



---

## Report of the Assistant Chief Executive (Planning, Policy and Improvement)

### Executive Board

Date: 22 July 2009

Subject: Sustainable Communities Act

---

#### Electoral Wards Affected:

ALL

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In

(Details contained in the report)

---

### Executive Summary

1. In October 2008, the Secretary of State invited local authorities to submit proposals for government action to improve the quality of life in their area. Leeds City Council has consulted representatives of local persons on what proposals to submit. A proposal to extend the Council's powers to deal with obstructive parking meets the terms of the Act. It is recommended that Executive Board supports the proposal to formally submit this suggested change to the Local Government Association (which will act as 'selector' on behalf of Government) before the deadline of 31 July 2009.

## **1.0. Purpose of this Report**

- 1.1. This report informs Executive Board of the process undertaken in Leeds to comply with the Sustainable Communities Act; how the Council proposes to respond to the suggestions received, and; recommends that one of the submissions received is formally submitted by Leeds City Council to the Selector.

## **2.0. Background Information**

- 2.1. The Secretary of State invited local authorities to submit proposals under the Sustainable Communities Act in October 2008. The Sustainable Communities Act provides a channel for local authorities to submit proposals to improve the sustainability of their areas that require Government action. Such action can include a change in legislation or the transfer of a function (and accompanying budget) from one organisation to another.
- 2.2. The Sustainable Communities Act requires local authorities to consult with local representatives before proposals can be submitted. In Leeds, the Sustainable Communities Act has been discussed at all Scrutiny Boards; a presentation was given at a conference of parish and town councilors, and; a briefing on the Act was circulated to all parish and town councils, Leeds Initiative groups and partners and voluntary and community and faith groups (through Leeds Voice) inviting proposals.

## **3.0. Main Issues**

- 3.1. A number of suggestions were received as part of this process. In many cases, local authorities already have the powers to do the things suggested and officers have written to the Members or others who made these suggestions explaining how they can raise the issue with the Council. In a number of other cases, the Government has recently taken, or is taking, action to address the issues raised and those who made these suggestions will be written to explaining why the Council does not propose to take forward these proposals at this time. A third category of proposals were considered impractical or outside of scope of the intentions of the Sustainable Communities Act.
- 3.2. One issue that was raised by a number of respondents was the inconvenience caused by obstructive parking, including inconvenience caused to Council refuse and other vehicles as they go about their work. Currently, council employed Civil Enforcement Officers cannot issue Penalty Charge Notices for obstructive parking as this power is not included in Schedule 7 of the Traffic Management Act 2004. An amendment to this Act could extend that power to Council Civil Enforcement Officers. It is, therefore, proposed to submit a proposal to the Local Government Association to this effect. A submission form is attached as an appendix to this report.
- 3.3. A list of all proposals received has been provided to all Executive Board Members and is available on request from the committee clerk.

## **4.0. Implications For Council Policy and Governance**

- 4.1. There are no policy and governance implications to this report.

## **5.0. Legal and Resource Implications**

- 5.1. There are no legal and resource implications to the proposal in this report. If the Government chooses to grant Leeds' request, the Council will have a new power to tackle obstructive parking which can be exercised by its existing Civil Enforcement Officers at no additional cost.

## **6.0. Conclusions**

- 6.1. By consulting interested groups, Leeds has demonstrated its commitment to involving local people in decision making. The measure proposed meets the requirements of the Sustainable Communities Act and is a practical and proportionate response to an issue that causes inconvenience to many people in Leeds.

## **7.0. Recommendations**

- 7.1. It is recommended that Executive Board approve the submission of a proposal to extend the powers of Council employed Civil Enforcement Officers to issue Penalty Charge Notices.

## **Background Papers**

Sustainable Communities Act 2007: A Guide

Creating Strong, Safe and Prosperous Communities: Statutory Guidance

## The Sustainable Communities Act proposal form

### Using this form

This form should be used to submit proposals under the Sustainable Communities Act to the LGA for short listing. Please complete all sections and then **email a copy to [selector@lga.gov.uk](mailto:selector@lga.gov.uk)**. These must be received by **July 31<sup>st</sup> 2009**, and you will receive confirmation that the form has been received.

Once submitted, information within this form may be made publicly available, unless you request for it to be kept private. We will treat information submitted sensitively. If you wish to attach any relevant presentations or graphs etc. please attach them separately in the email.

