

AGENDA
HEALTH AND PUBLIC PROTECTION POLICY
DEVELOPMENT AND REVIEW PANEL

Date: Tuesday, 25 July 2017

Time: 6.00 pm

Venue: Council Chamber - Civic Offices

Members:

Councillor M J Ford, JP (Chairman)

Councillor Mrs T L Ellis (Vice-Chairman)

Councillors K A Barton
F Birkett
Mrs M Brady
Mrs P M Bryant
J M Englefield

Deputies: P J Davies
Mrs K K Trott



1. Apologies for Absence

2. Minutes (Pages 5 - 8)

To confirm as a correct record the minutes of the meeting of the Health and Public Protection Policy Development and Review Panel held on 30 May 2017.

3. Chairman's Announcements

4. Declarations of Interest and Disclosures of Advice or Directions

To receive any declarations of interest from members in accordance with Standing Orders and the Council's Code of Conduct and disclosures of advice or directions received from Group Leaders or Political Groups, in accordance with the Council's Constitution.

5. Deputations

To receive any deputations of which notice has been lodged.

6. Police Crime Panel Update

To receive a verbal update by the Executive Member for Health and Public Protection on the Police Crime Panel.

7. Health Update

To receive a verbal update by the Executive Member for Health and Public Protection on Local Strategic Health Issues.

8. Annual Report on Fareham Parking Enforcement Service (Pages 9 - 38)

To consider a report by the Director of Operations on the Fareham Parking Enforcement Service.

9. Biennial Review of Parking Enforcement Policy (Pages 39 - 60)

To consider a report by the Director of Operations on the Council's Parking Enforcement Policy.

10. Health and Public Protection Policy Development and Review Panel Work Programme (Pages 61 - 66)

To consider a report by the Director of Planning and Regulation, which reviews the Panel's Work Programme for 2017/18.



P GRIMWOOD

Chief Executive Officer

Civic Offices

www.fareham.gov.uk

17 July 2017

**For further information please contact:
Democratic Services, Civic Offices, Fareham, PO16 7AZ
Tel:01329 236100
democraticservices@fareham.gov.uk**

FAREHAM

BOROUGH COUNCIL

Minutes of the Health and Public Protection Policy Development and Review Panel

(to be confirmed at the next meeting)

Date: Tuesday, 30 May 2017

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor M J Ford, JP (Chairman)

Councillor Mrs T L Ellis (Vice-Chairman)

Councillors: K A Barton, F Birkett, Mrs M Brady, Mrs P M Bryant and
J M Englefield

Also Present: Councillor T M Cartwright, MBE (for items 6 and 7)



1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. MINUTES

It was noted that Councillor P J Davies was present at the meeting held on 07 March 2017, deputising for Councillor Mrs P M Bryant. It was also noted that Councillor Davies addressed the meeting during agenda item 6 – Air Quality Action Plan Update.

Subject to the above amendment it was AGREED that the minutes of the Public Protection Policy Development and Review Panel held on 07 March 2017 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

4. DECLARATIONS OF INTEREST AND DISCLOSURES OF ADVICE OR DIRECTIONS

There were no declarations of interest made at this meeting.

5. DEPUTATIONS

There were no deputations made at this meeting.

6. HEALTH UPDATE

The Panel received a verbal update on Local Strategic Health issues from Councillor T M Cartwright MBE, the Executive Member for Health and Public Protection.

Members were advised that Hampshire County Council is responsible for the overview and scrutiny of health services. Fareham Borough Council does not have a statutory role in health provision and can only influence plans through Member representation on the Clinical Commissioning Group and other health related Partnership Boards.

In response to concerns raised by the Panel regarding long standing issues in respect of the management and provision of services at Fareham Community Hospital, Members were advised that Suella Fernandez chairs a local Task Force that focusses on improving the use of the hospital. Members commented that it would be useful to receive a report at a future meeting on progress that has been made.

Councillor Cartwright was thanked for providing his verbal update.

7. POLICE CRIME PANEL UPDATE

The Panel received a verbal update on the Police Crime Panel from Councillor T M Cartwright MBE, the Executive Member for Health and Public Protection.

Councillor Cartwright reported that the Police and Crime Panel strategy meeting took place on 07 April 2017 at which the Panel reviewed the Estates Strategy and the Police and Crime Delivery Plan.

Members were advised that there has been no response from the Police Crime Commissioner regarding when the planned move to the Civic Offices will take place and as plans have now been ongoing for over two years, there is concern that revenue is being lost as a result of the extended delay.

Councillor Cartwright outlined concerns raised by the Police Crime Panel that the information provided in the Police and Crime Delivery Plan makes it difficult to measure with any clarity whether targets and objectives are being achieved. This will be taken forward by the Police Crime Panel at its next meeting.

Councillor Cartwright was thanked for providing his verbal update.

8. ANNUAL UPDATE ON THE FAREHAM & GOSPORT ENVIRONMENTAL HEALTH PARTNERSHIP

The Panel received a presentation by the Head of Environmental Health on the Fareham and Gosport Environmental Health Partnership. This included:-

- Partnership Milestones
- Environmental Health Management
- Scope of the Service
- 2011-2016 Timeline
- Staffing structure comparisons
- Financial Information
- Current Performance
- Current Issues
- An overview of the Pest Control Service

The Panel asked questions in relations to the forthcoming review of the pest control service. The Head of Environmental Health advised that it will be for Members to decide the future approach to pest control service provision once all the relevant information has been collated.

The Head of Environmental Health was thanked for providing a very informative presentation.

9. HEALTH AND PUBLIC PROTECTION POLICY DEVELOPMENT AND REVIEW PANEL WORK PROGRAMME

The Panel considered a report from the Director of Planning and Regulation which reviewed the Panel's Work Programme for 2017/18.

Members noted the postponement of the update on the Fareham Town Centre Public Spaces Protection Order (PSPO) from the July meeting to the September meeting in order that the report can take into account the impact of the Order over the summer months.

At the request of Members it was AGREED that a Report on Fareham Community Hospital would be added to the Work Programme as an unallocated item.

(The meeting started at 6.00 pm
and ended at 6.45 pm).

FAREHAM

BOROUGH COUNCIL

Report to the Health and Public Protection Policy Development and Review Panel

Date 25 July 2017

Report of: Director of Operations

Subject: ANNUAL REPORT ON FAREHAM PARKING ENFORCEMENT SERVICE

SUMMARY

This report provides members of the Health and Public Protection Policy Development and Review Panel with an update on the last twelve months operation of the Fareham Parking Enforcement Service.

The Panel's views and comments are sought on the performance of the service and areas where improvements can be made.

RECOMMENDATION

The Panel is requested to note the content of the report

INTRODUCTION

1. The Fareham Parking Enforcement Service covers the management and enforcement of both on and off-street parking throughout the Borough. The service aims to discourage indiscriminate parking that causes obstruction to other motorists, pedestrians, cyclists and people with disabilities. The service consists of two distinct areas:
 - (a) Office employees who deal with the processing of parking penalty charge notices.
 - (b) Civil Enforcement Officers (CEOs) who are responsible for enforcing traffic regulation orders.
2. All employees have been trained to City and Guilds level two standards. Regular on-site training and updates are carried out when any new legislation or equipment is introduced.
3. All CEOs are prominently identified as Fareham Borough Council employees and CEOs by their uniforms. In addition to their parking enforcement role, the CEOs report other enforcement related issues, such as abandoned vehicles, litter, fly-tipping, graffiti and vandalism.
4. The Department of Operations is responsible for the delivery of the Fareham Parking Enforcement Service, which falls within the Health and Public Protection Portfolio. The service includes maintaining all of the Council's car parks, including all of the Pay on Foot and Pay and Display equipment.
5. The service is delivered in line with the Fareham Parking Enforcement Policy which is reviewed every 2 years or sooner, if required by changes in legislation. The policy is published on the Council's website and sets out the Council's approach to the enforcement of both on and off-street parking. This policy was last reviewed and approved by the Executive on 10 September 2015, and will be reviewed later in 2017.
6. The performance of the service is closely monitored and an annual report, attached as Appendix A, is provided on the standards and costs of delivering the service. The Panel's views and comments are sought on the performance of the service, areas where improvements can be made as well as the actual content of the report.

PERFORMANCE MONITORING

7. When decriminalised parking enforcement was introduced in April 2007, the objective was that it should be self-financing. As a result and as requested by Councillors the costs of the service are closely monitored. In order to better monitor the service the budget has been split between on and off street enforcement

On-street enforcement

8. The expenditure for on-street enforcement, in 2016/17, was budgeted to be £200,300. The actual cost of the service was approximately £220,290. Approximately £210,800 was generated from the issuing of Penalty Charge Notices (PCN's) and other charges. As a result approximately £9,500 was transferred to the on-street parking reserve to balance the cost of the service. Table 8 on page 25 of Appendix A provides more detailed information on the budget and costs for 2016/17.

9. When decriminalised parking was first introduced the Council subsidised the introduction and operation of the on-street enforcement service by approximately £158,000, in 2007. The cost of on-street parking to the Council in 2016/17 was £9,484. The further progress made in 2016/17 as indicated above was a deficit of £9,484 employees will continue to try and reduce the costs of the service.
10. It is important to note that the final deficit amount, which is covered by the on-street parking reserve, may be larger than reported. This is because the figures do not take into account unpaid PCNs. For 2016/17 there is currently approximately £65,000 of outstanding debt, which is being progressed through the recovery process.
11. The cost of on-street enforcement is closely monitored so that it does not become an unreasonable burden on council tax payers. The Director of Operations provides regular updates to the Executive Portfolio Holder for Health and Public Protection on this part of the service.

Off-street enforcement

12. In addition to ensuring that parking regulations are followed, employees working within the off-street car parks also check and maintain the pay and display and pay on foot equipment. There is also a control room within the Osborn Road Multi-Storey Car Park, which needs to be staffed, from where the pay on foot equipment is operated and controlled.
13. Off-street parking enforcement was budgeted to cost £189,100 in 2016/17. The actual cost of the service was around £216,000. This increase in costs is due to an increase in employee costs of almost £29,200. A drop in the expected income, of around £2,200, has meant that the overall cost of the service has risen by nearly £27,000. Table 9 on page 25 of Appendix A provides more detailed information on the budget and costs for 2016/17.

