecast has been reduced to £22m.
- 3.4 This deficit is made up of (main items):
- £17m of unachievable original savings from the 2020/21 budget as a result of delays in progression caused by Covid. These are:
 - £5.0m new Council model and structure
 - £4.55m Contract reviews and renegotiations
 - £3.75m Adult Social Care reviews and efficiencies
 - £1.27m Children's Looked After Children reductions
 - £2.5m New investments and refinancing
 - £0.64m Zero Based Budgeting pilot

- £6m residual income losses after an assumption for compensation from the government scheme for sales, fees and charges losses
 - £2m of unachievable capital receipt sales as a result of delays in progression caused by Covid
 - -£3m of forecast savings as a result of vacancies
- 3.5 The Council must take necessary remedial and urgent action to deal with the significant deterioration in the financial position and return to a balanced budget position. Failure to consider and adopt reduction measures to the 2020/21 budget or find further funding from Government or elsewhere within year, could result in the issuing of a s114 notice before year end.
- 3.6 To mitigate this, the Council has requested permission from MHCLG to apply to HM Treasury on the Council's behalf for a capitalisation directive. This means that the Council can charge any unmet 2020/21 and potentially 2021/22 deficits specifically incurred as a result of Covid to the capital programme.
- 3.7 As a consequence of the forecast deficit in 2020/21 there is an ongoing impact for the 2021/22 budget. The unachievable savings that the Council is reporting that it is not able to make during 2020/21 are permanent savings and if not made in year, will still have to be made in 2021/22.
- 3.8 In resetting the Medium Term Financial Plan at Quarter 1 there was a forecast budget gap in 2021/22 of £45m. This was made up of (main items)
- £17m carried forward unachievable savings from 2020/21 (See above - If any of these can be mitigated in 2020/21, this value will reduce)
 - £7m of existing pressures from contract, pay and levy increases
 - £9m new pressures from Adult Social Care, Children's Social Care and Homelessness
 - £7m assumed reductions of funding from Public Health
 - £5m assumed loss of income from Sales, Fees and Charges continuing as a result of Covid
- 3.9 The total gap at Quarter 1 over the next two years was therefore £67m. As new restrictions come into force to mitigate against rising infection numbers of Covid-19, this gap is forecast to increase. Work is currently ongoing to quantify this; the assumption for loss of income and pressures in Children's Social Care are already estimated to be significantly under forecast.
- 3.10 If HM Treasury allows the capitalisation directive to be approved, the deficit for 2020/21 will be significantly reduced and can be offset by utilising some of the immediate actions listed below. If however the capitalisation directive is not approved then the full £22m would need to be found before 31 March 2021 in order to balance the budget.
- 3.11 A rejection of the capitalisation directive would also mean that any savings already identified in immediate actions would not then be available for use towards the 2021/22 budget. This would result in much more difficult decisions being taken on the longer term actions, and if these do not meet the 2021/22 budget gap then could potentially result in the issuing of a s114 notice.

Budget Deficit Mitigations

- 3.12 Since June, the Strategic Leadership team have been identifying options to mitigate the overall deficit and are working through a programme of immediate actions that can be taken now, and longer term actions to ensure the budget is sustainable for the future. This 'twin track' approach ensures that any immediate quick wins will not be implemented at the detriment of any longer terms proposals that will generate future income or result in future cost avoidance.
- 3.13 The process to set a balanced budget for 2021/22 is described in 5 phases below:

Phase 1 – Immediate Actions

- (a) Review of all 2020/21 unachievable savings to determine whether a proportion of these can be achieved
- (b) Review of 2020/21 growth/pressures to determine as a result of Covid, whether any assumptions have changed and if all the growth/pressures are required
- (c) Review of 2021/22 pressures to determine whether they are all still required and if so, at the same value
- (d) Review of earmarked reserves to determine whether any can be clawed back to be used to support the 2021/22 budget
- (e) Review of the 2020/21 budget forecasts to determine whether any savings as a result of Covid can be carried forward and used to contribute to the 2021/22 budget

Phase 2 – Directorate Proposals

- (a) The identification of short term options proposals for Members to balance the 2021/22 budget from Officers. This is a continuous process and Officers will continue to submit proposals up to and beyond December 2020
- (b) The identification of medium to long term proposals to ensure the Council can be financially sustainable for the future. This process is being twin tracked with (a) to ensure no duplication or contradiction. This is a continuous process and will carry on into the Financial Sustainability Programme once this is re-established

Phase 3 – Categorisation of Proposals

An initial grouping of proposals into four themes to support evidence based decision making for Members:

- 1) An assessment of whether statutory services provided are efficient, and where they are not to submit efficiency proposals
- 2) An assessment of non-statutory services of whether they are providing beneficial outcomes that support cost avoidance and demand reduction in statutory services, and where they are not to submit proposals as to whether to continue with those services
- 3) An assessment of income generating services as to whether they can demonstrate a future return on investment, and where they cannot, to submit proposals as to whether to continue with those services

- 4) An assessment of all back office functions to identify whether they are providing a value added service to support statutory and beneficial non-statutory services, and where they do not to submit proposals as to whether to continue with those services

Phase 4 – Corporate Challenge

A further breakdown of the four themes into 7 individual workstreams supported by a lead Officer to be accountable for ensuring progress against the workstreams. The themes are being led by a corporate challenge process to ensure all areas of the Council have been considered:

- 1) Service savings
- 2) Service effectiveness
- 3) Income & Traded Services
- 4) Contracts
- 5) Assets
- 6) Workforce
- 7) Prevention Strategy

As a result of this challenge a series of programmes have been identified to commence/have commenced with the aim of reducing costs across the Council in the immediate, medium and long term. These are:

- Review of effectiveness of specific back office services to ensure they are fit for purpose, adding value and taking full advantage of digitalisation
- A full Cost of Care exercise for Social Care commissioned services
- A whole Council Prevention Strategy to reduce future demand and reduce costs
- A Zero/Outcomes Based Budgeting exercise to ensure resources are aligned to outcomes and only provided where beneficial outcomes aligned to the Council's priorities can be evidenced
- A full establishment review to ensure staffing resources are aligned to the Council's priorities, especially in light of additional capacity required following Covid-19
- A review of Adult Social Care pathways to ensure they are as efficient as they can be and are optimising and outcomes based care approach
- A strategy for reducing the cost of Looked After Children in the short to medium term while the Prevention Strategy can be implemented
- A review of the Council's assets to ensure the Council is only holding assets that contribute to its priorities
- Return on Investment modelling on the Council's income generating activities to ensure investment is only provided where a future return can be demonstrated
- A review of all Council contracts and contract management functions to ensure services are only commissioned that contribute to the Council's priorities and once commissioned are being managed effectively.
- The implementation of a new combined finance/HR/procurement critical business system

Phase 5 – Contingency Plan

In the event of proposals generated by the first 4 themes do not equal the value of the budget gap, a contingency process is being developed. Once all the proposals

from the first four themes have been received and evaluated and the gap has not been met, other proposals need to be considered. The Council is not able to not set a balanced budget by law and where Members are not able to identify proposals to meet the gap, this would mean that the expenditure of the Council outweighs its funding and the Section 151 Officer would be required to issue a Section 114 statement.

The contingency plan is to identify for all services, how each service could continue with a 5%, 10% or 15% reduction in those budgets. These proposals would indicate to Members what the reduced service would look like, what the implications would be and what the risks are likely to be. In the event of not being able to bridge the budget gap with proposals from the first 4 phases of the process, Members would need to determine what level of risk they would be comfortable to accept in deciding to feedback to the Policy and Resources Committee on these phase 5 proposals.

This effective cut to services is high risk to the achievement of the Councils priorities and the Wirral 2025 plan as it will inevitably result in cuts in preventative services and in services and functions that will generate future savings and cost avoidance for the Council from additional income or reduced demand.

Comprehensive Spending Review

- 3.14 The Government's Comprehensive Spending Review (CSR) is where the Government decide where to spend its resources in the following year. The outcome of this for Local Government is the funding settlement where Councils get to hear whether their funding has been increased, stays the same or is being reduced for the following year. The CSR was due to be take place ready for the 2020/21 budget planning process. As a result of Brexit this was postponed and a one year settlement was provided. This makes financial planning extremely difficult as temporary funding streams are uncertain and it is not known whether they will continue.
- 3.15 As a result of Covid-19, the Government have stated that they will 'do whatever it takes' to ensure Local Authorities are funded adequately to support the response, however no information or announcement has yet been provided about the indirect impact of Covid-19 e.g. an assumed ongoing reduction in sales, fees and charges and additional expenditure which are contributing to new pressures in 2021/22.
- 3.16 As the Local Authority funding settlement is not due to be announced until December 2020 it is very difficult to set the budget in advance. As a result, there is little choice at this stage to plan for a worst case scenario as statutory consultation needs to be considered within the budget setting timescale.
- 3.17 In the event of the award of a capitalisation directive and a more favourable settlement than planned for in the 2021/22 budget and beyond, the proposals put forward as part of the 2021/22 budget report can be adjusted after the settlement has been announced.

4.0 PLANNING FOR THE 2021/22 BUDGET

4.1 During October to December, reports will be presented to the Policy & Resources Committee that update Members on changes to the budget gap. The reports being presented to the Policy and Resources Committee up to the time the budget is set are:

- October: Covid-19 position statement
2021/22 Transitional budget process
- November: Budget update report
- December/January: Budget proposals to go out for public consultation
- January: Budget update report including the Government funding settlement
- February: 2021/22 Budget to be recommended to Full Council

4.2 The Council is in a position where it does not know, and will not know until December, what financial situation it will be fully facing for 2021/22. The Council will not receive a response to its request for a capitalisation directive from HM Treasury until late November and is unlikely to receive a revised local government financial settlement, in the light of the delayed Fair Funding Review and Covid budgetary approach from central Government, until December.

4.3 This means that the Committees are not in a position to fairly and fully propose funding options for consultation and recommendation to Council as a coherent legal and balanced budget for some weeks to come.

4.4 In the interim, Officers have been modelling scenarios and working with colleagues to test formed and unformed proposals and responses to these scenarios. When the situation becomes clear, proposals can be brought forward as tested and costed options upon which consultation can take place in a public sphere. Until that time, these options are best considered within working group and briefing sessions. For this reason, this public report sets out the broader situation and aspects of the scenarios will be tested with members of the Committee as a consultative exercise outside of the Committee.

4.5 A workshop will therefore take place on the rising of the Committee meeting. The courts recognise that such a meeting is acceptable, provided that the purpose is not to make any decision or exercise any delegation of powers. The purposes of such a workshop is to brief members on all scenarios and proposals, regardless whether they are fully formed, practicable or necessary in the eventual circumstance, and to allow Members and officers together to consider the best way to contribute to the development of proposals.

4.6 Once all relevant factors are known, officers will report back to this Committee or directly to Policy and Resources Committee, depending on which is scheduled first, in order to take formed proposals forward for consideration and consultation.

- 4.7 The objective of the workshop is to debate and discuss budget options considering the factors below:
- Impact on residents
 - Impact on the workforce
 - Impact on Wirral as a place
 - Level of risk
 - Impact on the future ability of the area to generate income or avoid future costs
 - Whether the service is Statutory
 - Where the service is non-statutory, what beneficial outcomes it generates
- 4.8 Committees are encouraged to identify and submit their own ideas for proposals for Officers to work up, within the budget timescale at the workshop.
- 4.9 Committee Members may find it helpful to rank the options numerically in providing feedback to the Policy and Resources Committee in December or January (depending on the date of the Government funding settlement) and the Committee will be presented with the suite of proposals for consideration for public consultation.
- 4.10 Where proposals are still being developed, they can be fed into the process at any time, through individual committees to Policy and Resources. Members must be mindful however, of the Council's obligation for public consultation where late proposals miss the December/January Policy and Resources deadline.
- 4.11 The consultation process will take around 4 weeks and updates will be presented to the individual committees during January and February with the outcome presented to the Policy & Resources Committee in February 2021 with a full budget package to be recommended to Full Council to set the 2021/22 budget in March 2021.
- 4.12 Where the Policy and Resources Committee fails to identify sufficient proposals from the 5 phases that have been submitted by Officers, rejects any proposals for implementation, and fails to identify any alternative proposals to recommend a balanced budget to Full Council in March, this would result in the Section 151 Officer issuing a Section 114 notice. The implications of which would mean intervention by the Government and the appointment of external Commissioners to manage the Council's finances. As the proposals submitted to the Committees by the Officers as part of the 5 phases will be robust and achievable, it is likely that the external Commissioners would action the implementation of these.