For questions regarding the act or the role of the Selector, please see our [FAQs](#). Any further questions can be directed to [selector@lga.gov.uk](mailto:selector@lga.gov.uk).

## Section 1: Proposal Summary

### Proposing Authority

Under the terms of the Sustainable Communities Act, all proposals must be submitted by a local authority, or group of authorities, in England. Any group, organisation or individual may originate or develop a proposal. However all proposals will require Local Authority endorsement and submission to the Selector.

Parish councils and other organisations and agencies must seek support and formal endorsement from a proposing local authority (defined in the Act as county councils, district councils (including metropolitan, non metropolitan and unitary authorities), the common council of the city of London or the Council of the Isles of Scilly).

#### 1.1 Lead Authority name

Leeds City Council

#### 1.2 Is this proposal submitted by this authority alone, or is it a joint proposal with other local authorities? (If joint please list authorities)

#### 1.3 Who is the lead contact (s) in the authority for this proposal? Please provide email address and telephone number - The LGA will direct any enquiries to this contact.

Dylan Griffiths ([Dylan.griffiths@leeds.gov.uk](mailto:Dylan.griffiths@leeds.gov.uk)) Tel 0113 39 50401

## Supporting Organisations

Whilst proposals may only be submitted by a local authority, we acknowledge that local partners and outside organisations may wish to register support for the proposal. This is entirely voluntary.

**1.4 Please provide details below of supporting organisations to your proposal.** Please explain if the organisation is a charity, company, unincorporated association or other body. If a charity or company please provide registration numbers. If a local partnership please explain the relationship to the Local Strategic Partnership for the area.

## Summary of your proposal

Please summarise your proposal. You may wish to include:

- The main elements of your proposal
- What issues your proposal is addressing and how it will promote the sustainability of the local community
- Who is affected by this proposal and how?
- Which public bodies might be affected?
- What are the main actions needed from Government?
- What do you expect this proposal to achieve?

**1.5 Please enter your summary below** (*word limit 1000 words*)

### **Amend Schedule 7 of the Traffic Management Act 2004 to extend the powers of Civil Enforcement Officers to issue Penalty Charge Notices (PCN) for Obstructive Parking**

Obstructive parking causes nuisance and inconvenience for residents, visitors and people going about their business including Council refuse and other vehicles. Currently, obstructive parking is a criminal offence and Council employed Civil Enforcement Officers cannot issue Penalty Charge Notices for obstructive parking. It is felt that this is not a high priority for the Police and the Council receives a number of requests to deal with obstructive parking that it cannot presently deal with.

Amending the law to grant Civil Enforcement Officers the power to issue Penalty Charge Notices for obstructive parking would enable them to deal with motorists who cause a nuisance to other road users, including commercial and public vehicles as well as private motorists, public transport and pedestrians.

Local residents and others affected by obstructive parking would see that the Council could deal with a nuisance. If the overall incidence of obstructive parking were to be reduced local residents and others would suffer less nuisance, including disruption to commercial or public activities.

Motorists affected would be able to challenge the issuing of a Penalty Charge Notice for obstructive parking in the same way they can challenge any other offence where a PCN is already issued.

Civil Enforcement Officers would need some additional training to deal with instances of obstructive parking but this could be done at little additional cost. The same would be true for Tribunal staff.

The Police might see a reduction in requests to deal with obstructive parking enabling them to concentrate on tackling other crime.

## Section 2: About your proposal

The form asks a set of questions to gather as much information as possible to allow for assessment and short-listing by the Selector. A word-limit is stated for each part of the form.

We appreciate that SCA proposals will vary in range and scope, and some questions will be more relevant than others for any one proposal. Please do not feel that answers are required for every questions or that the full word limit need be used in respect of each and every question box. If you are submitting a joint proposal, please include evidence for all areas.

### Impact on sustainability (word limit 2000 words)

#### 2.1 Please explain how your proposal promotes sustainability as defined locally (for example in your Sustainable Communities Strategy or LAA)

Good transport and the ability to travel easily around Leeds is a priority in both the Vision for Leeds 2004 to 2020 and the Leeds Strategic Plan 2008 to 2011 (Leeds Local Area Agreement). Evidence shows that traffic volumes have grown in Leeds as its economy has grown and reducing congestion is now a priority in the Leeds Strategic Plan. Alongside ambitious measures to increase capacity through New Generation public transport proposals improvements in traffic flow by reducing the number of obstructively parked vehicles would help achieve this priority in the Plan.