RISK ASSESSMENT

14. There are no significant risk considerations in relation to this report

CONCLUSION

15. Officers are constantly reviewing existing working arrangements and practices to ensure best use is made of resources; whilst ensuring a high quality service that enforces the regulations. The costs of providing the service, in particular on-street enforcement, are closely monitored to ensure it continues to deliver value for money.

Appendices:

Appendix A: Annual Parking Enforcement Report 2016-17

Background Papers:

Reference Papers:

Enquiries:

For further information on this report please contact Kevin Wright. (Ex 4359)

FAREHAM

BOROUGH COUNCIL

Annual Parking Enforcement Report 2016-2017



Market Quay Car Park

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This report is also available upon request, in large print, Audio and Braille. If there is a requirement this report can also be translated.

Abbreviations that may be shown or mentioned within this report

TMA	Traffic Management Act 2004
CEO	Civil Enforcement Officer – previously known as parking warden/attendant
PCN	Penalty Charge Notice – previously known as a parking ticket
TRO	Traffic Regulation Order – the legal order that puts in place, parking restrictions, and therefore permits enforcement
NTO	Notice to Owner – a form which is served on the registered keeper of the vehicle no sooner than 28 days after the issue of the PCN, if it has not been paid.
TPT	Traffic Penalty Tribunal - the independent body where impartial lawyers consider appeals by motorists and vehicle owners whose vehicles have been served a Penalty Charge Notice.
TEC	Traffic Enforcement Centre - where unpaid charges are registered
HCC	Hampshire County Council
CPE	Civil Parking Enforcement

Contacts and Web Links

Parking Services
Fareham Borough Council
Civic Offices
Civic Way
Fareham
PO16 7AZ

Tel: 01329 236100

If you have any questions or comments about our Annual Parking report, please let us know by telephoning our Customer Service Centre on 01329 236100, or e-mail parkingservices@fareham.gov.uk

- Email address for and parking services and challenging a PCN:
 - parkingservices@fareham.gov.uk
- For enquiries relating to disability/less abled, blue badge parking:
 - www.gov.uk/blue-badge-scheme-information-council
- Email address for disability blue badge applications in Hampshire
 - blue.badge@hants.gov.uk
- For independent advice relating to parking and challenges or appeals:
 - www.patrol-uk.info
- Independent Tribunal for all appeals:
 - www.trafficpenaltytribunal.gov.uk
- For details of Traffic Regulation Orders in Fareham
 - www.fareham.gov.uk/tro

Overview and Background to Enforcement

Fareham Borough Council is a busy south coast town situated midway between the cities of Portsmouth and Southampton with a population of around 115,400.

Fareham Borough Council took over parking enforcement, from the Police, on 2 April 2007. The Council is known as the Enforcement Authority for all off street contraventions and act as "agents", for Hampshire County Council, for all on street contraventions.

The Fareham Parking Enforcement Service aims to discourage, indiscriminate parking that causes obstruction to other motorists, pedestrians, cyclists and people with disabilities. This ensures that the Borough is accessible to all, equally and safely. The service is delivered by Council employees and consists of two distinct areas:

1. Office employees who deal with the processing of parking penalty charge notices.
2. Civil Enforcement Officers (CEOs) who are responsible for enforcing traffic regulation orders.

The Department of Operations is responsible for the delivery of the Fareham Parking Enforcement Service, which falls within the Health and Public Protection Portfolio. The service includes maintaining all of the Council's car parks, including all of the Pay on Foot and Pay and Display equipment, and responsibility for the procurement of CCTV.

The service is delivered in line with [the Council's parking enforcement policy](#), which sets out the main principles for enforcement associated with the delivery of the service. The parking enforcement policy is reviewed every two years or sooner, if required by changes in legislation. The policy was last reviewed by the Executive on 10 September 2015, and will be reviewed again later this year.

The provision of off-street parking is viewed as a facility for residents, businesses and visitors. On-street enforcement is not viewed as a 'revenue raiser' and Fareham Borough Council does not have targets for the serving of Penalty Charge Notices (PCN). The priority is to keep the free flow of traffic moving throughout the Borough and to ensure the safety of its pedestrians and motorists.

The aim of this report is to make the work of the Council understandable to all service users and to provide data showing performance over the last financial year.

What we do

Staffing

There is one team of in house Civil Enforcement Officers (CEOs), who enforce parking regulations and Traffic Regulation Orders (TROs) both on and off-street. The CEOs also enforce verge parking, residents parking areas and traffic management issues such as around schools. Income from PCNs is used to cover the cost of the enforcement service. The Government guidelines include the objective that no cost should fall onto the Council Tax payers in the delivery of the service.

The CEOs, when on patrol, also report other enforcement related issues that may affect the street scene or adjoining areas. These reports can include issues such as abandoned vehicles; fly tipping, graffiti or vandalism. This compliments the work being undertaken by the Council in developing a "zero tolerance" approach to these issues.

All parking employees have been trained to appropriate City and Guilds level 2 standards. Regular on-site training and updates are carried out when any new legislation or procedures are implemented.

Patrolling

Patrols occur throughout the week, including weekends and bank holidays. In accordance with the requirements of the Traffic Management Act 2004 the CEOs wear a uniform which identifies the wearer with the following information.

- Specifically being on parking duties
- Working for Fareham Borough Council
- A unique identifying number and identity badge.

The CEOs aim to cover as much of the Borough as they can during their patrols. The officers also provide operational cover for the Osborn road multi storey car park lifts. The Borough has been divided into 15 zones and officers aim to patrol each zone at least twice a week. More frequent visits are made to schools and known "hot spots" to ensure safe passage on the highway. Evening patrols are also undertaken, at various times of the year, to discourage parking contraventions outside normal patrolling hours.

The CEOs liaise with the police and police community support officers (PCSOs) to carry out joint working/patrolling, especially outside schools during busy periods. These joint patrols have proved very effective in deterring parents who wait on restricted areas of the roads including the zigzag markings.

Complaints received from residents, schools or Councillors are brought to the attention of Parking Services and are included in future patrols.

Handheld Computers

The council have update the CEO's handheld computers which they use to issue PCN's, these are more compact and have new features included such as a built in camera, they also transmit real time information to the chipside back office system, this allows the back office team to review PCN's sooner rather than the next day as the case has been previously, this device is much smaller than the previous one as can be seen below.

The new Handheld computer is also compatable with the Mipermit a virtual permitless and cashelss parking system, should the council wish to move to this in the future.

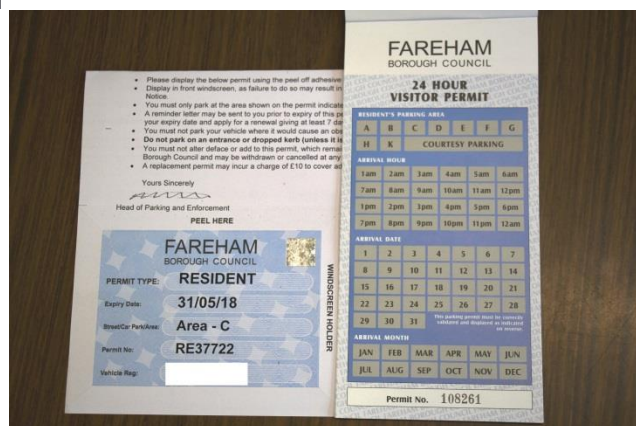


A Coordinated Approach

As part of introducing decriminalised parking enforcement, the opportunity was also taken to review the other similar functions of the Council. Following the review the Parking Enforcement Service, and Enforcement Team were brought together under one Head of Service. This arrangement has resulted in a more unified approach to parking and enforcement.

The Head of Service provides an overall co-ordinating role to ensure the service is delivered at in an efficient and effective way.

Resident Parking



In 2011 Fareham Borough Council implemented a resident parking scheme across a number of streets, within the Borough. This was implemented following requests and concerns expressed by residents about the problems with parking near their home. Currently there are 868 residents' permits in circulation covering 34 roads, which are split into 8 areas within the Town Centre.

At present a residents' permit costs £40.00 for 1 year or £75.00 for 2 years. Residents are permitted to purchase visitor permits at a cost of £1 for a 24hr stay or 50p for a 4hr stay. Every resident who purchases a permit is given a supply of visitor permits free of charge. For a 1 year permit, the resident is given one book of 10 visitor permits and 2 books, or 20 visitor permits are given with a 2 year permit.

We have provided answers to a [list of Frequently Asked Questions](#) on the residents' permit scheme, which are available on the Council's website.

The scheme on a whole has been welcomed by the residents.

Body worn CCTV cameras



After several Civil Enforcement Officers had suffered assaults and serious verbal abuse from members of the public, during their duties, it was decided in 2010 to introduce body worn video cameras for the officers to wear whilst on patrol. Since the introduction of the body worn video cameras, instances of abuse and assaults have reduced dramatically.

Fareham Borough Council takes the welfare and safety of its employees very seriously and will take any action necessary as a result of evidence gathered through the use of body worn video cameras.

Pay and display

There are two types of pay and display car parks in Fareham, inner and outer, they are all within easy walking distance of the shopping centre. All pay and display machines accept payment by coin and credit or /debit cards via chip & pin.



Pay and display car parks are open 7 days a week with the following opening/charging hours:

- Monday to Saturday from 8am to 6pm
- Sundays and Bank Holidays 10:30am to 4pm in the inner car parks. In Outer car parks there is no charge for parking on a Sundays or Bank Holidays.

Details of the [tariffs for the pay and display car parks](#) can be found on the Council's website.

Pay on foot

Fareham Borough Council operates a pay on foot system in 3 Town Centre, inner car parks:

- Market Quay
- Osborn Road multi-storey
- Fareham Shopping Centre multi-storey
- These car parks are barrier controlled and allow customers to pay the correct fee prior to their departure. Within these car parks there are a total of 14 pay machines and 12 entry/exit terminals, together with the associated barriers, which need to be maintained at all times. There are Mother and Toddler bays located in ORMSCP.



Osborn Road multi-storey



Fareham Shopping Centre Multi-storey

To ensure that any breakdowns in equipment and IT systems are kept to a minimum, a robust maintenance contract is in place.