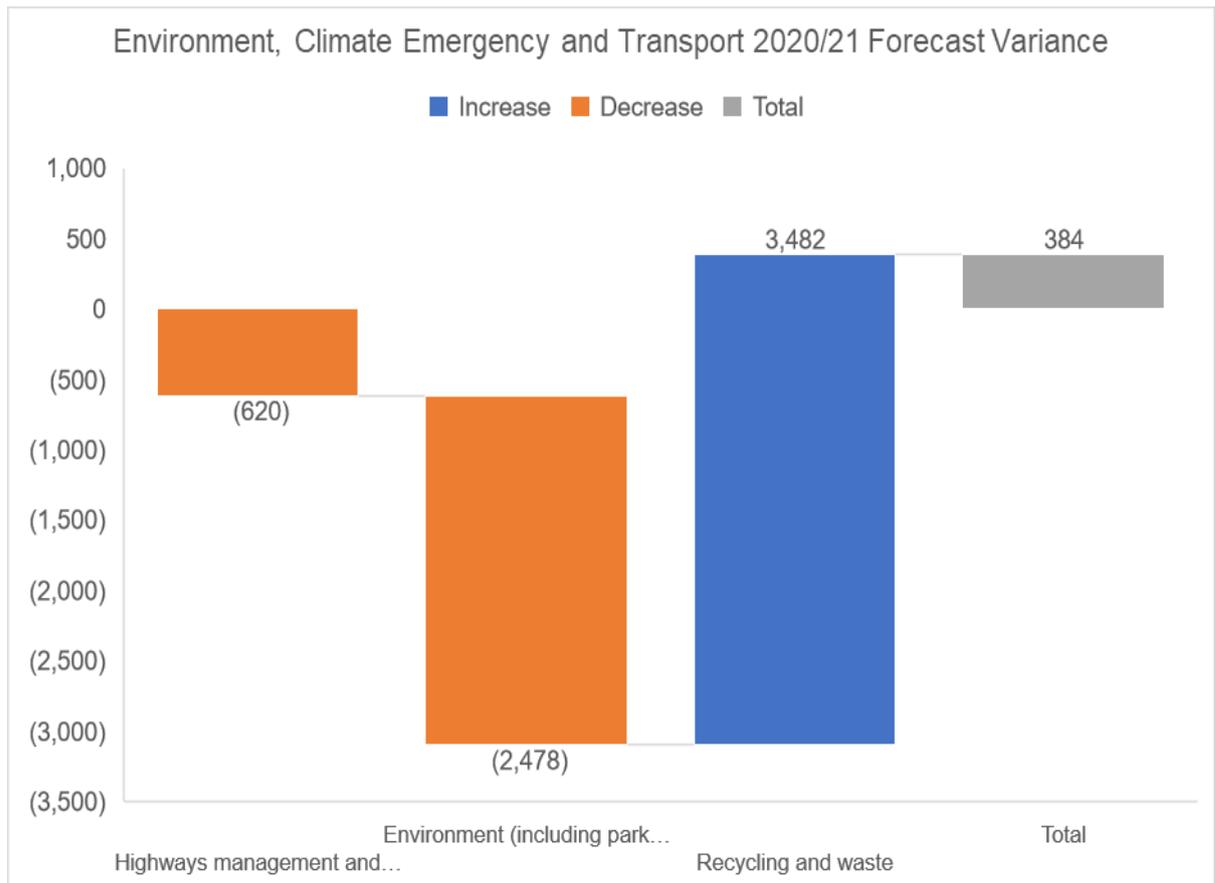
5.0 2020/21 COMMITTEE BUDGET

- 5.1 The tables below indicate the 2020/21 budget for each Council Directorate and for each of the Committee's. The budget for the Environment, Climate Emergency and Transport Committee is included within the Neighbourhoods Directorate. Only £34.272 of total Neighbourhoods budget of £60.686m is controllable. The remainder of the budget consists of £17.182m Levies and £9.232m of Central Support Costs.

Directorate	£m
Regeneration & Place	36.623
Neighbourhoods	60.686
Children, Families & Education	81.014
Adult Care and Health	106.912
Resources	11.477
Law & Governance	6.611
Chief Executive's Office	1.374
Total 2020/21 Net Budget	304.697

	Full Year		Variance		Adv/Fav
	Budget	Forecast	(+ Fav, - Adv)		
	£000	£000	£000	%	
Highways management and infrastructure	7,289	7,909	(620)	-8%	Adverse
Environment (including parks and open spaces)	8,237	10,715	(2,478)	-30%	Adverse
Recycling and waste	28,615	25,133	3,482	12%	Favourable
Total Surplus / (Deficit)	44,142	43,757	384	1%	Favourable

- 5.1 Forecast Variance: An adverse variance (decrease) is one where the forecast position is worse than the planned position by more than £0.1m, conversely, a favourable variance (increase) is where the forecast position is better than the planned position by more than £0.1m. The data is provided in the tables above.



- 5.2 An under achievement of income within Community Patrol contributes around £0.295 towards an adverse variance projected at quarter 1 following the loss of several contracts in previous years. The service has attempted to seek additional income generation opportunities for new clients, however there is an insufficient market for this. There is a planned review of the future staffing requirements for the service later in the year to mitigate the loss.
- 5.3 A loss of Car Parking income following temporary suspension of charges from April until at least August 2020 contributes (£1.592m) towards the adverse variance. There are some overall favourable variances relating to employee costs within other areas, which offset the loss in income, in part.
- 5.4 There has been a loss of income due to the temporary suspension of the Garden Waste Service (£0.54m) and also from football and bowling clubs within Parks (£0.59m), with most of this being front loaded towards the beginning of the spring season. Work is underway to attract additional garden waste subscribers for 2020/21 through marketing campaigns and there are plans to implement payment through the direct debit scheme. Parks plan to reopen their facilities to sports clubs in line with government guidance, which may lead to recovery of some of the lost income.

5.5 Capital Budget: Capital Programme, Spend to June 2020 and Funding Source

2020-21 PROGRAMME	Programme		Spend	Funding					
	Cabinet Programme	June Programme	Actual Spend to Jun 20 £'000	Borrowing	Grants	Capital Receipts	Business Rates	Other	Total Funding
Environment, Climate Emergency and Transport	22,301	34,581	1,762	19,769	12,374	0	100	2,338	34,581

6.0 FINANCIAL IMPLICATIONS

6.1 There are no specific implications of this report as it relates to the process for the 2021/22 budget. The financial implications of any of the budget options will be included within relevant future reports.

7.0 LEGAL IMPLICATIONS

7.1 The entire report concerns the duty of the Council to avoid a budget shortfall. The Chief Finance Officer has a personal duty under the Local Government Finance Act 1988 Section 114 to make a report to the executive if it appears to them that the expenditure of the authority incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources available to it to meet that expenditure. The current financial situation is at a point in time and further funding and flexibilities is awaited from Government to offset the budget gap. If this is not sufficient to offset the forecast and no alternatives can be found, this position will be revisited.

8.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

8.1 There are no specific implications resulting from this report, however any implications relating to the individual budget options will be included in relevant future reports

9.0 RELEVANT RISKS

9.1 There are no specific risks resulting from this report, however any risks relating to the individual budget options will be included in relevant future reports

10.0 ENGAGEMENT/CONSULTATION

10.1 Informal consultation has been carried out with Members who have been kept apprised of the Council's budget situation.

11.0 EQUALITY IMPLICATIONS

11.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact

Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

- 11.2 Any equality implications from the individual budget proposals will be included within Equality Impact Assessments that will be presented to Policy & Resources Committee in February 2021.

12.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 12.1 There are no specific environment or climate implications resulting from this report, however any implications relating to the individual budget options with regards to the environment or the climate, will be included in relevant future reports

REPORT AUTHOR: Nicola Butterworth
0151 606 2130
nicolabutterworth@wirral.gov.uk

BACKGROUND PAPERS

2020/21 Budget Report
2020/21 Quarter 1 Budget Monitoring Report

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Full Council	2 March 2020
Cabinet	27 July 2020



ENVIRONMENT, CLIMATE EMERGENCY & TRANSPORT COMMITTEE

22 OCTOBER 2020

REPORT TITLE:	BUDGET AND PERFORMANCE MONITORING
REPORT OF:	DIRECTOR OF RESOURCES

REPORT SUMMARY

Through the development of Wirral Council's new Governance arrangements and the approval of the Wirral Plan 2025 (currently being refreshed to reflect strategic priorities, as a result of Covid-19) the Authority has committed to developing a budget and performance monitoring framework, which honours the Council's dedication to a more accountable, transparent way of conducting business, policy formation and decision making.

It is proposed that the Performance Framework is modelled on the Covid Dashboard set up at the start of the Coronavirus pandemic. This will enable clear and accessible data to be presented in a timely and meaningful way.

There are a very wide range of data sets that could be included in the Dashboard, and it is proposed that the specific selection will be co-created with members to ensure it is of most relevance and benefit to members.

Aligned with this is the Wirral Plan 2025. The Plan is currently being refreshed to reflect the Covid-19 situation and emerging Recovery Plans. This Plan will set out what the Council wants to achieve, working together with our partners, communities and businesses to improve the quality of life for our residents.

Our ambition is for:

- A prosperous, inclusive economy where local people can get good jobs and achieve their aspirations.
- A sustainable borough that is not only environmentally friendly but one which plays its part in urgently responding to the environment and climate crisis
- Brighter futures for our young people and families – regardless of their background or where they live
- Safe, vibrant communities where people want to live and raise their families
- Services which help people live happy, healthy, independent, and active lives, with public services there to support them when they need it

RECOMMENDATION

That members note the proposals outlined in the report for shaping future Performance monitoring reports, and that further discussions take place with the Committee Chair and Group Spokesperson in early November so that they can shape monitoring reports for the purposes of this Committee.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 To ensure that governance arrangements in Wirral enable open, transparent, and responsive decision making, robust performance and budget monitoring will be incorporated to ensure that the Policy and Resources Committee and the individual policy and service committees will have sufficient oversight of these areas.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 There are a number of options for capturing performance and budget information, and these will be presented to members at the workshop

3.0 BACKGROUND INFORMATION

- 3.1 Regular monitoring of performance and the Council's performance and budgets will ensure the Public have oversight and to enable Elected Members to make informed decisions in a timely manner.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications arising from this report

5.0 LEGAL IMPLICATIONS

- 5.1 There are no legal implications arising from this report.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There are none arising from this report.

7.0 RELEVANT RISKS

- 7.1 The Council's Corporate Risk Register was presented to Audit & Risk Management Committee in March 2020. This is currently being reviewed and aligned to the new committees' priorities and objectives within this process, and to reflect the updated Wirral Plan and the impact of Covid-19.
- 7.2 As the plan is currently being refreshed to reflect changes due to Covid-19, a new Performance Management Framework (PMF) is currently being developed to align with the refreshed plan. The PMF will be aligned to the Council's risk management strategy and both will be regularly reviewed as part of corporate management processes.
- 7.3 There are significant implications for the Council in changing its decision-making structure to a new form of governance, which is being launched alongside unprecedented financial and service pressures resulting from both the Covid-19 pandemic and subsequent demand on services. As such, Wirral Council have had to re-prioritise and re-design how our services are delivered and operated.

8.0 ENGAGEMENT/CONSULTATION

8.1 The priorities in the Council Plan 2025 were informed by stakeholder engagement carried out in 2019.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a policy, decision, or activity.

(a) Yes, and impact review can be found at <https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>
Navigate to Equality Impact Assessments since 2017.
Navigate to service area.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The Wirral Plan 2025 includes a set of goals and objectives to create a sustainable environment which urgently tackles the environment emergency. These are based on developing and delivering plans that improve the environment for Wirral residents. The performance report will include information on key areas where environment and climate related outcomes are delivered.

The content and/or recommendations contained within this report are expected to: -
Reduce emissions of greenhouse gasses

REPORT AUTHOR: **Carly Brown**
Assistant Director Chief Executive's Office
email: carlybrown@wirral.gov.uk

APPENDICES

BACKGROUND PAPERS

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

This page is intentionally left blank



Environment, Climate Emergency and Transport Committee
Thursday 22nd October 2020

REPORT TITLE:	Allotment Provision Scrutiny Review
REPORT OF:	Director of Neighbourhood Services

REPORT SUMMARY

This report sets out the findings and recommendations arising from a scrutiny review of Allotment Provision across Wirral. This review was commissioned as part of the Environment Overview & Scrutiny Committee's work programme in 2019/20.

RECOMMENDATION/S

Environment, Climate Emergency and Transport Committee is requested to approve the recommendations contained within the Allotment Provision Scrutiny Review report of the Environment Overview & Scrutiny Committee and determine what actions are to be taken, if any, in light of the recommendations

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 To enable the recommendations of the Allotment Provision Scrutiny Review Panel to be considered by the Environment, Climate Emergency and Transport Committee.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 No other options considered.

3.0 BACKGROUND INFORMATION

- 3.1 As part of the Environment Overview & Scrutiny Committee's annual work programme, a Task & Finish Scrutiny Review on the Allotment Provision on Wirral was established. The Review Panel was chaired by Councillor Tom Anderson.
- 3.2 In 2019/20, Members identified a number of issues relating to the current provision of Council allotments across the Borough; including the number of available plots, waiting lists and areas of particular pressure.
- 3.3 The key objectives set out at the start of the review were to fully understand existing capacity within allotment provision across the Borough, and how it can be maximised and/or expanded at current sites to provide improved access for all Wirral residents; to engage with allotment users and representatives of current allotment societies to recognise issues currently faced and how these might be addressed; and to contribute to a series of recommendations to ensure the effective management and provision of allotment sites across Wirral.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications, although there may be costs associated with actions arising from this report and implementation of recommendations if agreed.

5.0 LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from the report.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There are no direct resource implications, although there may be resource implications as a result of actions arising from this report.

7.0 RELEVANT RISKS

- 7.1 A number of risks were identified as part of the scoping exercise for this review, details of which can be found in Appendix 2 of this report.

8.0 ENGAGEMENT/CONSULTATION

8.1 As part of this review, representatives from Wirral Allotment Society and Wirral Site Secretaries group were invited to attend an engagement session to informally discuss the subject matter with Members of the Council and Council officers.

9.0 EQUALITY IMPLICATIONS

9.1 This report is for information to Members and there are no direct equality implications, although there may be equality implications as a result of actions arising from this report. Equality Impact Assessments will be completed for any subsequent actions as appropriate.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The content and/or recommendations contained within this report are expected to reduce emissions of greenhouses gases by aiming to increase the number of allotment plots which will ultimately contribute to an increase in organic and sustainable food production and a reduction in the local reliance on imported goods.