#### 2.2 Over which geographic area will your proposal impact? (e.g. neighbourhood, town, city, sub-region)?

Leeds City Council Area

#### 2.3 Who would benefit from your proposal?

Potentially all road users including pedestrians and cyclists as well as private motorists and public and commercial vehicles. Potentially the police who could release resources to deal with other crimes.

#### 2.4 What steps will you take to mitigate any adverse affects on sustainability from your proposal (if relevant)?

There are no adverse effects on sustainability from this proposal

#### 2.5 What project, activities and changes would take place in your area if your proposal was successful?

Civil Enforcement Officers would be trained to use this power responsibly and tribunal staff would be trained to deal with any challenges to the issuing of PCNs for obstructive parking fairly.

#### 2.6 Does your proposal involve transfers of responsibilities between public bodies in the area? If so what are these? What budgetary implications might be involved?

Not applicable

Local authorities are required to 'have regard' to a set of specific issues when deciding whether to support SCA proposals. These are matters listed in Schedule 1 of the Act, as passed by Parliament<sup>1</sup>. It is worth noting that the issues listed in the Act are not supposed to be exhaustive and that ideas can cover anything that promotes the sustainability of the local area.

Many of these matters may not be relevant to any one proposal. If you are submitting a joint proposal please include evidence for all areas.

**2.7 Please identify which, if any, of the issues authorities are required to have regard to, are relevant to this proposal and include any data and information which you feel would be helpful in the assessment process.**

- a) the provision of local services
- b) the extent to which the volume and value of goods and services that are- i) offered for sale, ii) procured by public bodies, and are produced within 30 miles (or any lesser distance as may be specified by a local authority in respect of its area) of their place of sale of the boundary of the public body.
- c) the rate of increase in the growth and marketing of organic forms of food production and the local economy
- d) measures to promote reasonable access by all local people to a supply of food is adequate in terms of both amount and nutritional value
- e) the number of local jobs
- f) measures to conserve energy and increase the quantity of energy supplies which are produced from sustainable sources within a 30 mile radius of the region in which they are consumed
- g) measure taken to reduce the level of road traffic including, but not restricted to, local public transport provision, measures to promote walking and cycling and measures to decrease the amount of product miles

**This proposal would reduce obstructions to traffic enabling all traffic, whether pedestrian, cycling or motorised to travel more easily.**

- h) the increase in social inclusion, including an increase in involvement in local democracy
- i) measures to increase mutual aid and other community projects
- j) measures designed to decrease emissions of greenhouse gases
- k) measures designed to increase community health and wellbeing
- l) planning policies which would assist with the purposes of this Act, including new arrangements for the provision of affordable housing
- m) measures to increase the use of local waste materials for the benefit of the community

---

<sup>1</sup> The Sustainable Communities Act is available here : [http://www.opsi.gov.uk/acts/acts2007/ukpga\\_20070023\\_en\\_1](http://www.opsi.gov.uk/acts/acts2007/ukpga_20070023_en_1)

## Existing Barriers

(Please do not write more than 1000 words for 2.8 and 2.9)

### 2.8 What are the existing barriers to implementing your proposal?

Schedule 7 of the Traffic Management Act 2004 does not include a power for Civil Enforcement Officers to issue Penalty Charge Notices for obstructive parking

### 2.9 What actions are needed by Government to make your proposal possible?

Amendment to Schedule 7 of the Traffic Management Act 2004

## Part 3: Local Authority Endorsement

This section should be completed by the proposing local authority. (Under the terms of the act this means a county council in England, a district council (including metropolitan, non metropolitan and unitary authorities), a London borough council, the Common Council of the City of London or the Council of the isles of Scilly)

### 3.1 Have consultation requirements been met? (500 words max)

Please confirm that your authority has met the statutory requirements for consultation on this proposal, via one or more panels of local representatives and persons from under-represented groups constituted in accordance with the Act and statutory guidance as set out in [Strong Safe and Prosperous Communities](#).

You may wish to describe who has been involved in discussions and development of the proposal (*e.g. council, local community organisations and residents groups, parish or town councils, local partnership bodies, local or national organisations, political parties, church and faith organisations, local businesses or chambers of commerce and others*).

If you have not done so already please give brief details of relevant panel meetings.