CCTV

All the pay on foot car parks are covered extensively by closed circuit television cameras (CCTV). These are monitored by the CEOs, from monitors within Osborn Road multi storey car park, during operational hours. The CCTV has proved to be a valuable tool in helping with any public nuisance occurring within the pay on foot car parks. Some of the Pay and Display car parks are covered by CCTV, which is monitored separately by the CCTV public space control room.

Parking for Blue Badge Holders

Fareham Borough Council makes every effort to be accommodating and will do all we can to give less able drivers and/or passengers better access to the available amenities. Many car parks have marked bays, specifically for the use by blue badge holders, but they can use any available bay that is not reserved for another use.

The CEOs regularly carry out spot checks on vehicles, with blue badges, to ensure that the blue badge is not being abused.

The following also apply to assist blue badge holders.

- Exemptions from restricted parking times in on-street limited waiting bays unless signage states otherwise
- Facility to park in all pay and display car parks for as long as is required, providing a valid blue badge belonging to the driver or a passenger of that vehicle, is on display showing the serial number and expiry date.

These are available to all blue badge holders and are not limited to UK or euro holders. Residents of Fareham, who have a blue badge, can apply for a swipe card, which allows them entry and free parking in all pay on foot car parks.

Penalty Charge Notices (PCNs)

Penalty Charge Notices, within the Borough of Fareham, are set at the following tariff.

- £70 for more serious contraventions
- £50 for the less serious contraventions

The Charge Level is discounted by 50%, if payment is made within 14 days of the contravention. An additional 50% will be added, to the amount payable, on issue of a Charge Certificate. Following rejection of an informal challenge or under certain other circumstances, such as a formal representation, the Council will allow a further 14 days for the payment to be made at the discounted rate.

PCNs are served by the CEOs using computerised hand-held ticket issuing devices. When issued a PCN will be affixed to the vehicle or handed to the driver. These units store the complete list of roads and off-street car parks, together with the list of contravention codes and offences.

Where the CEO is prevented from serving a PCN to a vehicle or the person, as a result of physical force or the driver driving away, a PCN can be served by post. This is known as a Regulation 10 Penalty Charge Notice and 85 of these notices were served in the last financial year.

When serving a PCN the following details are recorded:

- Vehicle type and colour

- The location
- The contravention description

All of this information is printed on the PCN paper notice.

Photographs are taken, where possible, of the vehicle to show the registration and the nature of the parking contravention. Any photographs must show the PCN stuck to the vehicle's windscreen. The taking of photographs is not a legal requirement, but is considered best practice, because they provide clear evidence when a PCN is challenged.

At the end of the day the CEO's place their handheld into a download cradle which in turn will then download scribble notes and photographs that are contained within the handheld computer for that day and matches this to the correct case.

The work of administering the parking function in relation to PCN processing is undertaken by the Parking office Team and managed by the Head of Parking and Enforcement. This team is located at the Civic Offices and is responsible for the receipt of payments, the processing of Notice to Owners and Charge Certificates, and for dealing with all correspondence and challenges in response to the issue of PCNs, as well as the issue of all parking permits.

Since the introduction of decriminalised parking the Council, and as a result of a County Court warrant, has recovered approximately £188,010 through the use of an Enforcement Agent (formerly called a Bailiff). The use of an Enforcement Agent is always a last resort and every effort is made to obtain payment prior to a warrant being issued.

Challenges from those who have been served with PCNs can be received and dealt with in writing or via e-mail.

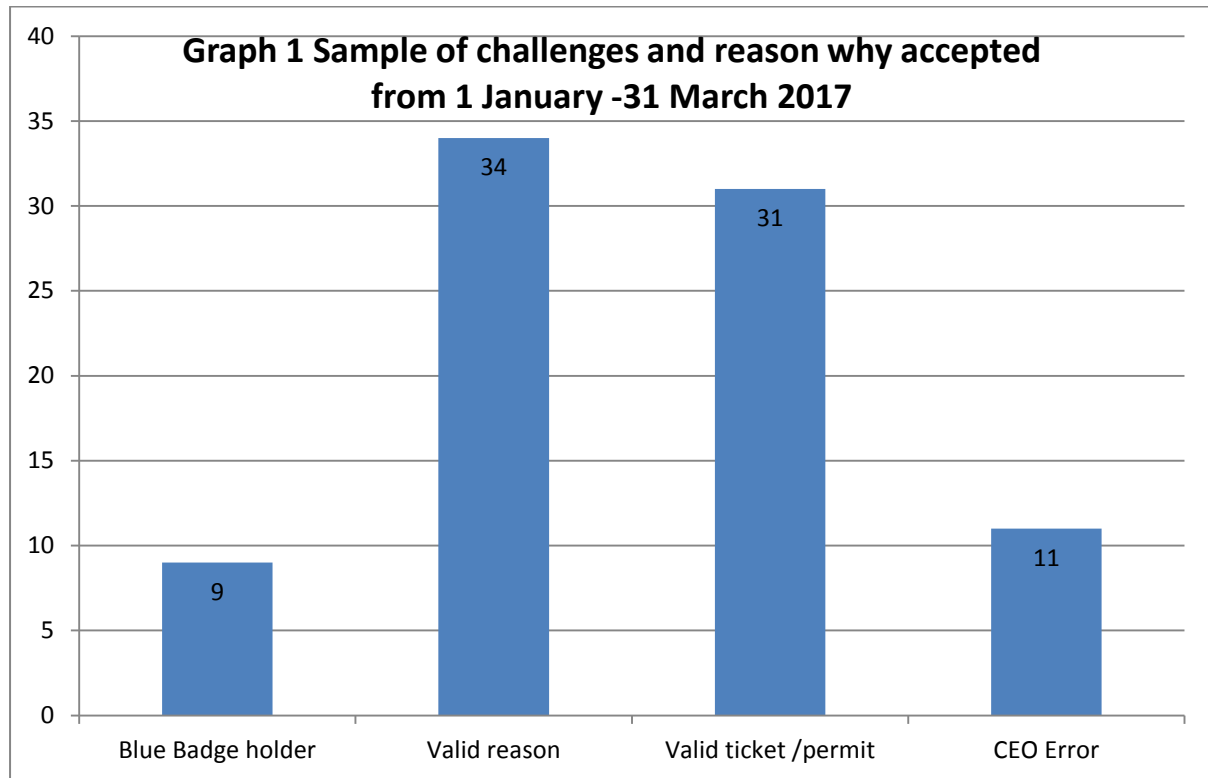
The Council utilises an up to date ICT system, called Chipside, to support the service and uses appropriate interfaces to external organisations including the DVLA, the County Court and the Traffic Penalty Tribunal (TPT).

It is possible for members of the public to pay their PCNs in a variety of ways:

- By post to the Director of Finance and Resources
- Through an automated telephone system on a number identified on the PCN
- In person at the Cash Office at the Civic Offices
- Through the Council's 'Pay It' website using a credit or debit card
- By contacting the parking office or the Customer Service Centre by telephone

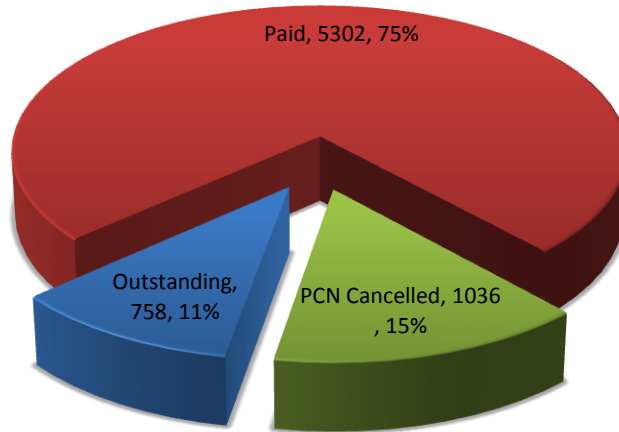
Our performance in 2016/17

The tables and graphs in this section provide an overview of the performance of the Parking Enforcement service over the past financial year.



A challenge is the initial letter of appeal; this is known as an informal challenge, which will be answered by the Council. Further consideration of an unresolved dispute includes a representation by the owner of the vehicle after a Notice to Owner has been served. A representation is part of the formal procedure, the next stage of which can be an appeal to an Independent Adjudicator, at the Traffic Penalty Tribunal.

Graph 2 - Current Stage of all PCNs 2016/17



A total of 7097 PCNs were issued in 2016/17. As the above pie chart shows the Council has recovered 75% of the income. The high recovery rate reflects that PCNs are being correctly issued and are well supported by evidence when challenges are received.

Table 1 – number of PCNs paid by financial year

Year	On-street	Off-street	Percentage paid	Number paid at discount rate
2013/14	3,713	2,009	75.10%	4,983
2014/15	3,314	1,578	77.73%	4,218
2015/16	4884	1794	79.47%	5,747
2016/17	3876	1426	75%	4,589

Table 2 – PCN challenges by financial year			
Year	Received	Accepted	Percentage accepted
2013/14	2,723	1,289	47.34%
2014/15	1,485	701	47.20%
2015/16	1,756	838	47.72%
2016/17	1,916	501	26%

The Traffic Penalty Tribunal

When a formal challenge has been rejected a motorist may make an appeal to the Traffic Penalty Tribunal (TPT), which is an independent body. If an appeal is made the appellant may elect to have a personal, postal or a telephone hearing. Appeals are heard by an experienced solicitor. For independent advice about parking challenges and appeals please visit www.patrol-uk.info.