REPORT AUTHOR: **Alexandra Davidson**
Senior Democratic Services Officer
(0151) 691 8381
alexandradavidson@wirral.gov.uk

APPENDICES

Appendix 1 - Allotment Provision Scrutiny Review Report
Appendix 2 - Allotment Provision Scrutiny Review Scoping Document
Appendix 3 - State of the Market Survey 2020 : Local Authority Allotment Services

BACKGROUND PAPERS

Wirral Council Allotments Partnership Strategy & Improvement Plan 2015-2020
Wirral Council Site Secretary Agreement 2015
The King's Fund 'Gardens and Health; Implications for policy and practice' publication 2016

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Environment Overview & Scrutiny Committee	30 January 2020

This page is intentionally left blank



Allotment Provision in Wirral

Report of the Environment Overview & Scrutiny Committee

September 2020



Contents

1.0 INTRODUCTION	3
2.0 BACKGROUND	3
2.1 The Impact of Allotments on Health and Wellbeing and the Local Environment....	3
2.2 Local Authority Statutory Requirements	3
2.3 Current Allotment Provision on Wirral.....	4
3.0 TASK AND FINISH SESSION	7
3.1 Stakeholder Comment.....	9
4.0 SUMMARY AND FINDINGS	10
4.1 Recommendations.....	11

1.0 INTRODUCTION

As part of the Environment Overview and Scrutiny Committee work programme in 2019/20, Members identified a need for further review of the provision of allotment sites across the Borough; with a view to focusing specifically on capacity, demand and key areas of improvement within the current system. A Task and Finish Panel was established in July 2020, with Members of the Task & Finish Panel agreeing a comprehensive review scope; including a plan of engagement with representatives of allotment societies and site secretary groups to recognise issues currently faced and how these might be addressed.

2.0 BACKGROUND

2.1 The Impact of Allotments on Health and Wellbeing and the Local Environment

There have been a number of studies undertaken around the benefits of maintaining an allotment for individuals, as well as how sites impact on the local area and natural environment; with results detailing reductions in depression and anxiety, improved social functioning and even increased opportunities for vocational development, amongst other benefits. A UK based case-control study carried out in 2015 and published in the Oxford Journal of Public Health sought to assess the health and wellbeing benefits of allotment gardening by comparing pre and post session moods and wellbeing for regular allotment gardeners against a matched control of non-gardeners recruited as volunteers from a local supermarket. The findings of this study suggested that benefits to mood, self-esteem and other indicators of wellbeing improved significantly for the allotment gardeners between pre and post session measurement. In addition, these benefits can be felt almost immediately and generally the length of time as a plot holder has no direct bearing on the advantages. Alongside helping to combat loneliness and enable residents to contribute to society, particularly in retirement, the physical benefits of regular spells of gardening help plot holders to keep fit and to prevent cognitive decline, as well as building levels of vitamin D by outside working.

Amid population growth, there is increasing pressure on green spaces and allotments can provide a high level of conservational value as important wildlife habitats in urban areas; encouraging birds, mammals, and amphibia as well as supporting pollinators and bees. In the wake of a global climate emergency, organic and sustainable allotment gardening is a collective step for communities to take to reduce the local area's contribution to climate change and for residents to reduce their carbon footprint.

2.2 Local Authority Statutory Requirements

The history of allotments dates back hundreds of years, with the system currently used today based on the nineteenth century model. The Allotments Act 1925 established formal legislation that meant that local authorities could not sell or convert allotments, and also that town-planning authorities should give special consideration to allotments

when preparing their town planning, which as a consequence is now relevant to the Council's Unitary Development Plan and Local Development Framework.

Since the initial inception of the Allotments Act of 1925, there have been numerous revisions to strengthen this legislation over the years; relating in part to provision, notices to quit and planning. Allotment sites are designated as statutory or temporary; statutory sites are those that have been acquired by the Council for the purpose of being allotment gardens and are directly protected by the Allotment Acts whereas temporary sites are not. Case law indicates that allotment sites that have been in existence for more than thirty years are deemed to be statutory, with the vast majority of Wirral's allotment sites deemed to be statutory.

Wirral Council has a statutory duty to provide allotments where there is demand, and when faced with this demand, must endeavour to acquire suitable land or take a lease or tenancy of land for this purpose, with failure to meet such a demand theoretically leaving the authority open to challenge by way of judicial review in the High Court.

2.3 Current Allotment Provision on Wirral

On Wirral, there are currently 1,767 lettable plots over 41 Council managed sites – with a notable increase in interest in allotments since the announcement of the Covid-19 pandemic lockdown in March 2020, with 813 applications for a plot being made between March and July 2020. At present, there are 8 plots at the Church Street site which provide disabled access.

Although the global pandemic has highlighted to many that sustainable home-grown produce can be preferable to a reliance on imported food supplies, a survey of local authorities and their allotments from 2015 (as referenced in the King's Fund study '*Gardens and Health*') confirms that there has been a steady increase in demand over a number of years. For many Councils, this increase has been difficult to deal with and the survey stated that more than 30% of local authorities that responded said they had between 100 and 400 people waiting for plots, while 8.5% had more than 1,000 people waiting. On Wirral, as of August 2020, figures show that there are 1,704 applicants on the waiting list for an allotment plot across the Borough, with the most sought after areas for applicants being Wallasey and West Kirby. The Parks and Countryside Team have reduced the numbers waiting by 140 prior to August 2020 through an audit of the list to confirm contact details and to reconfirm an applicant's intention to take up a plot if offered.

The rental cost of an allotment in Wirral is currently £65.00 per year for a full plot, and £32.50 for a half plot.

Wirral Council's Joint Partnership Allotments Strategy and Improvement Plan was published in 2015, following a review of the Council's allotment processes, and links to the Parks and Open Spaces Strategy. This strategy set out a number of objectives, aims and aspirations in relation to creating and maintaining a high standard of allotment

provision for the benefit of Wirral residents – notably by “improving the infrastructure, facilities, security and quality of allotment sites and ensuring optimum use is made of existing allotment provision through reducing the number of vacant and ‘unusable’ plots”. At the meeting of the Environment Overview and Scrutiny Committee in January 2020, the following update on the immediate and long-term aims of the strategy was provided for Members;

Short Term Aims of the Allotment Strategy

Five-year aim	Comments
Implement the use of a new Allotment Computer system and keep it up to date, include all relevant allotment documentation.	This has been completed, Colony has now been installed as the new allotment computer system.
Revise (and regularly update) the allotment pages of Wirral’s website, to provide appropriate information for plot holders and people interested in taking on an allotment.	The allotments pages are regularly updated, the Wirral allotment society are notified of numbers on waiting lists.
Update the sectional maps of each site, with a site map and a diagrammatical sketch plan of each site, on a regular basis	This is a still an ongoing process, all sites have been renumbered and some sites have new site maps.
Implement effective administration and maintenance of allotment sites in line with this strategy and the procedures set out in the appendices. Create a 5-year allotment site improvement plan for each non self-managed site with input from the site secretary, plot holders, the site’s allotment society (where one exists), neighbours and other interested parties. Prioritising the sites needing most attention (e.g. Sumner Road, St James, Lansdowne Place, Carrodus, Bedford Road).	This is completed on a daily basis; the colony system has helped implement effective administration as it is a lot more advanced than the previous system. Team Leaders have created improvement plans for each of their sites, prioritising sites where works needs carrying out and those that need attention.
Introduce use of secure keys that cannot have copies cut to stop dumping and reduce vandalism.	We have introduced a combi lock trial, where tenants are given the combination and it is changed when new influx of tenants, it has been successful on sites to avoid dumping and vandalism and reduces money spent on keys.

Provide updated information regarding waiting lists for each site on a regular basis, including providing a copy to the Wirral Allotment Society, so that this information can assist people considering applying for an allotment.	This is done regularly, lists are sent to site secretaries, this is to provide them with all their tenants details, waiting lists and vacant plots, the Wirral allotment Society is also provided with waiting lists and vacant plots.
Carry out piloting of a range of cost effective methods of bringing unusable plots back into productive use, evaluate the pilots with input from the site in question's site secretary (and site society if one exists) and then select the most suitable methods for further use on an ongoing basis, in order to reduce the waiting lists.	We carried out several pilot schemes on Bebington Road and Harris Allotments, people on the waiting list were invited to an open day to see plots that were considered unusable. This was a successful scheme with many plots being brought back into use. Also, Shakeshaft and Sumner Road, these were derelict and run-down sites they were brought back into use and are now fully tenanted.

Long term Aims of the Allotment Strategy

Five-year aim	Comments
Encourage the role of the site secretaries, site societies and allotment tenant participation in the care of allotment sites	We hold regular allotment site secretary meetings alongside team leaders, this is to address any concerns and encourage their participation in the care of allotment sites.
Highlight the role that allotments play in developing a more sustainable environment, encouraging biodiversity and conservation	We have created a bimonthly newsletter which has Highlighted the role that allotments play in developing a more sustainable environment, encouraging biodiversity and conservation.
Develop a health agenda for allotments focussing on improving the health of the borough.	This was created as part of the Allotment Strategy.
Support groups to develop areas of potential new allotment provision where appropriate	We have been working alongside allotment groups, actions have been taken for the creation of new allotment sites and we have identified a few locations where more plots could be created.
Implement the allotment site improvement plans in partnership.	This is being implemented on sites in partnership with site secretaries.
Encouraging sites to ensure that the provision of allotments can be continued into the future in a cost effective and financially sustainable manner, for example applying for external funding for site improvements, thereby allowing more improvements to be made.	This is encouraged to all site secretaries and associations, many sites have applied for external funding to pay for site improvements, also some sites have created water saving resources to help reduce the amount we spend on water each year.

Improve directional signing to the main access point of each site.	Most of the allotment sites have had new signage to the main access point.
Review and develop a changing structure that reflects the size of plots and available facilities to ensure a fairer charging system for plots.	Size of plots are being looked at and measured accordingly to make sure people are being charged the right amount, this is still an ongoing process.
Acquire further software modules to further enhance the new system and ensure a much more effective and efficient handling of all allotments data.	Invoicing software has been updated, which has ensured invoicing is processed on time and any issues can be easily addressed.

3.0 TASK AND FINISH SESSION

On 15th September 2020, Members of the Review Panel met remotely to discuss the issues around allotment provision on Wirral and how improvements could be made, with key stakeholders included from Wirral Allotment Society and Wirral Site Secretaries along with senior officers from the Council’s Parks and Countryside Team.

The Chair of the Panel advised attendees that the function of the Overview & Scrutiny Committee did not allow for direct decision making, but that any recommendations agreed as a result of this review would be referred to the Council’s Environment, Climate Change and Transport Committee within the new governance committee system for further consideration.

In advance of the meeting, Members had examined an update report from the Parks and Countryside team regarding allotment provision and a number of proposed ideas for development. A summary of key discussions and Member comments is as follows;

- Members queried whether officers had engaged with registered providers such as Magenta Housing when trying to improve provision and seek additional support in the locality. Officers stated that, although there had not been much enthusiasm from those providers following previous contact, there was an opportunity to reach out to them again.
- The Panel questioned how much collaboration there had been so far with planning officers relating to allocation of land in the Borough for allotments under the Local Plan. The response was the Local Plan process does indeed set standards as to what provision is needed for allotments and the Parks and Countryside team have provided information to Planning – however, there is a prospect for Members to make suggestions for further cooperation as part of this review.
- Members asked whether there was opportunity to restore allotment plots in locations where they have previously existed (for example, Mayer Park in Bebington) and this was noted as a potential recommendation area.

- In terms of Parks and Countryside staffing levels, Members asked whether departmental staff are still redeployed to assist with the immediate pandemic response. The Senior Manager for Parks and Countryside advised the Panel that there are still ten members of the team working at the Covid-19 hub, however they are expected back on 21st September 2020.
- Members questioned in which area waits for plots were longest, and whether there are noticeable waits in specific areas or if the spread of demand is across Wirral. The response was that there are currently a high number of applicants in the Wallasey area – particularly for the Mosslands Drive and Belvidere Road sites.
- With discussion around vacant plots, Members asked for clarity around the mechanism for the allocation of plots and how they were assigned. Officers confirmed that applicants are allocated an available plot at their preferred site once they reach the top of the list and that the team attempt to undertake constant communication with those on waiting lists to ensure contact details are kept up to date and that willingness to take up a plot is assessed.
- Included in the update report to Members was an Allotments Questionnaire that has been developed and in time will be emailed to all residents on the waiting list who have provided an email address and posted on the Allotment Facebook page (at present, the questionnaire has been received by those on the Ashton Park site waiting list). The questionnaire asks for residents' opinion to gain a realistic view of their aspirations for allotment gardening. Members asked for further detail on why this survey is being carried out and how it will inform improvements. Officers stated that there have been high numbers of applicants since the lockdown period began in March 2020 and it was thought that gaining an understanding of why these residents are applying and their expectations would be beneficial to the improvement process. Provisional survey results will be shared with Members as soon as practicable.
- Members requested detail on the average waiting time for an allotment place in the Borough. According to officers, the longest time any resident has waited was approximately ten years, although this was down to a preference for a smaller and highly sought site. Average waiting times do vary between different sites, with a wait being as short as 3 months at a site such as Bebington Road – however, the average is still likely to be approximately 4 years. In addition, detail was provided around the allocation process. Applicants can initially express an interest in up to two separate sites and are offered a plot once they reach the top of the waiting list, with the Council using Colony software as an efficient and cost-effective way of managing demand.
- Members asked whether the Council could quickly reduce waiting list numbers by extending existing sites. The Senior Manager of Parks and Countryside agreed and

advised that work had already begun on championing the subdivision of larger plots into smaller sizes. Given how difficult it can be to tend an allotment of bigger proportions, for many plot holders (and particularly families or those in full time employment) this is likely to be welcomed. In addition, subdivision of an existing plot is a realistic and effective approach and these kinds of actions would be welcomed as 'quick wins' in addressing the current issue of long waiting times.