Please note if you are submitting a joint application please provide details of consultation and local support across all areas.

A report on the Sustainable Communities Act was presented to all the Council's Scrutiny Boards and Members invited to submit proposals. A Members seminar specifically on the Sustainable Communities Act was held to which all Members were invited.

A Briefing on the Act was sent to all Parish and Town Council Clerks and a presentation given to parish and town councillors at a conference for local town and parish councillors. Again with an invitation to submit proposals.

A presentation was given to the Leeds Voice Strategy Group, the umbrella body for the voluntary, community and faith sector in Leeds on the Act, a briefing circulated to all its member groups and an invitation to submit proposals. The membership of Leeds Voice includes representatives of groups that may be claimed to be underrepresented in traditional decision making processes in Leeds

A briefing was sent to all members of the Leeds Initiative, the local strategic partnership for Leeds and a presentation given to interested groups again with an invitation to submit proposals.



**3.2 What are the views from this consultation? You may wish to provide evidence of local support for your proposal?** This might include petitions or letters of support from the public, local councillors, Members of Parliament, businesses, public bodies and agencies? Please describe this evidence below. *(The local authority submitting the proposal is likely to wish to review such material and to summarise its content. Onward submission to the Selector of all original documentation will not normally be required).*

Consultees were pleased to have an opportunity to lobby for action to improve the sustainability of their area.

A number of elected Members expressed support for the proposal, citing obstructive parking as a concern that they heard raised frequently from residents in their area. The issue of parked vehicles obstructing Council refuse and other vehicles going about their business with an adverse effect on the delivery of important public services was also raised.

There were a number of other proposals in areas such as planning and building regulations, traffic regulations, support for third sector groups and other matters. In many instances it was clear that legislation already gives local authorities some scope to deal with these issues and a reminder of this can itself be useful.

Proposals may include a change/transfer of functions from one person to another. If this is relevant to your proposal please confirm that the duties under clause 2, subsection 3 of the act (consulting with organisations affected by a change in location of a function) have been carried out.

### **3.3 Please give brief details of consultation with any affected organisations**

The Council's Legal and Regulatory Services confirm that the proposed change in the law would achieve the desired affect. The Council's parking management service confirms that obstructive parking is one of the most frequent issues raised by the public.

### **3.4 Confirmation of council support**

The process for formal endorsement is a matter for local discretion; however we anticipate that authorities will wish to gain political endorsement and clearance for the proposal through the relevant processes at local level. Please give details of how formal approval has been attained.

The Council's Executive Board met and approved this proposal at its meeting on 22 July 2009.

### **3.5 General comments**

This is an opportunity for the local authority to express any additional comments or views on the proposal: This may include: *(1500 words max)*

- the council's view of levels of local support for the proposal
- any local opposition or objections that the Selector should be aware of
- relevance of the proposal to the area's Sustainable Community Strategy and Local Area Agreement
- outcome of any local authority discussions with agencies or public bodies affected
- potential regional/national significance of the proposal, if replicated elsewhere
- any major resource implications for the council or its local partners

- any other factors influencing viability and achievability of the proposal

This proposal addresses a genuine public concern for local people in Leeds and probably in other authorities as well. The proposal has the support of local Members from all parties.

This measure involves a simple amendment to legislation and could be implemented quickly at no cost to central government.

The measure involves little additional cost to local authorities as it simply extends the power of a group of employees already employed by the Council. The processes for dealing with the issuing, paying and challenging of Penalty Charge Notices are already in place.

The measure may release resources for the Police to tackle other crimes.

## **Part 4: Assessment by the Selector**

SCA proposals will be assessed by the LGA as Selector. This will include consideration, short listing and negotiation with the Secretary of State via the LGA Selector panel made up of councillors from the four parties represented on the LGA

The LGA Selector Panel is committed to undertaking the role in a transparent manner; as such reasons for decisions on proposals will be made available.

There will be no appeals process in relation to decisions of the Selector Panel.

**4.1 Do you confirm your agreement to abide by the outcome of the Selector's assessment and decision-making processes?**

Yes

**4.2 Would your council, accompanied by the originators of the proposal, wish to make a short verbal presentation to the Selector Panel, should this opportunity be available?**

Yes

**Thank you for completing this form.**

**Please email it to [selector@lga.gov.uk](mailto:selector@lga.gov.uk) by 31 July 2009.**