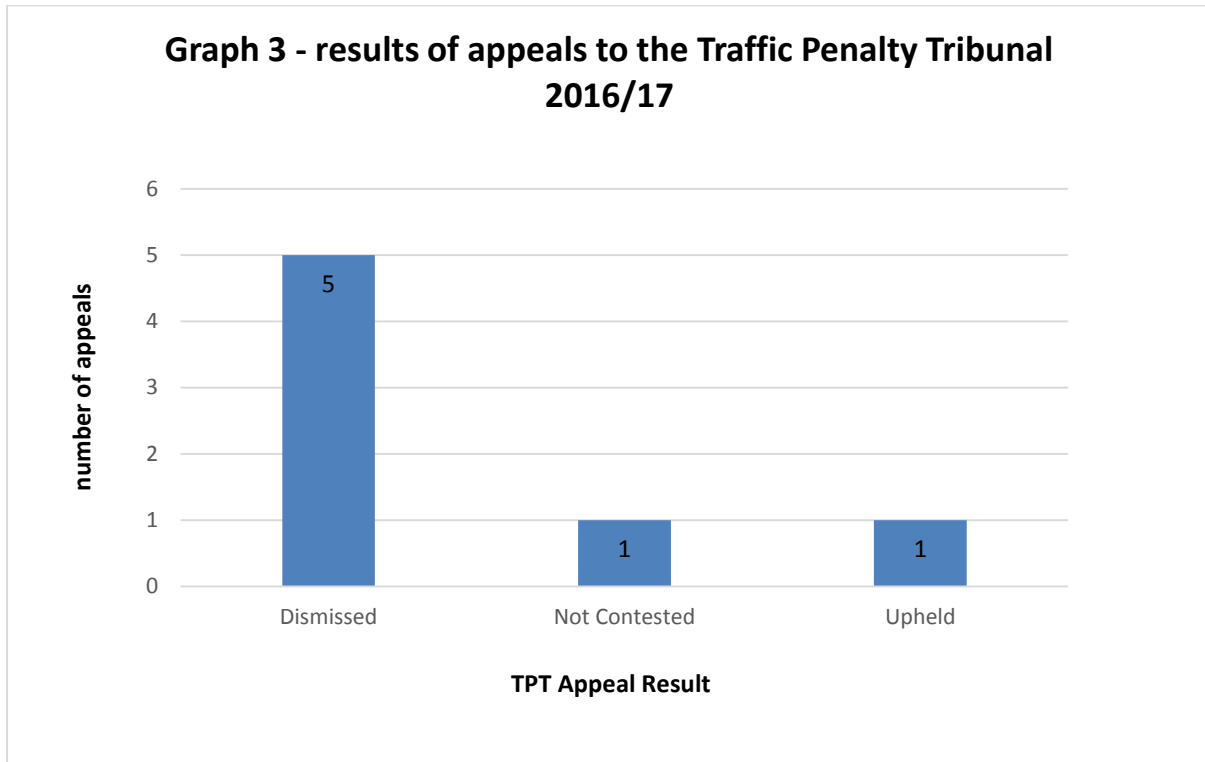
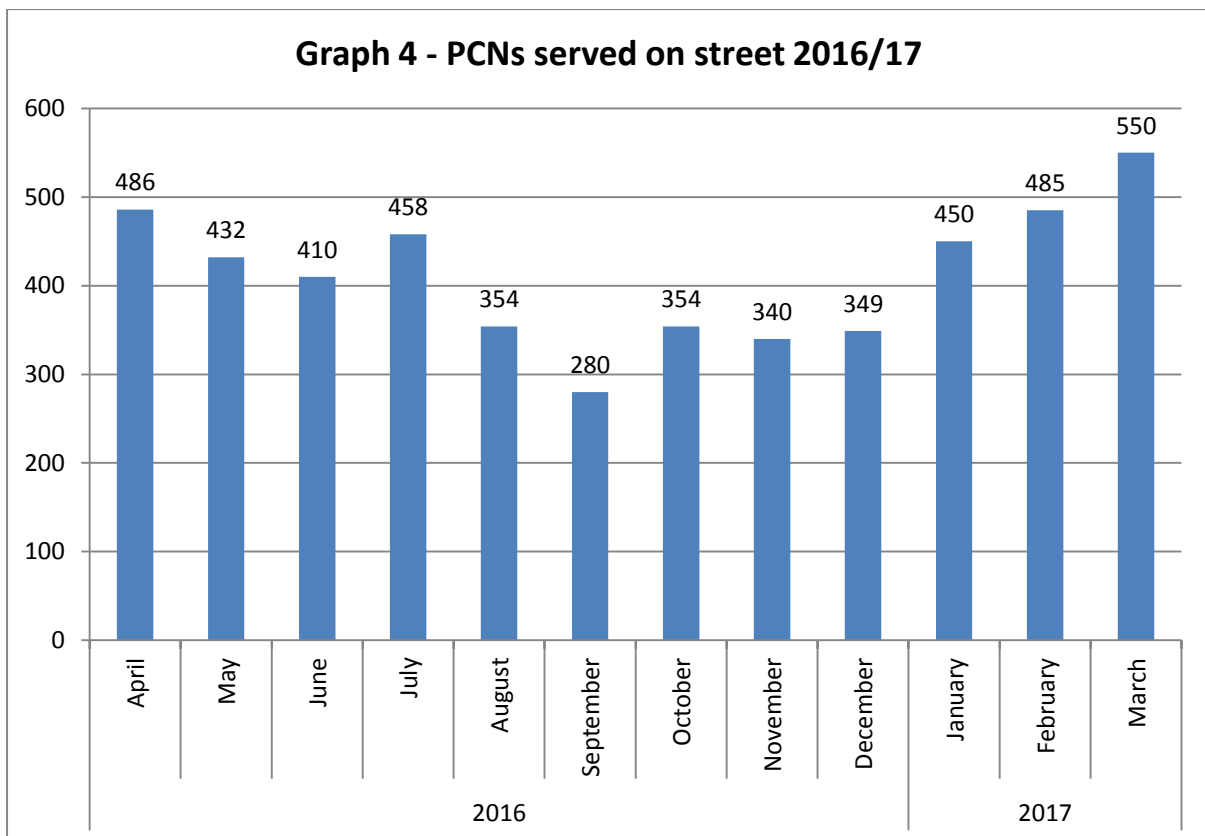
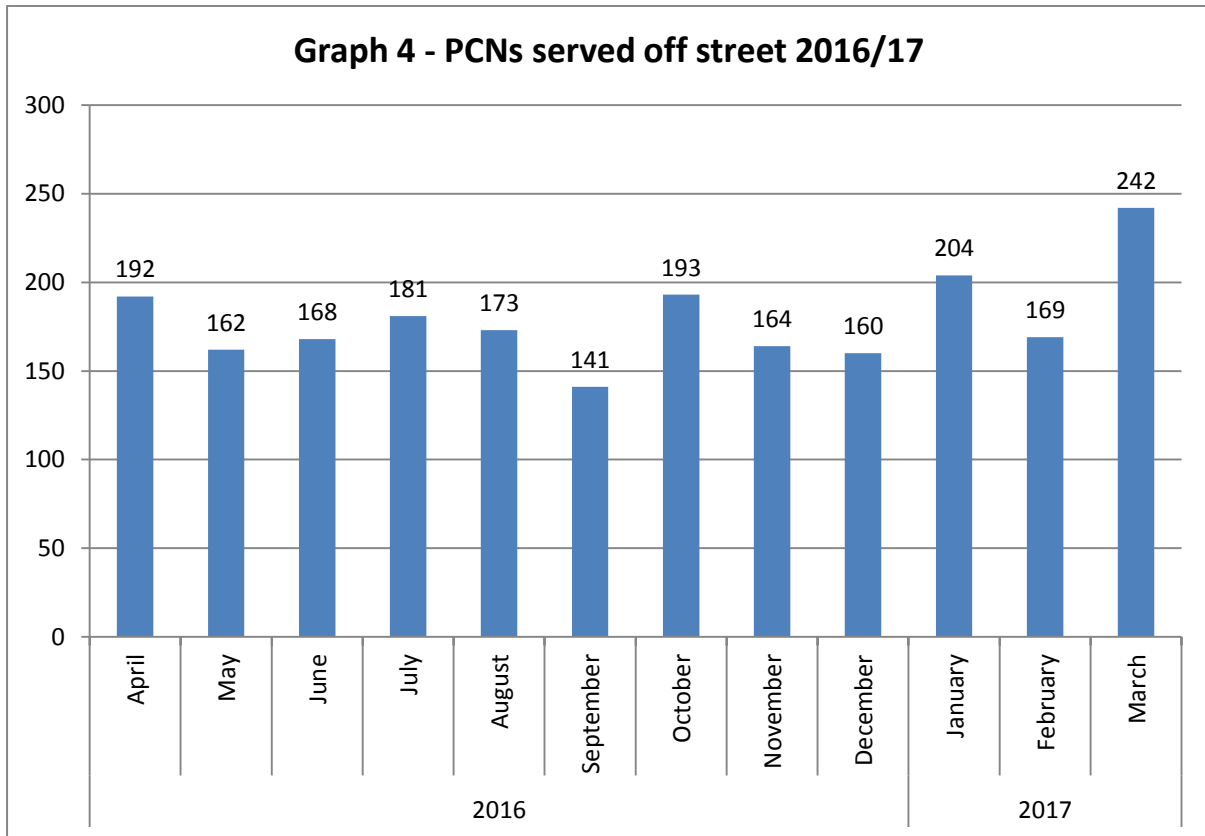


Table 3 – Appeals made to Traffic Penalty Tribunal				
Year	Dismissed (Council Won)	Upheld (Council Lost)	Not Contested by the Council	Pending
2013/14	12	10	9	1
2014/15	3	3	6	4
2015/16	4	2	1	1
2016/17	5	1	1	0

Table 4 – Cases registered at County Court			
Year	Registered	Warrants Issued	Warrants Paid
2013/14	539	533	207
2014/15	308	290	83
2015/16	635	569	118
2016/17	652	500	109

PCNs issued



Below is a breakdown of PCNs served with a description, of the contravention, based on the National Standard PCN Contravention codes. The table includes details of whether the charge is a higher or lower level penalty charge.

The higher charge is £70, which is reduced to £35 if paid within 14 days of service. The lower charge is £50, which is reduced to £25 if paid within 14 days of service.