- The Panel asked the estimated cost of creating allotment plots, and whether community schemes can be utilised to assist with this expenditure. Although local groups in some areas do often help to bring plots into use, the approximate cost is £50,000 for each developed site of around 30 plots.

- In response to Member questioning about action to extend plots, and how many would be created, officers provided further information. At the Cross Lane site in Wallasey, a capital bid has been submitted to extend the site to allow for approximately 20 further plots, with a similar proposal also in place for the Mosslands Drive site. At the Bebington Road site, there will be a capital bid to place and additional 36 raised beds (20m x 1m) and to improve the site infrastructure to improve disabled access and provide a creche for family use. The Love Lane, Dawson and Green Lane sites are being assessed by the Local Team Leader to identify opportunity for extension.

3.1 Stakeholder Comment

Professor Ronald Jones, the acting Chair of Wirral Site Secretaries, addressed members on his thoughts on local issues with capacity and demand. At Professor Jones' local site - Fairview in Oxton - there is currently a waiting list of approximately 100 people for 25 plots and recent attempts to recruit to a plot at the site proved difficult as there were apparent issues with those on the waiting list having out of date contact details or, once contacted, advising that they were no longer interested in renting a plot. Professor Jones agreed with the Panel that increased autonomy at individual sites would be beneficial, particularly in allowing secretaries to be more robust in issuing notices to quit, advising that anything that expedited the process of issuing notices (such as emailing photos of unkempt plots) should be encouraged. However, he did advise caution in the procedural framework around this and recommended that clear terms of reference would be useful in ensuring that secretaries knew their role in managing the site. In addition, Professor Jones states that he wished to see improved communication between site secretaries and the Council, and that arrangements for meetings historically had often been infrequent and informal.

Mr Dave Morris, Chair of Wirral Allotment Society, provided a verbal statement for members on his view as a representative of Wirral's allotment users. Mr Morris stated that there has been a disappointing breakdown in communication and action from the

Council regarding allotment improvements. On a number of occasions, he stated that assurances were made to convene a working group to look at taking action and he has yet to be involved in such a group, with little other engagement taking place.

Mr Morris addressed the panel in relation to the statutory requirements of the Council in terms of allotment provision, stating that locally we do not meet the National Allotment Society standard of providing 20 plots per 1000 households and estimating that, as an authority, Wirral is approximately 1000 plots short of achieving this.

Mr Morris suggested the following actions to improve the current process;

- Tightening and improvement of the current system relating to non-compliant plot holders.
- Speeding up the system for new tenant allocation.
- Auditing the waiting list more regularly to ensure applicants still hold an interest.
- Identifying Council sites to expand.
- Developing more links with the Council's health agenda to reduce health inequalities across the Borough.
- Further autonomy for allotment site secretaries, with a trial of self-management to be encouraged.

Whilst much of the discussion with stakeholders centred around the potential opportunity of providing delegated functions to site secretaries, there was agreement by the Panel that this must allow for the retention of a fair allocation system, as well as ensuring that 'common sense' reasoning applied to the issue of notices to quit; particularly where a plot holder has been directly affected by Covid-19, has had personal health problems or has experienced another mitigating circumstance causing short-term impact on their ability to maintain a plot. One potential response to these kinds of individual issues included the possible use of ward member budgets to fund a raised bed, meaning that a plot holder with health problems could remain a social member without the onerous workload of maintaining a plot.

Both Professor Jones and Mr Morris also agreed with the Panel on the sub-division of large plots where possible to provide an immediate boost in plot vacancies and to appeal to those applicants who may prefer a smaller gardening space.

4.0 SUMMARY AND FINDINGS

As a result of the Member review session, a number of crucial findings were gathered. In discussing the future provision for allotments in Wirral, there was agreement that the following key areas required improvement or consideration;

- i) Improved communication with site secretaries and allotment users. Although the Parks and Countryside team have developed a bi-monthly newsletter for plot holders and those on the waiting list, there should be assurance that

- stakeholders will be invited to attend regular, formal meetings with Council officers and local Councillors where possible.
- ii) Increased autonomy for site secretaries in regard to management of allotment sites, and particularly relating to powers to serve notices to quit in order to speed up potentially bureaucratic processes – whilst still ensuring that there is a fair and just allocation and appeals process is in place.
 - iii) Unused Council-owned land and/or land previously utilised for allotment plots should be identified and brought back into use where possible.
 - iv) Sub-division of full plots to provide immediate capacity. It is likely that these smaller plots will be preferential for many potential plot holders who might find difficulty in maintaining a full plot.
 - v) Continued and improved collaboration with planning officers to ensure that allotment provision is built into the Local Plan, and that any Section 106 agreement suitable for allotment site expansion is developed.
 - vi) Additional work undertaken to identify and set a clear target for additional plots needed to meet demand so that the Council might accurately track progress towards achieving this. National Allotment Society standards of 20 plots per 1000 households could act as a starting point to benchmark progression against.

4.1 Recommendations

Recommendation 1; Establish a cross-party and cross-committee working group, in consultation with internal and external stakeholders including Wirral Allotment Society and Wirral Site Secretaries group.

In order to prioritise the increased provision of allotment plots and inform the updated Wirral Allotment Partnership Strategy, a working group should be created with membership comprised of Members of the Council from across policy and service committees, departmental officers, external stakeholders and local partners.

Recommendation 2; That the Wirral Site Secretary Agreement 2015 be amended to allow for increased autonomy and delegated decision-making relating to site management.

The existing Site Secretary Agreement, and if necessary individual Allotment Site Action Plans, should be revised as soon as practicable to provide enhanced authority for site secretaries; specifically relating to the issue of Plot Improvement Notices to expedite the Termination of Agreement process as much as possible so that the plot can be re-let quickly.

Recommendation 3; Recategorise rental fees for new and existing plots.

Research and consultation should be undertaken to look at current rental fees and, where reasonable, potential increases to non-concessionary rents for new plots with improved facilities and according to plot size - with the agreement that any additional income raised from rent payments be reinvested into increased allotment provision across the Borough.

Recommendation 4; Increase existing provision of accessible plots across Wirral by 2025.

Explore all opportunities to improve infrastructure and create raised beds to make allotment gardening more accessible for those with disabilities or mobility problems, including engagement with organisations such as Wirral Evolutions to seek out vacant space and further utilisation of existing sites to increase the number of accessible plots.

Recommendation 5; Increase allotment provision across the Borough by 1000 plots by 2025.

This recommendation should be achieved by;

Improved engagement with Planning Officers to ensure that Wirral's Local Plan protects existing allotment sites and actively encourages developers to provide opportunities for allotments and community food growing spaces within all major new developments.

Any Council-owned land and that managed by registered providers and local partners appropriate for allotment gardening, is identified and brought into use.

Section 106 agreements identified as suitable for allotment site creation or expansion are recognised and acted on.

In addition the Panel endorses the current review of allotment plot sizes and encourages the creation of half plots and raised beds where possible, as well as championing the continued pursuit of capital investment opportunities to support increased allotment provision.

Scoping Scrutiny Review Scoping Template

Review Title: Allotment Provision Scrutiny Review

Responsible Committee: Environment Overview and Scrutiny Committee

Date: 24th August 2020

1. Contact Information:	
Scrutiny Panel Chair: Cllr Tom Anderson	Lead Officer: Colin Clayton Assistant Director, Community Services colinclayton@wirral.gov.uk
Panel Members: Cllr Christina Muspratt Cllr Allan Brame Cllr Chris Cooke Cllr George Davies Cllr Karl Greaney Cllr Ian Lewis Cllr Irene Williams	Scrutiny Officer: Alexandra Davidson Senior Democratic Services Officer alexandradavidson@wirral.gov.uk
2. Review Aims:	
Wirral Council Priority: “Sustainable Environment” “Safe and Pleasant Communities”	
Key Issues: <ul style="list-style-type: none">• Members have identified issues relating to the current provision of Council allotments across the Borough; including the number of available plots, waiting lists and areas of particular pressure and shortfalls.• Wirral Council’s Joint Partnership Allotments Strategy and Improvement Plan runs from 2015 to 2020 and is due for review this year.	
Review Objectives: <ul style="list-style-type: none">• To fully understand existing capacity within allotment provision across the Borough, and how it can be maximised and/or expanded at current sites to provide improved access for all Wirral residents.• To engage with allotment users and representatives of current allotment societies to recognise issues currently faced and how these might be addressed.	

- To contribute to a series of recommendations to ensure the effective management and provision of allotment sites across Wirral.

Scrutiny Outcomes:

- Any recommendation(s) made as a result of this review will be presented to the Environment, Climate Change and Highways Committee in late 2020.

2. Risks and Implications

Potential Risks/Implications:

- By not taking advantage of, or maximising, the Council's allotment provision there is a possibility that the social, health and wellbeing benefits of allotment gardening will not be realised – significantly impacting on Wirral residents.
- The Council is obliged to provide a “sufficient number of allotments, and shall let such allotments to persons resident in the borough, district or parish and desiring to take the same” as part of its responsibilities under the Small Holdings and Allotments Act 1908. This review will assist in confirming whether the Council is discharging its responsibilities effectively.
- In the wake of Wirral Council's commitment to Climate Change action and the Cool 2 Climate Change Strategy, not seeking improvement to allotment provision may have implications relating to local conservation and environmental sustainability.

3. Review Plan

Review Approach:

It is proposed that the scrutiny review will comprise of one virtual Task & Finish session. This meeting will include the following;

- An update paper to be presented to Members as well as a chance to review key documentation, policy and benchmarking data.
- Discussions with key departmental officers to discuss potential opportunities.
- Communication with allotment societies.
- Review conclusion and recommendation setting.

Review Duration:

1 Month

Scheduled Committee Report Date:

3rd December 2020

4. Sources of Evidence:

Key Witnesses:

- Assistant Director, Community Services
- Senior Manager, Parks Coast and Countryside
- Parks and Allotments Team
- Wirral Allotment Society
- Wirral Allotment Site Secretaries

Supporting Papers / Documentation / Wirral intelligence Service Website:

Supporting documents are likely to include, but not be limited to, the following:

- Wirral Council Allotments Partnership Strategy & Improvement Plan
- Previous Committee Reports
- Case study documents detailing policies at other local authorities.
- Relevant legislation.

Involvement of service users / public:

- The review will involve engagement and communication with Wirral Allotment Society.

5. Key Communications and timings:

Cabinet Member:

- The scope document will be shared with the relevant portfolio holder at the start of the review.

Press Office:

- The press office will be notified of commencement of scrutiny review, and the scope document will be sent on approval for information.

This page is intentionally left blank

State of the Market Survey 2020

Local Authority Allotment Services



Briefing 20-79
September 2020



The state of the market survey was conducted by Wayne Priestley, APSE Principal Advisor for Environmental services.

For any enquires in relation to the survey, Wayne may be contacted on: Tel: 0161 772 1810

Email: wpriestley@apse.org.uk



Association for Public Service Excellence

3rd Floor, Trafford House
Chester Road, Old Trafford
Manchester M32 0RS

Telephone: 0161 772 1810

Fax: 0161 772 1811

Email: enquiries@apse.org.uk

Web: www.apse.org.uk

Local Authority Allotment Services

State of the Market 2020

APSE conducted an online allotment survey in September 2020. This follows on from a series of previous surveys which were conducted in 2019, 2018, 2017, 2016, 2015, 2013, 2012, 2010 and 2008. The 2020 survey asks similar questions to the previous surveys in order to allow for comparisons to be drawn from previous years but also included some new questions with regard to demand and use of allotments during the COVID-19 health pandemic UK 'lockdown' period. In total, over 80 responses were received from local authorities throughout the UK. This report identifies the key findings and offers further analysis about the use of allotments and their value to communities particularly during times of wellbeing needs.

Results from the survey

The following summarises responses to a series of questions on the numbers, types and demand for allotments. The total number of respondent councils is 87 which compares well with previous years data, based on surveys of similar respondent numbers.

Number and management of allotments

When asked about the management of allotments 96% of respondents answered that they have council owned allotments within their authority which is a rise of 2% from the 2019 survey which may suggest some new allotment sites have been built or transferred back to local authority control.