Table 5 – PCNs served off-street		
Charge	Contravention Description	Number Issued
Lower	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	682
Lower	Parked after the expiry of paid for time	542
Higher	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	254
Lower	Parked beyond the bay markings	336
Higher	Parked in a car park or area not designated for that class of vehicle	149
Lower	Parked for longer than the maximum period permitted	146
Higher	Parked in a restricted area in a car park	11
Higher	Parked in a permit bay without clearly displaying a valid permit	20
Higher	Parked in a loading area during restricted hours without reasonable excuse	1
Lower	Re-parked within one hour of leaving a bay or space in a car park	5
Higher	Vehicle parked exceeds maximum weight and/or height and/or length permitted in the area	2
Higher	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	1
Total		2149

Table 6 – PCNs served on-street		
Charge	Contravention Description	Number Issued
Higher	Parked in a restricted street during prescribed hours	1646
Lower	Parked for longer than permitted	1054
Lower	Parked in a residents or shared use parking place without clearly displaying either a permit or voucher for that place	603
Higher	Parked in a parking place or area not designated for that class of vehicle	382
Higher	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	331
Higher	Parked with one or more wheels on any part of an urban road other than a carriageway (footway parking)	159
Higher	Parked on a taxi rank	158
Lower	Parked in a residents' or shared use parking place or zone displaying an invalid permit, an invalid voucher or an invalid pay & display ticket	154
Higher	Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge	127
Higher	Parked adjacent to a dropped footway	79
Lower	Re-parked in the same parking place or zone within 2 hours of leaving	47
Higher	Stopped on a restricted bus stop or stand	85
Higher	Parked in a loading place during restricted hours without loading	41
Higher	Stopped on a pedestrian crossing and/or crossing area marked by zigzags	33

Higher	Stopped in a restricted area outside a school	17
Lower	Parked in a permit space without displaying a valid permit	2
Higher	Vehicle parked more than 50 centimetres from the edge of the carriageway and not within a designated parking place	2
Lower	Re-parked in the same parking place or zone within one hour of leaving	22
Lower	Not parked correctly within the markings of the bay or space	2
Lower	Parked with engine running where prohibited	2
Lower	Parked without clearly displaying two valid pay and display tickets when required	2
Total		4948

The table below provides details of the total number of PCNs issued by Ward and includes details of the areas with the most on and off-street PCNs issued.

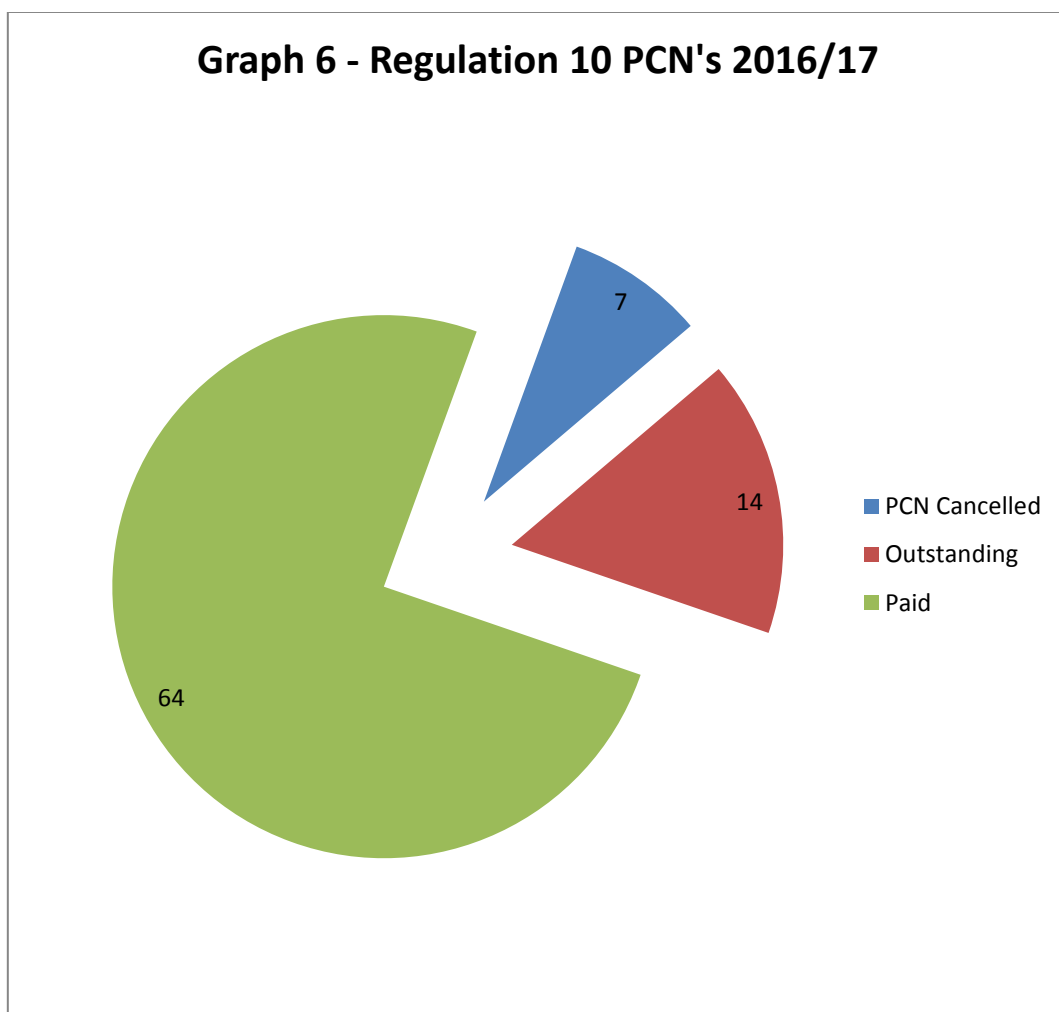
Table 7 – PCNs issued by Ward and hotspots 2016/17			
Area	Total PCNs issued	Off-street (number issued)	On-street (number issued)
Fareham	495	Not applicable	West Street (479)
Fareham East	3,625	Market Quay car park (97)	High Street East (274)
Fareham North	982	Leisure Centre Car Park (33)	West Street (402)
Fareham North West	100	Not applicable	Stow Crescent (50)
Fareham South	413	Not applicable	Speedfields (161)
Fareham West	23	Not applicable	Blackbrook Road (8)
Hill Head	82	Not applicable	Solent Road (10)
Locks Heath	10	Not applicable	Whittle Avenue (6)
Park Gate	129	Middle Road Car Park (31)	Middle Road (23)
Portchester	12	Not applicable	Oysell Gardens (12)
Portchester East	269	Portchester Precinct Car Park (53)	Castle Street (12)
Portchester West	44	Not applicable	Dore Avenue (3) Laverock Lea (5)
Sarisbury	102	Holly Hill Car Park (0)	Gull Coppice (61)
Sarisbury Green	2	Not applicable	Coldeast Close (2)
Stubbington	248	Stubbington Community Centre Car Park (23)	Stubbington Green (102)
Titchfield	70	Barrys Meadow Car Park (23)	Titchfield Square (13)
Titchfield Common	4	Not applicable	Hunts Pond road (4)
Warsash	352	Passage Lane Car Park (72)	Warsash Road (42)

Regulation 10 Penalty Charge Notices

The Traffic Management Act 2004 permits a Penalty Charge Notice to be served by post rather than being affixed to the windscreen or handed to a driver or person who appeared to be in charge. There are three circumstances in which a PCN may be served in this way.

- 1 Where the contravention has been detected on the basis of evidence from an approved device, for example a CCTV camera.
 - a. Please note that Fareham Council do not enforce by this method.
- 2 If the CEO has been prevented, for example by force, threats of force, obstruction or violence, from serving the PCN.
- 3 If the CEO had started to issue the PCN, but did not have enough time to finish or serve it before the vehicle was driven away and would otherwise have to write off or cancel the PCN.

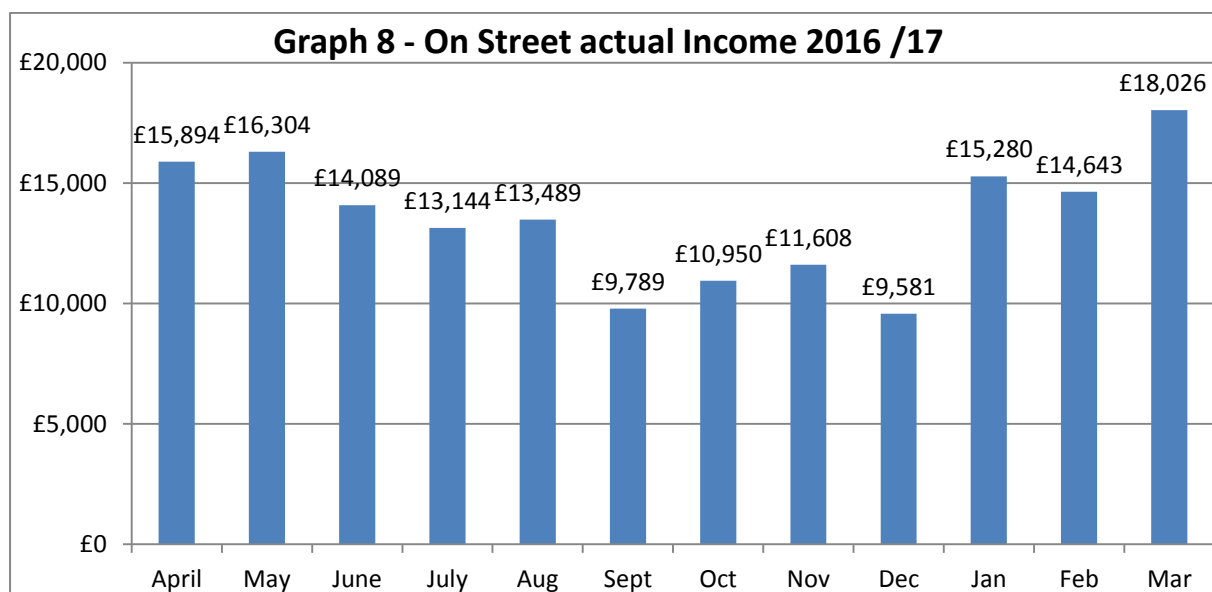
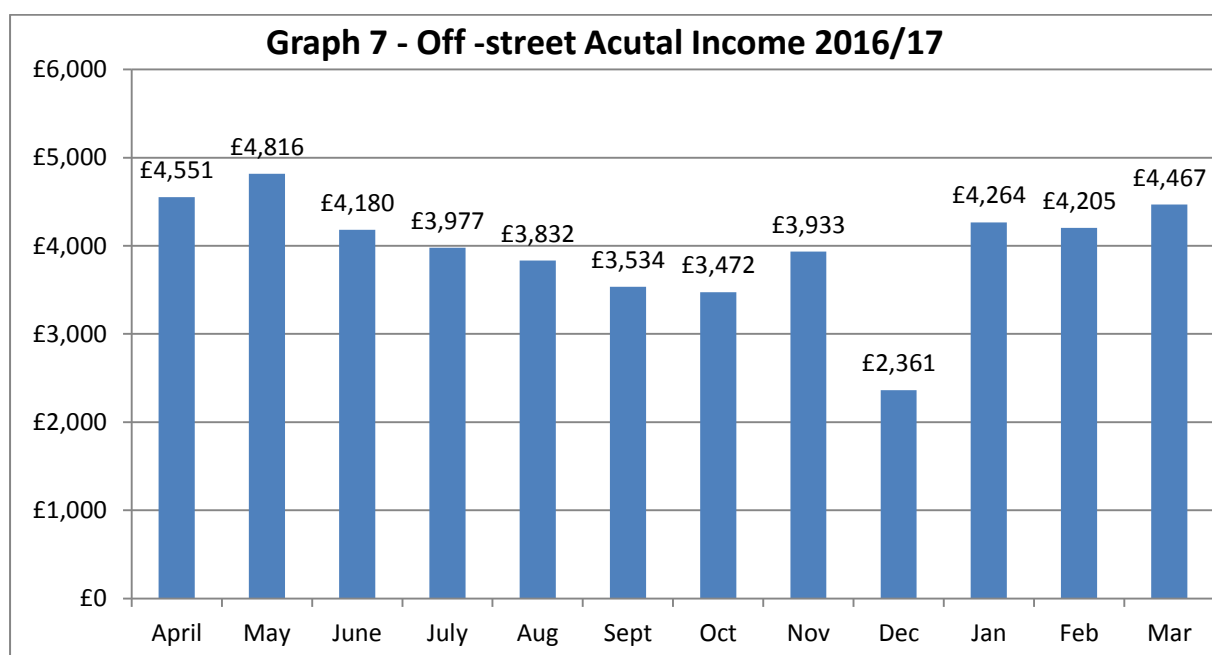
In any of the cases listed above the PCN is served by post on the owner of the vehicle, which is ascertained from the DVLA, this notice also acts as the Notice to Owner.

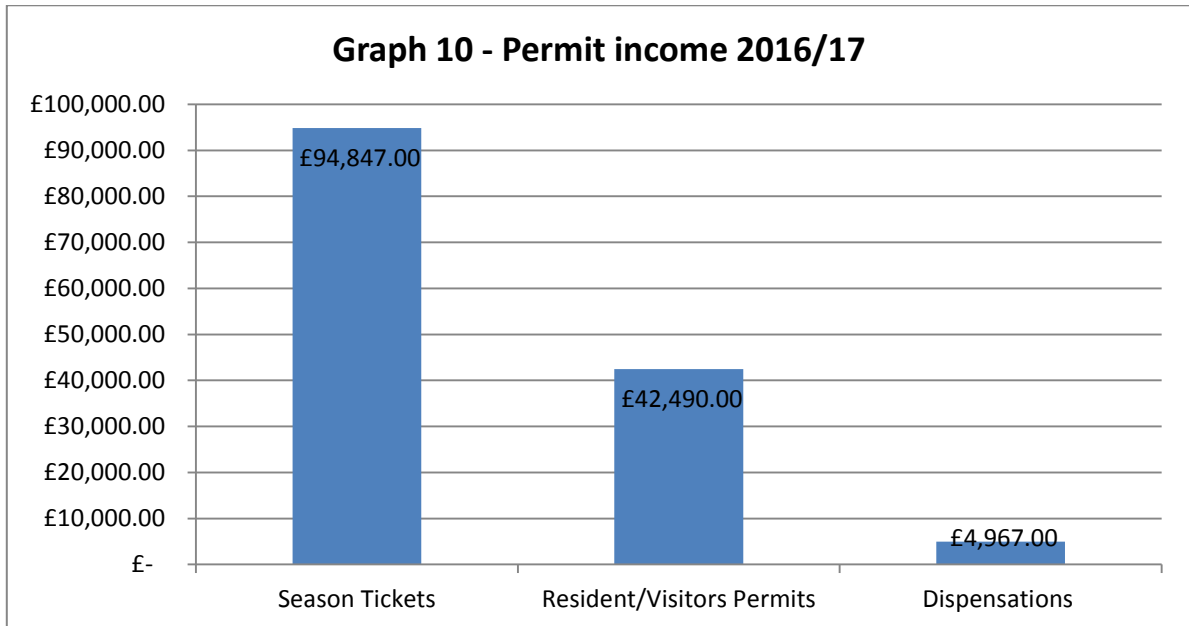
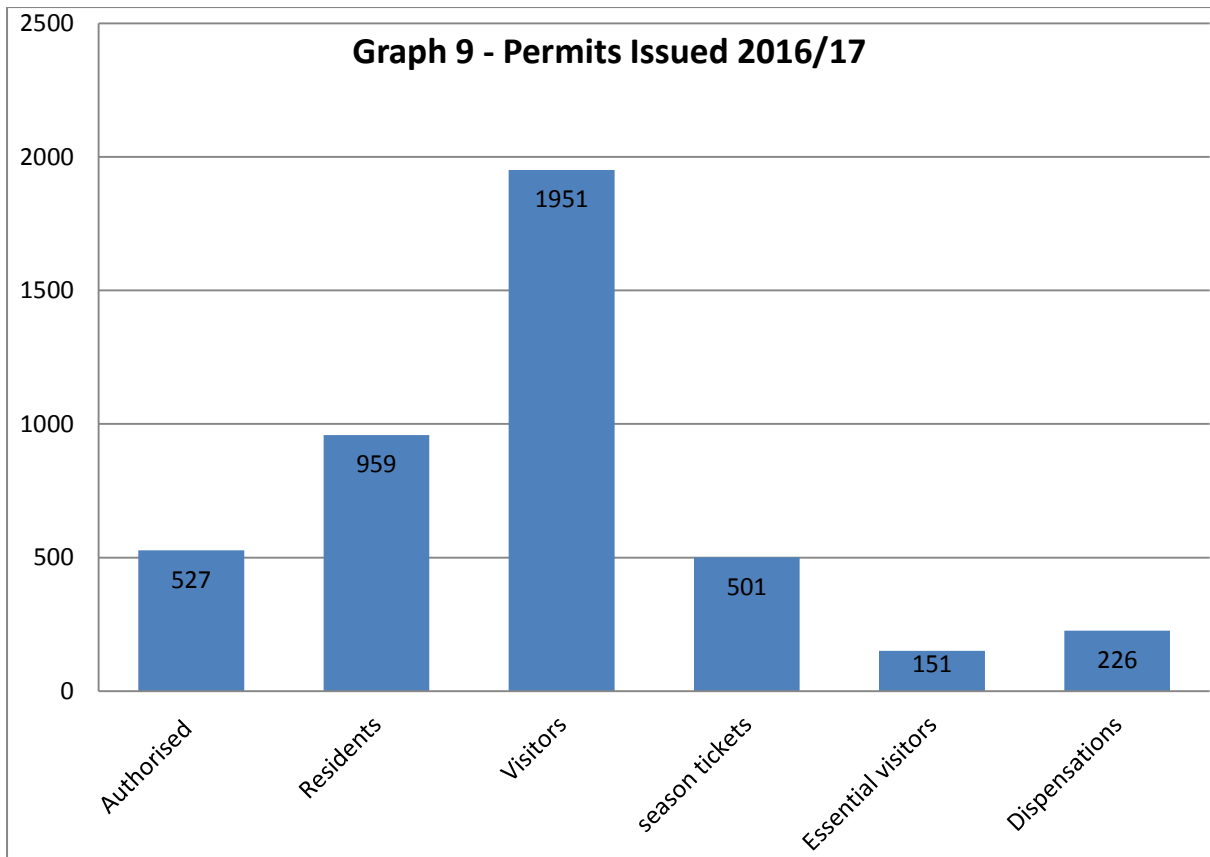


Financial Performance 2016/17

The introduction of Civil Parking Enforcement (CPE) is intended to be self-financing. The introduction of the service in Fareham was based upon a feasibility study. The resources for delivering the service are closely monitored and any increase or reduction in the establishment and staffing resource would be the subject of a business case being made to ensure any proposal does not negatively affect the Council or council tax payers.

Penalty Charge Notice Income





Budget Details

In order to carefully monitor the provision of the Parking Enforcement Service, the budget has been split between the on and off-street enforcement. The tables below provide details of the budget and expenditure for 2015/16.

Table 8 – On-street Enforcement Budget and Expenditure 2016/17			
	Budget	Expenditure	Variance
Employees	149,300	154,889	5,589
Transport	7,400	11,136	3736
Supplies and Services	6,600	12,814	6,214
Third Party Payments	2,400	2,559	159
Internal Recharges	34,600	38,893	4,293
Gross Expenditure	200,300	220,291	19,991
Fees and Charges	-204,000	-210,806	-19,991
Transfer from on-street parking reserve	3,700	-9,485	-13,185
Gross Income	-200,300	-220,291	-19,991
Net Expenditure	0	0	0
Table 9 – Off-street Enforcement Budget and Expenditure 2016/17			
	Budget	Expenditure	Variance
Employees	259,000	276,662	17,662
Gross Expenditure	259,000	276,662	17,662
Fees and Charges	-95,000	-79,519	15,481
Gross Income	-95,000	-79,519	15,481
Net Expenditure	164,000	197,143	33,143

FAREHAM

BOROUGH COUNCIL

Report to the Health and Public Protection Policy Development and Review Panel

Date 25 July 2017

Report of: Director of Operations

Subject: **BIENNIAL REVIEW OF PARKING ENFORCEMENT POLICY**

SUMMARY

The Council has an existing Parking Enforcement Policy that details the main principles for the delivery of the decriminalised parking enforcement service for both off and on-street parking, for which the Council became responsible in April 2007. The policy at that stage was reported to the Health and Public Protection Review Panel and approved by the Executive.

As part of the biennial review, the existing Parking Enforcement Policy, attached as Appendix A, is being reported to the Panel for comment prior to it being presented to the Executive for approval.