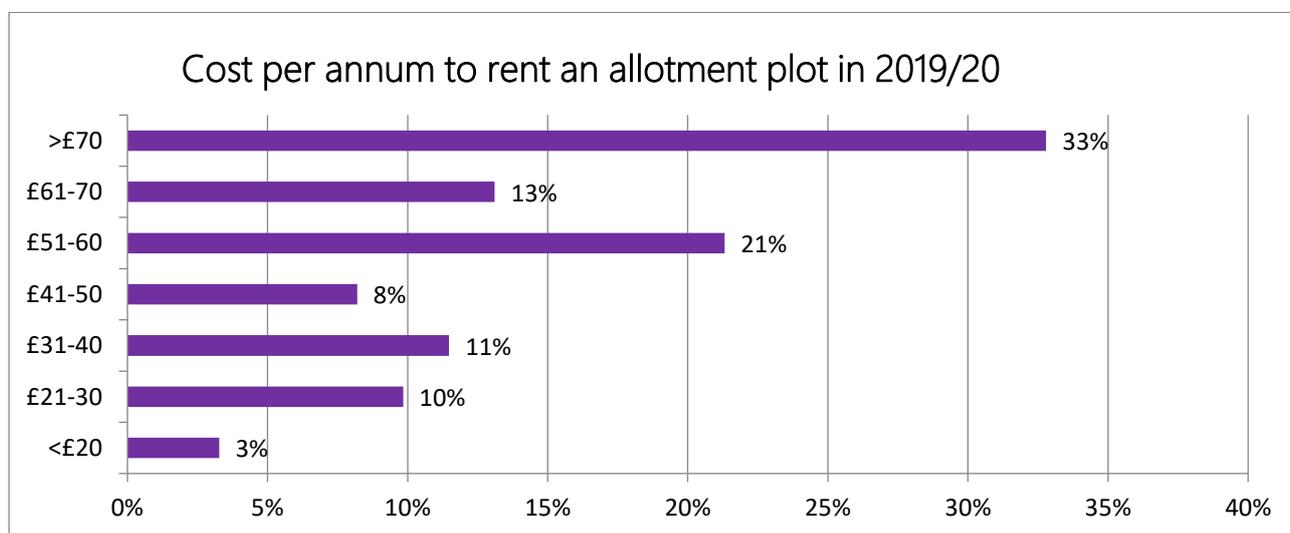
In terms of management of the allotments, 34% answered that they have allotments which are directly managed by a council officer, which is a rise of 13% on last year's results, only 9% stated that allotment sites are managed through a site committee/association (a 10% decrease on 2019). 57% of respondents stated that they have a mix of council and site committee/association managed sites, which is a 3% fall on last year's survey results, suggesting that although the main management approach to allotment sites appears to be a joint council and site committee approach, there is a growing number of sites which have fallen back into full council management.

Results also showed that almost 25% of respondents who do not currently manage sites had received requests for new allotment provision, suggesting that the length of waiting for current plots is driving people to request new site provision rather than wait. In Scotland, Part 9 of the Community Empowerment (Scotland) Act 2015 places a statutory obligation on local authorities to provide additional allotments when specific triggers are activated. Here local authorities have indicated they will be delivering these by reassessing their current sites to look at realignment and potential expansion, identifying new potential sites on Local Authority land, working with their

landowners such as Housing Association, Faith Groups, Educational establishments and others to encourage and support them to provide allotments in areas of demand and supporting emerging community groups to seek to develop sites too.

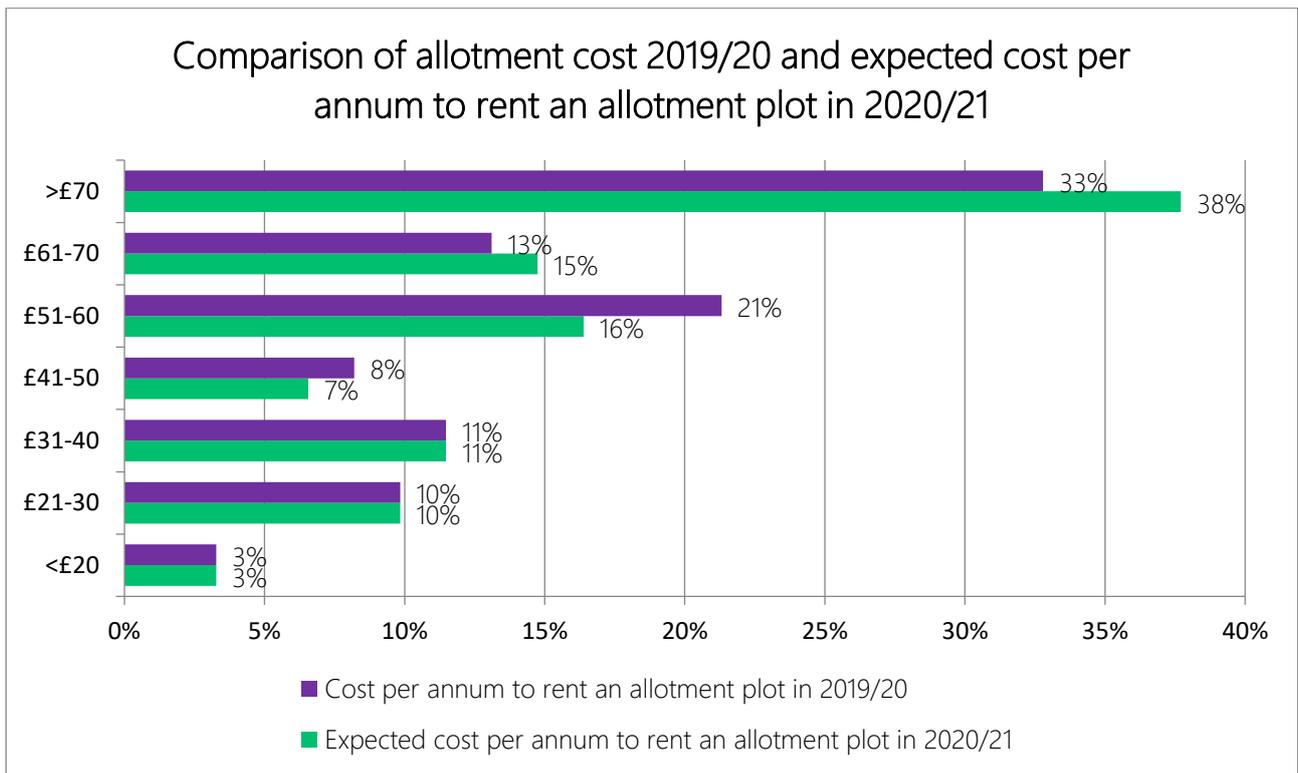
Cost of allotments

The chart below shows there was a wide range of prices for renting allotments, but the largest proportion of local authorities now charge over £70 per annum to rent an allotment in 2019-20, with almost 70% charging more than £50. The fact there is a wide variety of charges below this figure suggests size and facilities may have a part to play (half-plots etc.), but it is noticeable most local authorities are now implementing charges which may at least cover the cost of maintenance rather than subsidising the allotment service which for many, would have been the previous practice.



The survey asked about the expected increases in the rent of an allotment plot in 2020/21 as compared to 2019/20. It appears that there is likely to be little change in allotment cost, However, 5% more site managers will be charging £70 or over than currently.

The chart below shows the expected levels of increase in 2019/20.



The majority of respondents (69%), replied that the cost for an allotment is directly related to the area of the allotment (e.g. square metres) whilst 13% stated that the charge is standard regardless of the size. These figures show that the size of an allotment is still the determining factor for charging criteria. With regards to levels of increased costs, 30% of respondents stated they had increased allotment costs above the standard level of inflation which is a rise of 9% on 2017, when 21% stated their increases were above the level of inflation.

In 2020, 22% of respondents now state that they will be continuing to increase allotment costs over the next five years, compared to 34% in 2019, and a further 47% replied that they were currently reviewing allotment costs. The fall in respondents intending to increase costs over the next 5 years could be a reflection of allotment holder pressure to prevent further price increases.

Despite these increases only 36% reported that the provision of allotments would become cost neutral as a result of their charges. This is in fact a 7% increase on 2019 figures. So it does appear that price increases to allotment holders has seen an increase in some local authorities achieving break-even on providing allotments. However, 62% said that they would still need to subsidise the cost of allotment provision and only 2% said they would make a profit.

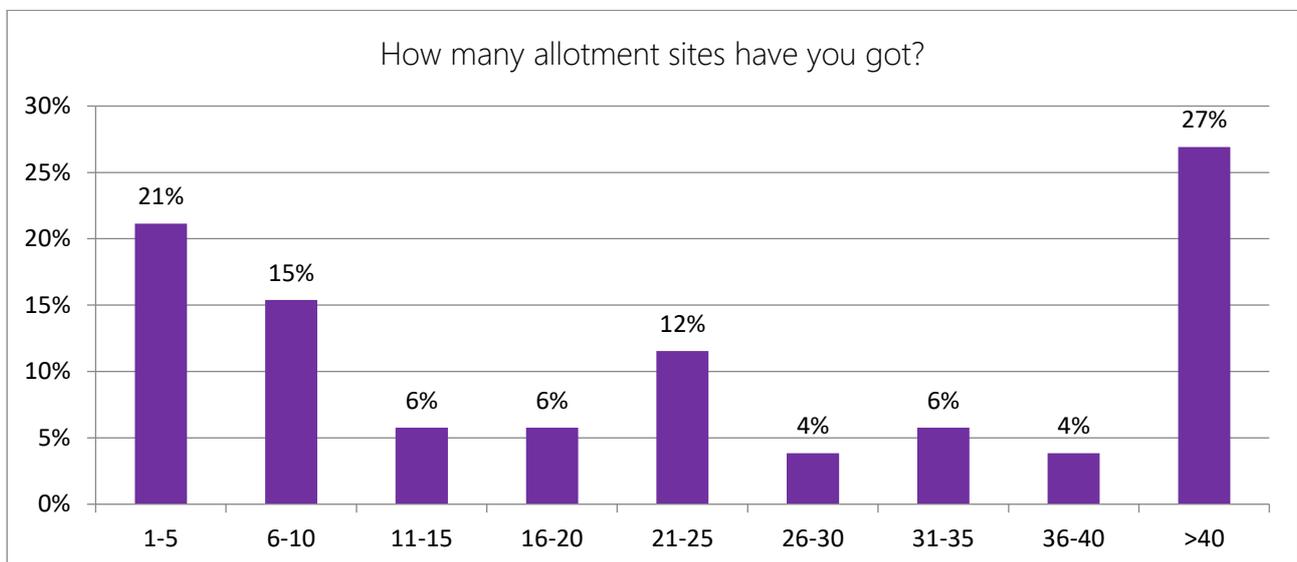
There was a split in the respondents who offered concessionary prices. 51% reported that they did offer concessions which is a fall of 10% on 2019, whilst correspondingly there has been an increase in those who no longer offer concessions from 39% in 2019, to 49% in 2020.

For those who do offer concessions, the breakdown is as follows:

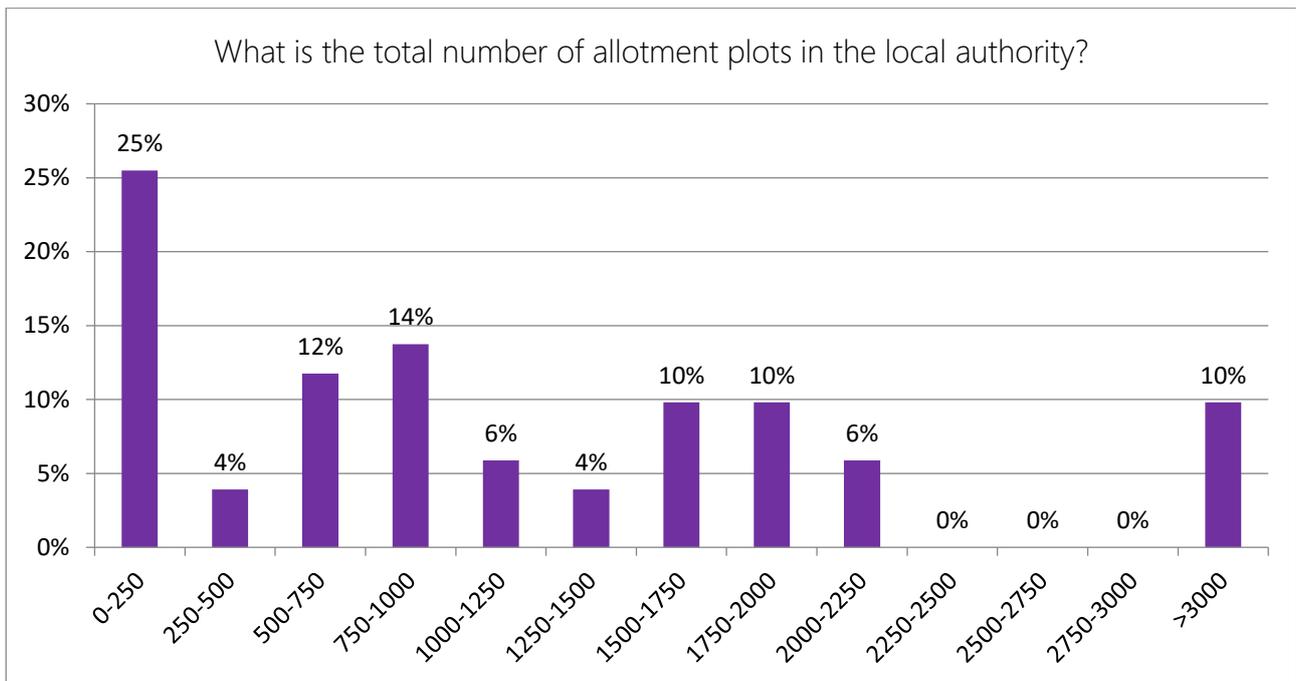
- 73% offer discounts for pensioners, over 60's and/or retired people, a fall from 88% in 2019. The majority of these offer a 40-50% discount.
- 60% offer discounts to the unemployed or those on income support. The majority of these offer a 40-50% discount.
- 46% offer discounts to people with disabilities. The majority offer a 40-50% discount.
- 34% offer discounts to students. Of these, the majority offer a discount of 20-30%.

Number and size of allotments

Regarding the number of allotment sites per authority, the chart below shows the results of the survey's findings. What is noticeable is that compared to 2019 there has been increases in the number of respondents stating they have increased the number of sites they operate in the 1-5 site and >40 site categories.



Linked to the number of sites per authority is the actual number of plots available. The chart below shows the number of actual plots available. The results show there have been increases in most categories which could reflect either increases in site numbers or new plots. A further possibility is some local authorities are now reconfiguring sites and creating more half plots which again could lead to increases in plot numbers.