RECOMMENDATION

Members are requested to:

- (a) consider the existing Parking Enforcement Policy attached as Appendix A to this report; and
- (b) make any comments that they feel should be taken into account when the Executive considers the policy at its meeting on 04 September 2017.

1. In April 2007 the Borough gained new powers that transferred the responsibility for the enforcement of on-street parking restrictions to the Council from the Police. Responsibility for enforcement of the Council's off-street car parks regulations was included in the new powers. These new powers are commonly known as Decriminalised Parking Enforcement (DPE) and are undertaken as part of the Fareham Parking Enforcement Service. Decriminalised Parking Enforcement consists, in simple terms, of the issue of penalty charge enforcement notices for contravention of regulations and the subsequent processing of the notices as recovery of a parking charge, to maximise the payment and procure payments of debt.
2. The effect of the Traffic Management Act, together with the new regulations and associated guidance, resulted in the Decriminalised Parking Enforcement (DPE) regime within Fareham changing and it became known as Civil Parking Enforcement (CPE) and operated to the new regulatory framework and associated statutory guidance from 31 March 2008.
3. As a result officers reviewed the Council's parking policies and procedures so that they reflected the requirements of the Traffic Management Act 2004, the associated regulations and guidance. The new regulations gave a limited number of new enforcement powers, alternative Penalty Charge Notice levels and changed a number of procedures through the guidance notes.

FAREHAM PARKING ENFORCEMENT POLICY

4. The Council's Parking Enforcement Policy details the main principles for the delivery of the decriminalised parking enforcement service for both off and on-street parking, for which the Council became responsible in April 2007. The existing policy also reflects the changes that were required under the new Civil Enforcement Regulations, in particular on challenges and representations relating to Penalty Charge Notices (PCNs).
5. The current policy that officers are working to, which sets out the main principles for enforcement associated with the delivery of this service, is attached as Appendix A. There are a few additions to the Enforcement Policy from the one which was approved by the Executive at its meeting on 10 September 2015; these changes are indicated in **bold**. The policy is working well; there is no feedback from the Traffic Penalty Tribunal that requires changes or additions to the policy.
6. The main theme of the Statutory Guidance that has been issued to accompany the regulations and which is reflected in the policy is that the making and enforcing of parking regulations needs to be done in a transparent, legal and comprehensive fashion. The emphasis is on transparency and on information for road users. Local authorities are required to publish their policies and reports and regularly review parking policies and communicate these effectively to the public.
7. The proposed policy is designed to provide the framework while informing the public of the principles behind the Council's intentions. Within the policy document there is reference to a charge for some parts of the service, for example the issue of a waiver certificate and dispensations; the charges for these have previously been agreed by the Executive.

8. The policy itself is published on the Council's web pages and so is available to members of the public. It sets out the approach of the Council in the enforcement of both on and off-street parking.
9. The policy is being presented again to members as part of its biennial review, but will also be amended as appropriate to take account of any issues that arise from the delivery of this service.
10. It is policy under the Traffic Management Act 2004 that Council Members will not be part of the process for resolving challenges, representations or appeals to PCNs that have been served. Member representation is however required on the Parking and Traffic Regulations Outside London (PATROL) Joint Committee. The Council's representative is the Executive member for Public Protection, with the Executive member for Planning and Development as a deputy representative.

LEGAL IMPLICATIONS

11. Enforcement of parking regulations needs to be done in a transparent, legal and comprehensive fashion. The emphasis is on transparency and on information for road users. Local authorities are required to publish their policies and reports and regularly review parking policies and communicate these effectively to the public. The Council's approach to enforcement will be undertaken in line with this policy.

RISK ASSESSMENT

12. An Enforcement Policy is required that sets out the approach of the Council in the event of a challenge.

CONCLUSION

13. The proposed policy document attached as Appendix A is submitted to enable the Panel to consider and comment on the details of the Fareham Parking Enforcement Policy. The policy attached as Appendix A has been updated and takes account of any matters that have arisen during the last 2 years. The policy is now presented to the Panel for comment before it is presented to the Executive for approval. It will be this updated policy that will be used and referred to by officers in undertaking the enforcement of both on and off-street parking within the Borough.

Appendices

Appendix A: Fareham Parking Enforcement Policy

Background Papers:

None.

Reference Papers:

None.

Enquiries: For further information on this report please contact Kevin Wright (Ext 4359).

FAREHAM BOROUGH COUNCIL

Fareham Parking Enforcement Policy

1. Introduction

Traffic Regulation Orders

Traffic Regulation Orders (TROs) **have previously been introduced by** ~~are introduced by~~ Fareham Borough Council (as the agent for Hampshire County Council, which is the Highway Authority) on roads within the Borough to regulate the use of highways by both moving and parked vehicles. In doing so, the objectives are to:

- Promote the safe use of highways
- Manage the competing demands for road space, e.g. traffic movement, bus stops, loading for access to premises and parking
- Give priority when considered necessary to different classes of users, e.g. disabled people, residents.

As a result of funding cuts to the Traffic Management function by Hampshire County Council, the Executive at its meeting on 5th December 2016 agreed to cease the agency agreement with HCC, therefor all future TRO's will be introduced by HCC.

Fareham Borough Council was granted delegated authority in 2007 from Hampshire County Council to act as the Enforcement Authority on the County's behalf to enforce on-street contraventions and recover any debts and to pursue, through the County Court, any unpaid debts. As such, Fareham Borough Council is the Enforcement/Issuing authority.

Off-street car parks

The Borough Council also manages the use of its off-street car parks through an Off-street Parking Order which allows for charges and time limits to be introduced to ensure the best use of car parks and a turnover of vehicles where necessary.

Fareham Parking Enforcement

Hampshire County Council and Fareham Borough Council together have achieved Special Parking Area status for the Borough which means that as from April 2007 parking contraventions became decriminalised and Fareham Borough Council is responsible for enforcement of all orders controlling parking within the Borough.

Parking contraventions, both on-street and in Council car parks will be enforced by the serving of a Penalty Charge Notice by a Civil Enforcement Officer.

Fareham Parking Enforcement is also able to deal with parking on zigzag markings on pedestrian crossings as well as the Police, who may still issue Fixed Penalty Notices incurring penalty points and for parking on or across dropped kerbs which causes obstruction, also double parking on the highway and persistent offenders.

Public Accountability

With Fareham Parking Enforcement, the locally elected Council will have responsibility for both the way in which parking on Fareham's streets and car parks is managed and the level of enforcement of the parking controls to achieve the objectives.

2. Objectives of Parking Control and Enforcement

Traffic Regulation Orders to control parking are introduced by **Hampshire County Council** ~~the Council~~ and enforcement of the regulations is undertaken in order to:

- Make Fareham Borough a safer place, to drive, walk or cycle through
- Ensure that pedestrians may walk safely without fear or obstruction, especially in pedestrianised areas and outside schools
- Keep traffic flowing freely
- Ensure good access to properties adjoining highways for loading and unloading
- Ensure that there is a fair and even distribution and turnover of available parking spaces throughout the Borough, not only for visitors, but also for residents, traders, customers and businesses
- Ensure that designated disabled bays are used only by those persons lawfully displaying a valid disabled Blue Badge in accordance with the regulations pertaining to the international Disabled Badge Scheme, and the Blue Badge Scheme: rights and responsibilities in England booklet issued by the Department for Transport, and meeting the needs of those with disabilities, some of whom will be unable to use public transport and are dependent entirely upon the use of a car.
- Ensure that parking places designated for use by specific vehicles such as taxis, buses, and goods vehicles only bays are kept clear for their intended use
- Ensure that parking places within a residents' parking scheme contain only vehicles that have on display, a valid resident's parking permit or visitor permit.
- Minimise parking on verges and footways where there is a restriction on parking on the highway for road safety, maintenance and environmental reasons

3. Legislation

The enforcement of parking regulations by Fareham Borough Council will be carried out within the relevant powers under the following Acts:

The Traffic Management Act 2004 (as amended) of which has now superseded;

The Road Traffic Regulation Act, 1984 (as amended)

The Road Traffic Act, 1991 (as amended)

Also by the following Traffic Regulation Orders (TROs):

The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire) (Borough of Fareham) Order 2007

The Borough of Fareham (Waiting Restrictions and Street Parking Places) (Consolidation) Order 2014 (as amended)

Borough of Fareham (Off Street Parking Places) (Consolidation) Order 2007 (as amended)

Any other order made or any other Act, Regulation, which enables enforcement by the Council to achieve the objectives set out in this policy.

4. Special Provisions

Blue Badge holders

Traffic Regulation Orders introduced by **Hampshire County Council** will, wherever practicable, follow national statutory requirements and advice on good practice in respect of facilities provided for disabled persons badge holders.

Off-Street Car Parks

Exemptions will allow blue badge holders to park within spaces reserved for disabled badge holders provided the badge is valid and displayed in the front of the windscreen the correct side up displaying the serial number and expiry date, (as detailed in "The Blue Badge Scheme, Rights and Responsibilities in England" booklet, issued from the Department of Transport which is sent to all Badge Holders) and that the vehicle has been used or is about to be used to give the holder of the badge better access to a desired location.

Blue Badge Holders may also park free of charge in any other non designated bay for a maximum of 24 hours, provided the badge is

displayed correctly. This exemption does not include the pay on foot **barrier controlled** car parks.

On-Street

On single and double yellow lines, exemptions for vehicles displaying a blue badge will allow parking for up to three hours except where there is a ban on loading and unloading provided the badge is valid, properly displayed as above accompanied by the clock and the vehicle has been used or is about to be used by the holder of the badge. Badge holders are required to park with due consideration for other road users and if a vehicle causes an obstruction the CEO may disregard the exemptions offered by the blue badge and issue a PCN, also the police may take action under separate regulations.

Blue badge holders may park in any limited waiting on-street free of charge and in excess of the limited time **including residents parking bays** providing the badge is displayed correctly, as detailed above, unless there is signage explaining the contrary. Care must be made to check for any restrictions/signage when parking the vehicle.

Suspension of Parking Places

The Council has the power to suspend all or part of any parking places or car park and thereafter permit or prevent certain vehicles to park.