In terms of the size of plots available, 45% stated that they have a standard size for a plot, and out of these, the most common sizes were: 250-299 square metres (35%), 100-149 square metres (23%) and 200-249 square metres (21%).

The reporting of waiting lists show the demand for allotments is still high, with 65% of respondents having 100-400 people in the waiting list for an allotment compared to 69% in 2019 which shows a slight improvement. The most significant change has been that 20% of respondents stated that they had over 1000 people on the waiting list compared to only 8% in 2019.

The majority of respondents (90%) stated that the waiting list is regularly updated (e.g. names of people who are no longer interested or those who have moved are removed).

With regards to average waiting time for an allotment plot, over 66% stated that over 18 months was the average, which is a rise of 17% on 2019 when the figure was 49%. 4% of respondents could guarantee a plot within 6 months and only 6% of respondents could offer an allotment plot within 3 months.

It is therefore perhaps not surprising that 71% of respondents stated that new tenancies are restricted to people living within the local authority area.

Future increases in the number of allotments

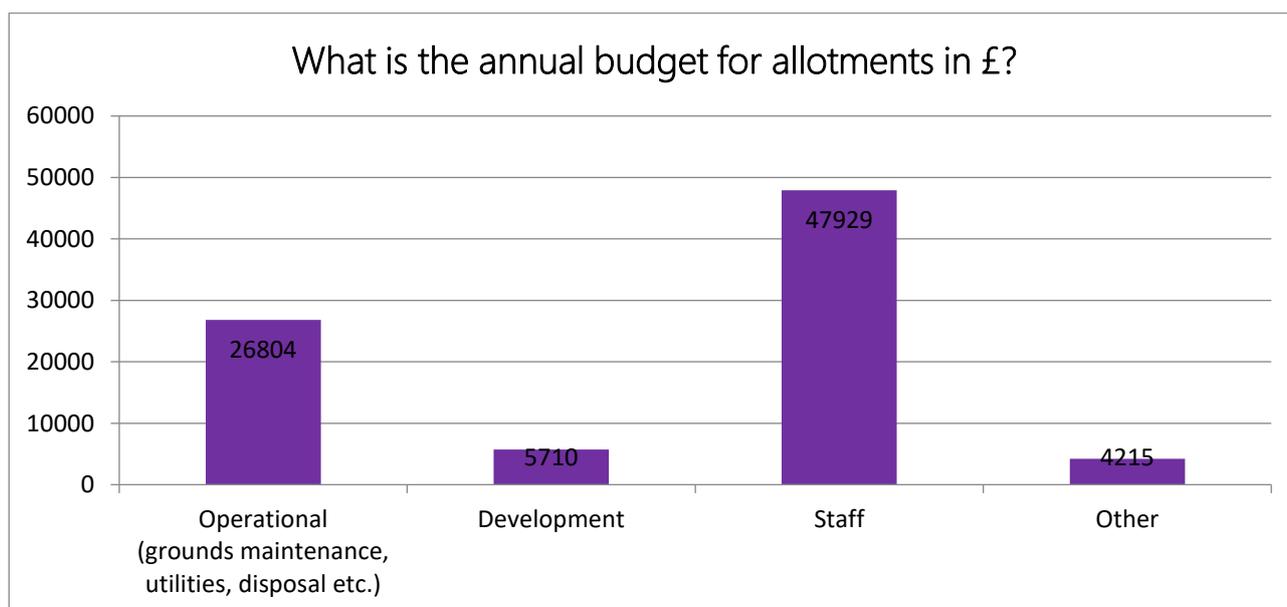
31% of respondents stated that their council plans to increase the number of allotments as oppose to 27% in 2019. From those respondents who stated that the number of allotments is planned to increase, the method of doing this is shown in the table below:

Direct provision by the council for additional plots	69%
Provision by builders/developers as part of a housing/planning policy	50%
Provision by community groups supported/facilitated by council	44%
Provision by other council departments (e.g. Education, Social Work) as part of a healthy lifestyles/eco-schools/health type project	13%
Other	19%

What is noticeable is that the provision by local authorities has increased as has the provision by builders and developers. Provision by community groups has remained at the same level but again provision by other council department as part of health and well-being projects has increased noticeably. It therefore does appear that councils are now taking a much more proactive role in providing new allotment sites and plots.

Budget for allotments

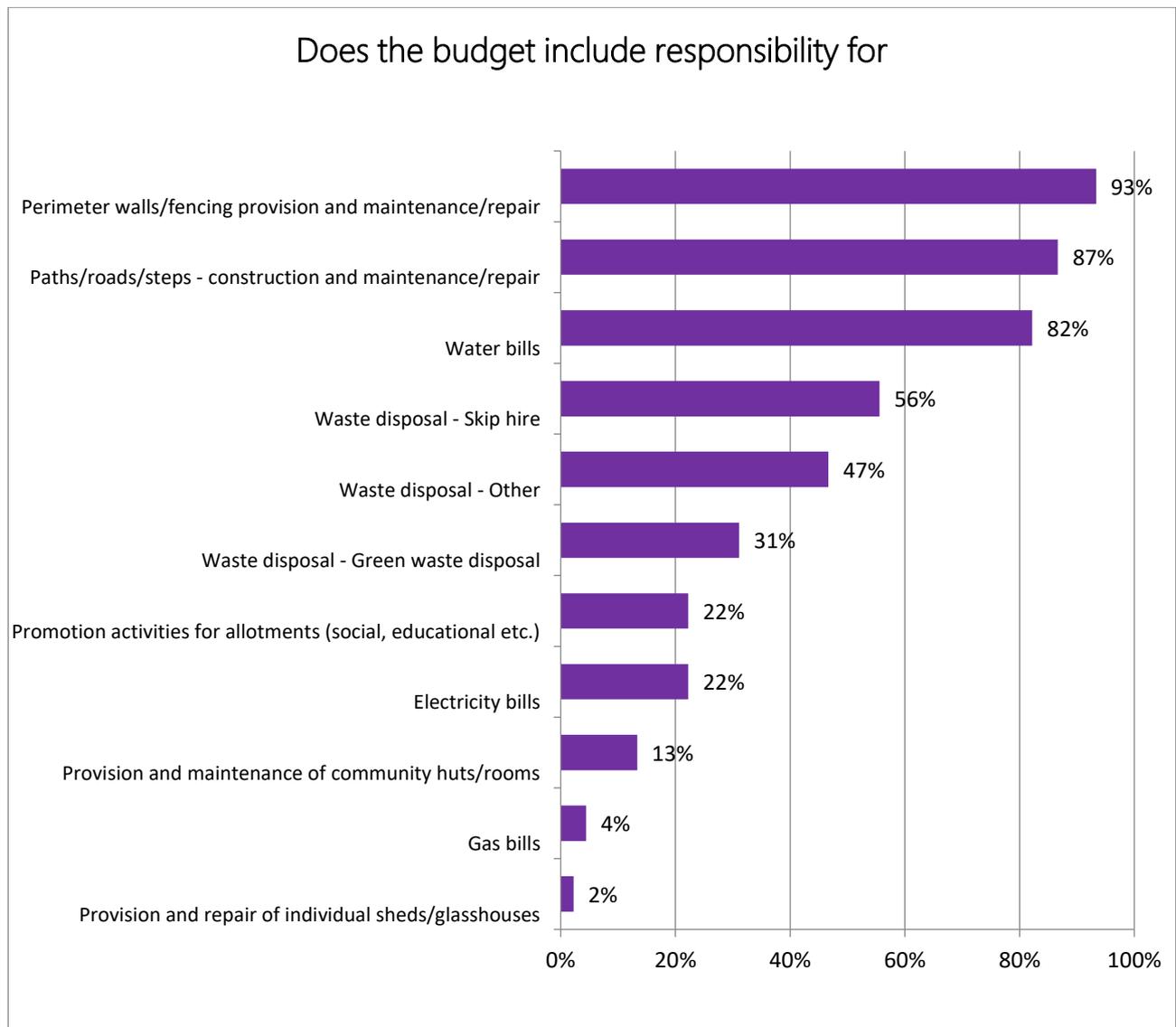
The average annual budgets for allotments were stated as follows:



These figures show an increase in all costs against 2019 apart from the 'other costs' category where there has been a significant decrease, probably resulting from the more accurate apportionment of costs across the other three cost areas. However when we compare the average

cost reported for 2019 and 2020 across these four cost areas it shows that there has been an 1% increase in cost/investment.

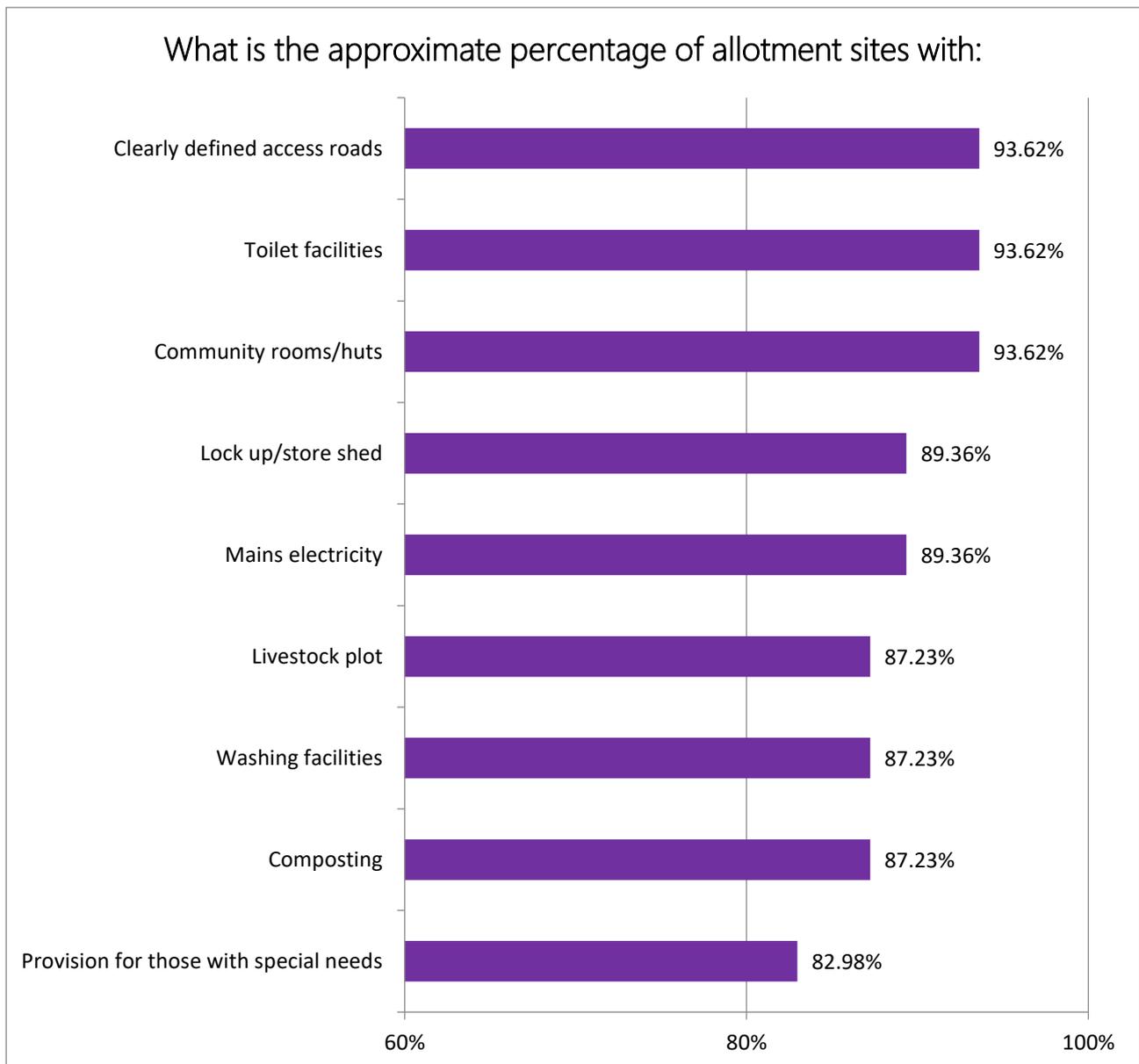
Respondents stated that their budget includes responsibility for the following:



It is again noticeable from the figures that there continues to be a council responsibility for infrastructure (paths, walls, fencing, community buildings etc.) Possibly many of these costs are no longer able to be borne by allotment associations even where sites are jointly managed as income from rents are not sufficient to cover expensive works often associated with infrastructure maintenance/improvements. However, allotment holders do appear to be taking a greater responsibility for water, electricity and waste removal bills as these are areas where they can take personal control through improved water efficiency, energy use and carrying out the recycling and composting of green waste.

Facilities at allotment sites

Most allotment sites provide water, fencing, clearly defined access roads and composting. Some allotment sites have other services such as livestock plots, community rooms, lock up/store sheds, washing facilities and toilet facilities. The full breakdown in terms of the average percentage of allotment sites with 'other facilities' is as follows:



There have been significant increases across all of these areas since 2020, particularly with regards to the increased provision of mains electricity, water and toilet and washing facilities. Livestock plots have also increased significantly.

Welcomingly we have seen an increase on allotment sites (from 28% in 2019 to 83% in 2020) where provision is made for people with special needs.

More sites (87%) now carry out composting. This clearly shows sites taking more responsibility for managing their waste in not only, a more environmentally sustainably manner, but also reducing the financial costs of waste disposal.

Regarding site maintenance, there seems to be a shift from one of a joint responsibility between councils and allotment holders to more of a heavier reliance upon plot holders and volunteers. In 2019 only 12% reported plot holders were involved in site maintenance, in 2020 this has risen to 52%.

The full responses are as follows:

As an integral part of grounds maintenance operations/contracts	65%
By the plot holders/site association	52%
By volunteers	15%
By a dedicated allotments team/person	13%
As part of rehabilitation programmes (health, offenders etc.)	19%
No grounds maintenance is carried out on the sites	2%
Other	13%

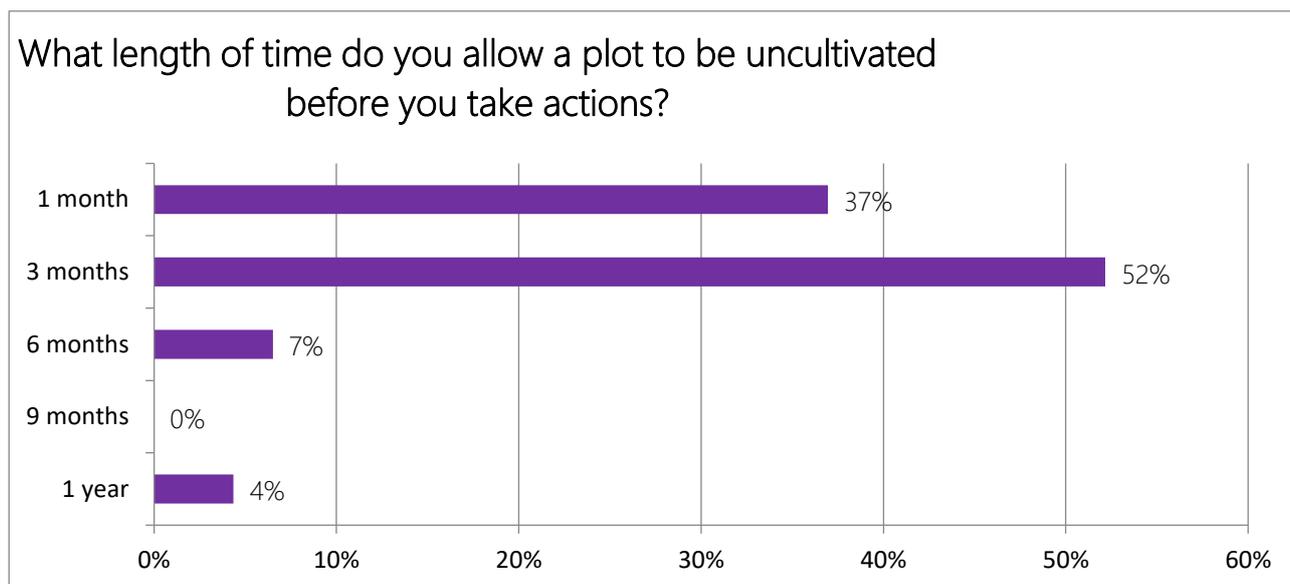
(Please note, respondents could choose more than one option on the survey for this answer).

Monitoring allotments

When asked how grounds maintenance is monitored, the majority stated that this is through inspections/site visits by an allotment officer (66%). Other responses included a council officer (38%) or a site representative (34%). This method of monitoring sites has varied little over the past few years, however this year it is noticeable that most inspections are now being carried out by dedicated allotment officers, perhaps suggesting due to the high demand for plots the actual monitoring is important to ensure all plots are being regularly used and absentee plot holding is avoided.

The survey asked how cultivation standards are monitored and the responses varied a great deal with some monitoring monthly whilst others only monitored when a problem was reported. These monitoring visits were carried out either by council officers, jointly with site representatives or on a daily basis by allotment holders themselves. Inspections may become more frequent during the height of the growing season.

When asked what time was allowed before action was taken on uncultivated plots to be brought back into use, the following chart shows the results of the answers received.



The only real change since 2019 is that there has been a decline in those reporting that they now only allow one month before action is taken on uncultivated plots, 37% in 2020 as opposed to 42% in 2019.

The majority of respondents now allow plots to be uncultivated for 3 months (52%) before they take action.

Notice procedures for tenants who fail to cultivate their plots vary from authority to authority, but are generally around 28-30 days' notice with an initial warning letter followed by an inspection; if no action to cultivate the plot has been taken after a defined period of time, either a termination of tenancy is undertaken or the plot-holder is put onto a probationary period.

Many respondents allow plot holders to have more than one plot, but this is subject to:

- Historical plots (i.e. those who had several plots can keep them, but new tenants are not allowed more than one plot)
- Waiting lists (tenants can have more than one if there are no waiting lists)
- Time limits (tenants can have extra plots on a year-to-year basis, subject to waiting lists)
- Household limits (where tenants are allowed more than one plot, but the amount each household can have is limited)
- Plot size (yes, but they are limited to a restricted amount of square metres)

40% of respondents restrict plot ownership to a person or a household and 31% of respondents allow plots to be passed on to families and friends. 77% of respondents have considered reducing

future plot sizes to create more plots. 21% of respondents stated that plot-holders are required to undertake a probationary period to ensure they can manage their plot effectively.

52% of respondents stated their authority has a policy in place for handling disputes between its tenants and 61% have a policy in place for handling appeals against notices to quit. 66% of respondents stated that their authority requires their self-managed sites to have policies in place to address the issues above. This is a rise of 9% on 2018 figures, which suggests problems may have occurred without such a policy and this is now being addressed.

Security

Plot-holders themselves generally manage the security on allotment sites (62%) with 45% of respondents stating that they don't actively manage security. 9% stated that they have a 'plot watch' scheme or something similar. The major change in 2020 has been the fact that no respondent said they now involve park rangers or community wardens in being involved in allotment security.

Comments from respondents included that they have lockable gates (some with a suite of security locks and keys that can't be cut by tenants), temporary CCTV, that community wardens/Police Scotland will respond to hot spots and specific incidents, through developing friendships with local PCSO's they have included allotment sites on their patrols and allotments are now linked to the Council's Community Safety Team. Neighbours also provide an element of passive security.

Allotment strategy

48% of respondents stated that they have an allotments strategy, a 6% increase on 2019 and of the 52% that haven't currently got a strategy in place, 42% (30% in 2019), stated that the council is planning to develop one within the next 2 years.

34% of Local authorities have a Friends Group/ Forum or similar which is a significant fall on 2019 when 53% reported having such a forum, perhaps reflecting the increasing role local authorities are having in allotment management.

63% of respondents now include allotments into their Local Plans and 58% (a 4% rise on 2019), have the value of allotments recognised within their Health and Well-Being strategies.

Biodiversity

Biodiversity is being promoted amongst plot-holders in the following ways:

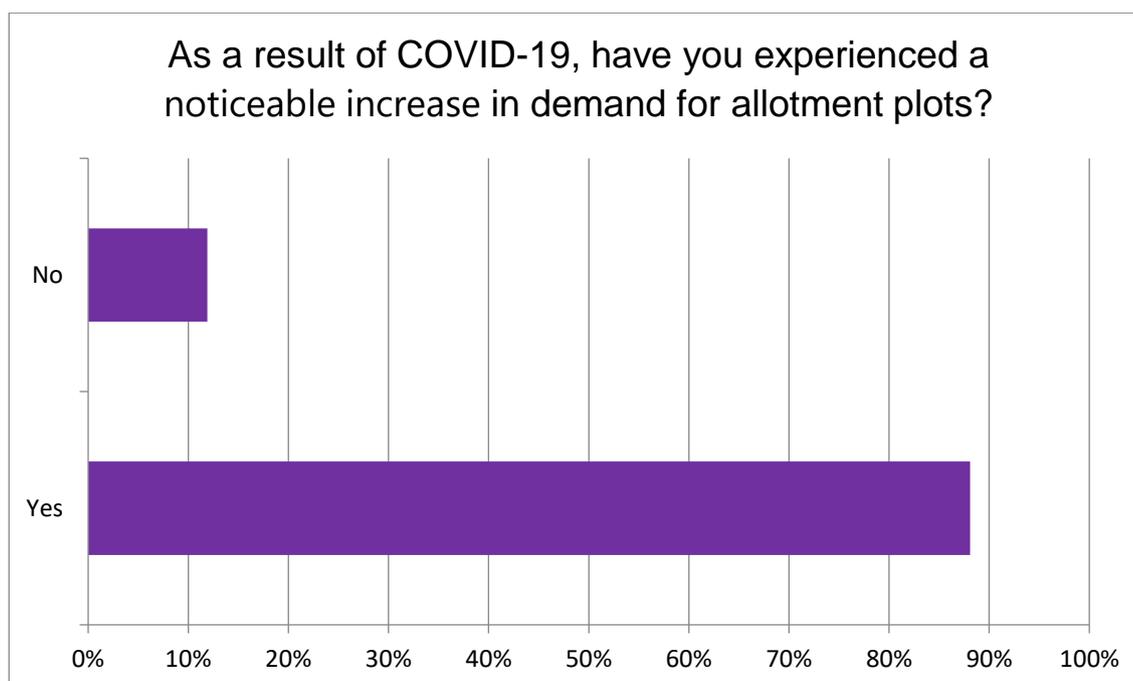
Areas being set aside for wildlife	67%
Information on how to improve biodiversity	52%
Planting pollinator friendly species	45%
Promoting native crops	18%

The setting aside of areas for wildlife has fallen slightly, but as information on biodiversity and planting pollinator friendly crops have both risen, this fall probably reflects the need to use all available land for allotment plots rather than a declining desire to improve opportunities for biodiversity. Other responses in relation to promoting biodiversity. included “encouraging bees by allowing beehives on plots” and “networks of bee keepers”. A growing number of sites are now planting pollinator friendly species to help address the decline in pollinator habitats. Respondents also mentioned that they are having their sites inspected for designation as Sites of Importance for Nature Conservation (SiNCs).

Respondents stated that environmental sustainability is promoted with regards to site management by adopting water-saving measures such as water butts (93%). 50% stated that they cultivate plots organically and almost 19% of allotment sites have begun to use solar power instead of mains power. Composting green waste is also another popular method of promoting environmental sustainability. One site has introduced a scheme to use natural spring water to make its use of water more sustainable.

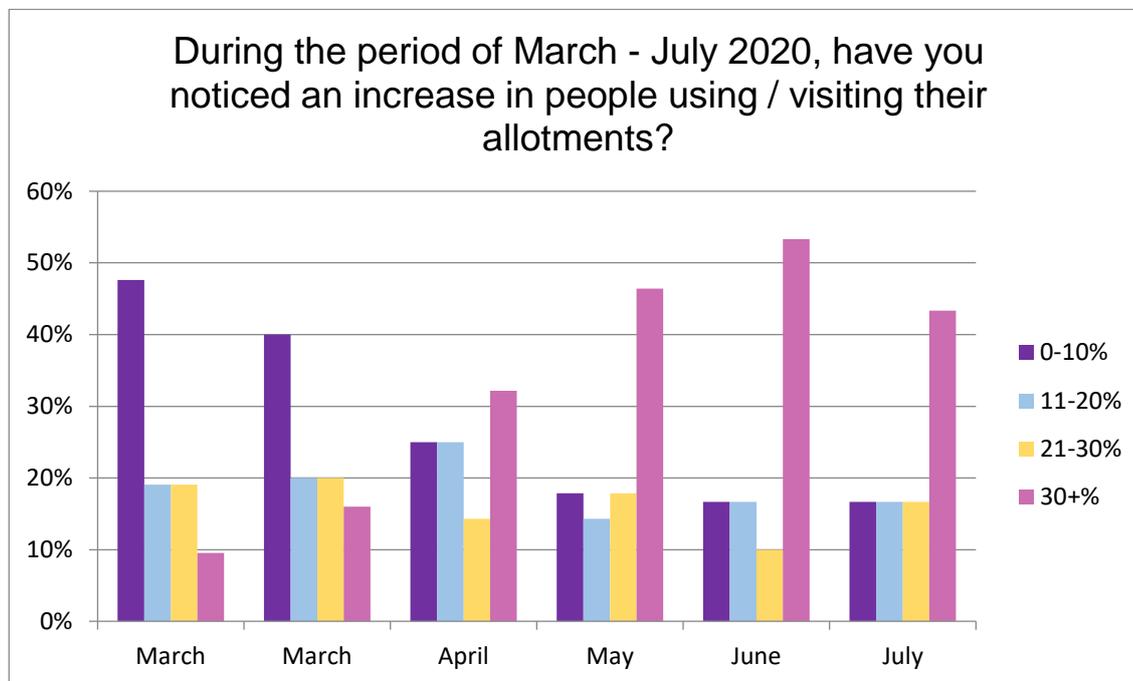
The Covid-19 impact

Most of the figures contained within the report have been compiled during 2019 and early 2020. However, the timing of the survey has allowed some data to be collected on the impact of Covid-19 upon allotment services. The chart below shows the level of increase for allotment plots during the early stages of national lockdown



The fact almost **90%** of local authorities experienced increase in demand shows the public value and desire to reconnect with nature through the ownership of an allotment plot.

The chart below shows how as the lockdown continued, then the level of visits to allotment increased significantly, showing how much value and reliance the population were placing on their allotments as a way to escape the worries and restrictions of the coronavirus lockdown.



APSE Comment

This year's standout statistics from the APSE State of the Market on Allotments has to be the fact that almost **90%** of local authorities are reporting an increase in demand for allotments. This alone shows the public value and desire to reconnect with nature through the ownership of an allotment plot. It may also reflect the renewed interest in the public being more self-sustainable, using allotments to grow their own fruit and vegetables. Indeed, the coronavirus pandemic has seen a huge reliance on allotments as places where people are able to go to gain exercise and recreation. So successful have allotments been in meeting this need, that our survey found one authority where demand for plots has increased by as much as 300%.

From the answers received to the survey it is quite clear that it is mainly local authorities which are continuing to provide and manage allotment sites across the UK. However, there has been a slight increase in the number of sites which are now self-managed by allotment holders themselves although still working closely with local authority officers.

The value of allotments is widely recognised across a number of fronts including healthier lifestyles, promoting biodiversity, protecting green spaces, reducing air miles through local food production, providing valuable soakaways in times of heavy rain as well as having a value to pollinators and other wildlife.

The Government's **25 Year Environment Plan** has highlighted the need to use resources from nature more sustainably and efficiently, and ensuring that food is produced sustainably and profitably. Although perhaps looking more at agricultural practices, it can be argued that allotments can help to meet some of the aims of this objective when used to their full potential.

The Environment Plan has also stated as one of its aims to, make sure that there are *'high quality, accessible, natural spaces close to where people live and work, particularly in urban areas, and encouraging more people to spend time in them to benefit their health and wellbeing'*. Again, allotments are excellent examples of how people can interact with their local areas, improve their physical and mental well-being whilst also ensuring the areas green infrastructure is also enhanced and protected. This latter point has been further emphasised as part of a parliamentary Environmental Audit Commission report which has recommended as a response to recurring summer heatwaves that Government *'ensures local authorities and cities have green spaces and heat resilient infrastructure'*. The report goes on to add that, *'Green spaces have proven to reduce the urban heat island effect'* Allotments through careful planting can also contribute to this requirement.

There is also the recognition that if managed in an environmentally-sensitive manner, allotments bring considerable benefits to improving local biodiversity levels. This approach has now become a requirement as The Department for Environment, Food and Rural Affairs, has developed proposals to take forwards its desire to build biodiversity net gains into new planning development permissions. These requirements will mean councils will have to produce new spatial 'nature recovery strategies' to support their plan-making duties and allotments will help deliver these objectives.

As well as providing environmental benefits, allotments are also seen as having considerable social cohesion benefits, where all sectors of the local community can engage in a common interest where skills and knowledge can be exchanged and friendships forged.

The allowance by local authorities for allotment holders to manage their own sites should not be seen as them negating their responsibilities. Thankfully this doesn't appear to be the case, as many are now building the importance of allotments into their Health and Well-Being Strategies and also their Local Development Plans. This latter point is evident within the survey where many have reported they are using new developments to provide additional allotment sites.

However, the increasing demand for building land and the lack of plots for new allotments is causing concern amongst allotment holders as is the reductions in council budgets which is having an impact on the ability to maintain such sites. In light of these pressures, many allotment sites are now moving to self-management models, often with the continuing support of the local authority. In this way allotment holders can not only ensure what finance is available is used to meet the known needs of their site, but they are also able to apply for funding which is not available to local authorities.

The concern about local authorities being able to fund the development of new sites has been given some help through partnership working with agencies such as the NHS, who more and more are seeing the therapeutic value of green space and are willing to invest in such facilities. Equally the intergenerational

value of allotments has been recognised as one way which anti-social behaviour can be reduced as different age groups work together and share common experiences.

It is unlikely that local authorities will ever make high levels of income from allotments, indeed many are openly subsidising allotments, but when one considers the multiple benefits they bring, which have only been increased during the current pandemic, then they are acknowledged as being a key community asset and one which local residents, allotment holders and agencies across the country are increasingly helping to sustain.

Wayne Priestley
Principal Advisor

The Association for Public Service Excellence

APSE member authorities have access to a wide range of membership resources to assist in delivering council services. This includes our regular advisory groups, specifically designed to bring together elected members, directors, managers and heads of service, together with trade union representatives to discuss service specific issues, innovation and new ways of delivering continuous improvement. The advisory groups are an excellent forum for sharing ideas and discussing topical service issues with colleagues from other councils throughout the UK.

Advisory groups are a free service included as part of your authority's membership of APSE and all end with an informal lunch to facilitate networking with peers in other councils. If you do not currently receive details about APSE advisory group meetings and would like to be added to our list of contacts for your service area please email enquiries@apse.org.uk.

Our national advisory groups include:-

Facilities Management & Building Cleaning

Catering

Cemeteries and Crematoria Services

Environmental Health

Housing and Building Maintenance

Local authorities' income generation, trading and commercialisation network

Parks and Horticulture

Renewables and Climate Change

Roads highways and street lighting

Sports and Leisure

Vehicle maintenance and transport

Waste, Refuse and Street scene

If you require any further information on the findings of this State of the Market survey 2020 please contact Wayne Priestley Principal Advisor for Environmental Services at wpriestley@apse.org.uk



ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE

Thursday, 22 October 2020

REPORT TITLE:	ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE WORK PROGRAMME UPDATE
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The Environment, Climate Emergency and Transport Committee, in co-operation with the other Policy and Service Committees, is responsible for proposing and delivering an annual committee work programme. This work programme should align with the corporate priorities of the Council, in particular the delivery of the key decisions which are within the remit of the Committee.

It is envisaged that the work programme will be formed from a combination of key decisions, standing items and requested officer reports. This report provides the Committee with an opportunity to plan and regularly review its work across the municipal year. The work programme for the Environment, Climate Emergency and Transport Committee is attached as Appendix 1 to this report.

RECOMMENDATION/S

Members are invited to note and comment on the proposed Environment, Climate Emergency and Transport Committee work programme for the remainder of the 2020/21 municipal year.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 To ensure Members of the Environment, Climate Emergency and Transport Committee have the opportunity to contribute to the delivery of the annual work programme.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 A number of workplan formats were explored, with the current framework open to amendment to match the requirements of the Committee.

3.0 BACKGROUND INFORMATION

- 3.1 The work programme should align with the priorities of the Council and its partners. The programme will be informed by:

- The Council Plan
- The Council's transformation programme
- The Council's Forward Plan
- Service performance information
- Risk management information
- Public or service user feedback
- Referrals from Council

Terms of Reference

The Environment, Climate Emergency and Transport Committee has responsibility for parks and open spaces, highways management and infrastructure, coastal protection and flood defence and environment and waste matters. It is the Committee that leads on behalf of the Council in responding to and matters concerning the Climate Emergency.

The Committee is charged by full Council to undertake responsibility for the Council's role and functions:

- (a) in co-ordinating the response to cross-cutting sustainability issues such as reducing carbon emissions, climate change response, improving resource efficiency and developing sustainable energy;
- (b) in relation to all highways matters and as highway authority, street authority, bridge authority, including but not limited to public open spaces, street furniture on the highway and open spaces or parts of open spaces immediately adjacent to the highway;
- (c) in relation to traffic management and transport and as traffic authority, including but not limited to public passenger transport and the co-ordination of transport for service users, traffic orders and rights of way issues;

- (d) in relation to parking, including on and off-street parking and civil parking enforcement;
- (e) in respect of parks, open spaces, countryside management, allotments, playgrounds and cemeteries, including arboricultural, gardening and warden services;
- (f) in relation to the management of authorised and unauthorised sites and encampments, this to include all activities necessary or incidental to the Council's performance of its responsibilities in relation to Gypsies, Roma and Travellers;
- (g) in relation to waste and as waste collection authority, litter authority, including but not limited to dealing with litter, street cleansing, abandoned vehicles and dog fouling, and the Council's relationship with Merseyside Recycling & Waste Authority (MRWA) as the joint waste disposal authority;
- (h) as coast protection authority and lead local flood authority;
- (i) in respect of emergency planning and community resilience (infrastructure and contract services);
- (j) providing a view of performance, budget monitoring and risk management in relation to the Committee's functions; and

undertaking the development and implementation of policy in relation to the Committee's functions, incorporating the assessment of outcomes, review of effectiveness and formulation of recommendations to the Council, partners and other bodies, which shall include any decision relating to the above functions.

Upcoming work items

Further to a decision made on 7th October 2020 at Policy and Resource Committee on the reintroduction of car parking charges and options, it was resolved that;

Resolved (16:1) - That:

- (1) this Policy and Resources Committee agrees not to re-introduce car parking charges at this time; and
- (2) authorisation is given to the Director of Neighbourhoods to consult on the implications of the medium to long term options detailed in Appendix 1 of the report and a further report is brought to the Environment, Climate Emergency and

Transport Committee, as a matter of urgency, in the new year, with a particular emphasis on social inequalities and that in the meantime this committee and officers seek to find compensatory savings and that business traders are also consulted.

The Chair and members of the Environment, Climate Emergency, and Transport Committee were consulted and as such, the formation of a working group has been agreed to develop the Car Parking Charges Options. The Committee will approve the Membership for this working group, and a full report and recommendations will be presented to the next appropriate Environment, Climate Emergency and Transport Committee for comment before the report is presented to the Policy and Resource Committee for approval.

4.0 FINANCIAL IMPLICATIONS

4.1 This report is for information and planning purposes only, therefore there are no direct financial implication arising. However, there may be financial implications arising as a result of work programme items

5.0 LEGAL IMPLICATIONS

5.1 There are no direct legal implications arising from this report. However, there may be legal implications arising as a result of work programme items.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no direct implications to staffing, ICT or Assets.

7.0 RELEVANT RISKS

7.1 The Committee's ability to undertake it's responsibility to provide strategic direction to the operation of the Council, make decisions on policies, co-ordinate spend, and maintain a strategic overview of outcomes, performance, risk management and budgets may be compromised if it does not have the opportunity to plan and regularly review its work across the municipal year.

8.1 ENGAGEMENT/CONSULTATION

8.1.1 Not applicable

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

This report is for information to Members and there are no direct equality implications.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 This report is for information to Members and there are no direct environment and climate implications.

REPORT AUTHOR: **Anna Perrett**
Senior Democratic Services Officer
telephone: 0151 691 8564
email: annaperret@wirral.gov.uk

APPENDICES

Appendix 1: Environment, Climate Emergency and Transport Committee Work Plan

BACKGROUND PAPERS

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

This page is intentionally left blank



ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE

WORK PROGRAMME 2020/21

Contact Officer/s: Patrick Sebastian
Anna Perrett

PROPOSED AGENDA FOR ENVIRONMENT, CLIMATE EMERGENCY AND HIGHWAYS COMMITTEE

Thursday 22nd October 2020

Item	Key Decision	Lead Departmental Officer	Wirral Plan Priority
Council's Climate Emergency Action Plan	Yes	Mike Cockburn	Sustainable Environments
Parking Policy – Prioritising safety around schools	Yes	Simon Fox	Sustainable Environment
Allotments Task & Finish	No	Alexandra Davidson	Sustainable Environment
Performance Monitoring	No	Nicki Butterworth	'Brighter Futures' 'Inclusive Economy'
Budget 2020/21	No	Shaer Halewood/Nicki Butterworth	'Inclusive Economy'
Work Programme Update/ Committee Terms of Reference	No	Anna Perrett	All

KEY DECISIONS

Item	Key Decision Yes/ No	Lead Departmental Officer	Wirral Plan Priority
LCR Cycling Walking Investment Plan – Birkenhead to New Brighton	Yes	Julie Barnes/Alan Evans Sally Shah	Sustainable environments
Highways Asset Management Strategy	Yes	Simon Fox	Sustainable environments
North Bank West Cycle Scheme (ESIF)	Yes	Simon Fox	Sustainable environments
Street Lighting Policy	Yes	Simon Fox	Sustainable environments
Network Management plan & Appointment of Traffic Manager	Yes	Brian Smith	Sustainable Environment
Liverpool City Region Digital Connectivity Dig Once Policy	Yes	Shaer Halewood	
Department for transport Active Travel Allocation (TBC)	Yes	Alan Evans	Sustainable Environment

A41 Phase 1 Business Case (TBC)	Yes/ Dec	Alan Evans	Sustainable Environment
Arboreal Tree Contract	Yes/ February	Simon Fox	Sustainable Environment
Dog Control PSPO Dog Fouling Strategy	Yes	Mark Cockburn/Clare Brandwood	Sustainable Environment
Alternative to Glyphosate	Yes	Colin Clayton	Sustainable Environment
West Kirby Flood alleviation	Yes	Colin Clayton/Neil Thomas	Sustainable Environment
Wallasey Embankment Reinforcement	Yes	Colin Clayton/Neil Thomas	Sustainable Environment
Highway Maintenance Term Service Contracts Review and Re-Procurement	Yes	Simon Fox	Sustainable Environment
Road safety Action Plan and Update	Yes	Simon Fox	Sustainable Environment
Car Parking Charges Options	Yes	Simon Fox	Sustainable Environment

ADDITIONAL AGENDA ITEMS – WAITING TO BE SCHEDULED

Item	Approximate timescale	Lead Departmental Officer
Duke Street Phase 2 (STEP) cycle infrastructure	November 2020	Simon Fox
Marine Lake Update	January 2021	Colin Clayton
Pollinators update	2020/21	Colin Clayton

Dog Control PSPO	2020/21	Mike Cockburn
Dog Fouling Strategy	2020/21	Mike Cockburn
Allotment Provision Task & Finish	2020/21	Alex Davidson

STANDING ITEMS AND MONITORING REPORTS

Item	Reporting Frequency	Lead Departmental Officer
Performance and Budget Monitoring	TBC	Shaer Halewood

WORK PROGRAMME ACTIVITIES OUTSIDE COMMITTEE

Item	Format	Timescale	Lead Officer	Progress
Working Groups/ Sub Committees				
Parking Charges Working Group				
Task and Finish work				
Allotment provision Task & Finish	Workshop and Report	October 2020	Alex Davidson	Complete
Spotlight sessions / workshops				
Corporate scrutiny / Other				

This page is intentionally left blank