Suspensions will not be undertaken lightly and most will be for reasons of traffic flow or safety. However, in instances such as where a large removal lorry or vehicles associated with works on an adjacent property are required to be parked close by, a suspension may be agreed.

Such permission will be granted by the Council for specific circumstances and on payment of an administration fee as agreed from time to time by the Council, a dispensation will be issued which must be displayed on the vehicle at all times that it is parked in the suspended parking place.

Dispensations

There are times when it may be acceptable or unavoidable for vehicles to be parked where restrictions apply. Under strictly controlled circumstances, the Council may issue a dispensation permitting a vehicle to be parked without the driver having to comply with the regulations.

A dispensation will contain any conditions that the Council may stipulate and will be issued on payment of an administration fee as agreed from time to time by the Council.

The dispensation must be displayed on the vehicle at all times that it is parked in the suspended or nominated parking place or area.

Acceptable purposes to which a dispensation may apply include:

- Extended loading and unloading of goods, materials, tools or equipment.
- Continuous use of vehicles as a workshop (not storage only), where there is fixed equipment in the vehicle which is required to perform the work in progress (in this context fixed means cannot be unloaded from the vehicle).
- Fitting of replacement glass (except for emergency boarding up purposes) when a dispensation is not required.
- Collectors of significant amounts of cash from premises where a risk of crime may exist if the vehicle is parked some distance from the premises
- Trade vehicles visiting a controlled parking zone for working in a premises within that zone

Professional Carers

Numerous care organisations operate within the Borough as a result of contract arrangements with Social Services and the Local Health Authority as well as privately arranged care. Vehicles may often display badges issued by the various organisations but, due to the variety of badges in circulation none are recognised by Hampshire County Council or Fareham Borough Council as valid authorities to park in contravention of orders prohibiting or restricting waiting.

Upon receipt of a written request Fareham Borough Council will consider the request and if satisfied that the permit is required issue its own permits to allow genuine professional carers to park within **residents parking scheme** areas for up to one hour to enable them to care for residents. Permits may be issued upon application, which 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. Any abuse of such permits may result in them being withdrawn.

It is not felt that there is a need for carers to park within Council car parks free of charge or for longer than the permitted free time. However, this is a matter which is kept under review by the Council.

Carers are not exempt from yellow line restrictions and must not contravene them. A dispensation/permit may be issued to carers to enable them to park in contravention of a yellow line, (in an emergency) or limited wait on street whilst not at their normal place of work and whilst visiting a client or patient.

Administration charges

Where a Dispensation is required to be issued by the Council for purposes above or action is taken to suspend all or part of a parking place, the Council may make a charge for the service at a rate agreed from time to time by the Council, to cover the administration and enforcement costs.

5. Statement of Intent

- (i) **Hampshire County Council will introduce orders regulating parking as appropriate to meet local needs as outlined above for on street restrictions, Fareham Borough Council will introduce restrictions in council owned car parks as required.**
- (ii) The Council will enforce parking regulations fairly, lawfully and without discrimination. All Civil Enforcement Officers are trained to a required standard in the legislation governing parking activities and in Council policies and values, and will operate in accordance with a standard handbook.
- (iii) Enforcement can take place at any time and on any day depending on the hours of control of specific parking regulations. Enforcement will also take place if on street parking contraventions have been highlighted by members of the public, these will be placed on the "Hot Spot" list, the CEO's will then target these areas as appropriate, via a tasking process at daily briefings.
- (iv) Enforcement of regulations will focus on achievement of objectives relating to road safety (including safety of pedestrians at school premises), traffic movement, loading/unloading requirements, and proper use of priority parking places, turnover at commercial centres, nuisance, environmental factors and special events.
- (v) It is not the policy of this Council to clamp and remove vehicles; although there are legal powers in place to do so. Any such action on-street would require the consent of Hampshire County Council, on whose behalf Fareham Borough Council is acting. There are powers to do so for persistent offenders with 3 or more Penalty Charge Notices under TMA.
- (vi) Where the driver of a vehicle is relying on a blue disabled Person's Badge for exemption from parking regulations, it is the policy of Fareham Borough Council to issue a Penalty Charge Notice (PCN) if the badge is not displayed correctly. If a challenge is received regarding a PCN each case will be considered on its own merits. This course of action reinforces the need for disabled badge holders to use and display the blue badge and clock correctly, and avoids misunderstanding at a later date.

- (vii) The primary task of the Civil Enforcement Officers (Parking) is to assist the motorist in parking in compliance with the regulations, whilst keeping the Borough free from congestion and highway obstruction.
- (viii) It is Council policy to pursue debt incurred by non-payment of penalty charges within the current legislation, which includes registration of the debt at the County Court and obtaining a warrant of execution for recovery action by Court Enforcement Officers (certified bailiffs), this will inevitably incur extra costs.
- (ix) The Parking Enforcement Service will aim to be as open and fair as possible and will review its policies, procedures and practices at regular intervals, which will be available to the public for consultation at any time. This will also include reports of the income and expenditure as well as the Penalty Charge Notice, issues and cancellation statistics.

6. Summary of Enforcement Procedure

Management

Enforcement of regulations and consideration of challenges, representations and appeals against Penalty Charge Notices will be managed by the Council's in-house Parking Enforcement Service.

The level of penalty charge is set by the Council within a range determined by the Government. The level of charge will be based upon the type of contravention.

This Council has adopted the Band 2 tariff that sets the Penalty Charge Notice at £70 with a reduced rate of £35 if paid within 14 days of the date of issue of the notice, for the higher level of contraventions.

The lower level of contraventions is set at £50 with a reduced rate of £25 if paid within 14 days of the date of issue of the notice.

It is the responsibility of each driver to park legally and there is generally ample opportunity to do so for every situation throughout the Borough. The driver must also observe and adhere to, any restrictions in place at the time whenever the vehicle is parked.

Where a vehicle is parked in contravention of a prohibition, restriction or conditions of parking a penalty charge becomes payable.

The main objective of a Civil Enforcement Officer (CEO) is to ensure that parking controls are observed and enforced in a fair, accurate and consistent manner. A CEO has a duty to serve a Penalty Charge Notice; if there is sufficient evidence that a contravention has occurred.

Part of the process of issuing a PCN involves a CEO making a note of the vehicle make (where able), colour and registration number, details of which appear on the PCN. Additionally the position of tyre valves is also noted in some circumstances.

Anyone who has been issued with a PCN has the opportunity to make an informal challenge to the PCN or to pay the penalty charge. An informal challenge is the initial letter or e-mail of appeal sent to parking services. This will be investigated and all evidence and mitigating circumstances considered.

Should no challenge to the PCN be received, FBC will pursue the registered keeper of the vehicle for the outstanding debt.

Further consideration of an unresolved dispute involves a formal challenge by the owner of the vehicle or person in charge of the vehicle at the time. A challenge is part of the formal procedure the next stage of which can be an appeal to an Independent Adjudicator.

Independent Adjudication is achieved through the Traffic Penalty Tribunal (TPT), a body set up by the Government which must be used in settlement of disputes by each local authority operating decriminalised parking enforcement, and are independent of the Council.

The TPT procedure replaces the previous role of the Magistrates' Court in resolving civil disputes for parking contraventions.

All challenges, representations and appeals must be in writing or e-mailed to parkingservices@fareham.gov.uk (This must include the PCN number and address)

The management process in serving PCNs and the follow-up procedure will be in strict adherence to the processes laid down by the *Traffic Management Act 2004* and *The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007*.

Obstruction

Within current civil enforcement legislation the offence of obstruction cannot be enforced through the process of civil parking enforcement. CEO's can only enforce parking 'contraventions' where there are yellow lines associated with a Traffic Regulation Order. Without such restrictions enforcement associated with vehicles parked in an obstructive manner can only be undertaken by the police (Section 137 of the Highways Act 1980).

Pavement Parking

Paved footways (pavements), are predominantly constructed/provided for pedestrian use. Vehicles that are parked partly, or wholly on pavements, particularly where they are narrow, may present:

1. a hazard to pedestrians, causing an obstruction, which may result in them having to step off the pavement onto the carriageway thus putting themselves in danger;
2. a hazard by restricting the width of the pavement making it difficult for someone with a pushchair or wheelchair; or a pedestrian with visual impairments, to pass safely - again this person may have to step onto the carriageway to avoid the obstruction;
3. a hazard due to the damage caused by driving on and off the pavement – broken flags etc.

If there are yellow lines (waiting restrictions) on the carriageway adjacent to the pavement, then a PCN could be issued to a vehicle parked on the footway, as such parking may be in contravention of the waiting restrictions. Waiting restrictions cover the highway from centre of the carriageway to the back of footway.

If there are no waiting restrictions (eg: no single or double yellow lines) on the carriageway adjacent to the pavement, then CEO's have no powers to take action. If a vehicle is blocking the pavement in these circumstances, the Police should be contacted, as such parking may constitute an obstruction of the highway (Highways Act 1980).

Service of a Penalty Charge Notice (PCN)

The Council believes that the introduction of parking controls of any kind is in the interest of general or, in some cases, specific road users or sections of the community. If any regulation is perceived as being unjust or unnecessary an appraisal can be requested.

Drivers who park in contravention of the parking regulations will be served with a Notice to pay the PCN, which will be affixed to the vehicle or handed to the driver. It is the policy of this authority to take a photograph, whenever possible, of every contravention, in order to prove the contravention and where appropriate the fact that the PCN was legally placed on the vehicle. These images will be available and provided at the earliest opportunity, should a challenge be made.

If the CEO has been prevented from serving the PCN by actions or threats from the driver or other person, a Regulation 10 PCN/Notice to Owner will be served on the registered keeper of the vehicle by first class post. Any person receiving this may receive a discount of 50% for a period of 14 days after the date of receipt of this notice.

Fareham Borough Council encourage CEO's to use their discretion and judgement in certain situations, for example, where the CEO feels that a verbal warning rather than issuing a PCN for a contravention and is still with, or returns to, the vehicle before a PCN has been served.

Challenge of PCN

Drivers will be given 14 days from the date of service of the PCN in which to either pay the penalty charge at the discounted rate, or challenge the penalty charge. Every case in which a penalty charge is challenged will be investigated on its own merit, and mitigating circumstances will be taken into account.

It is standard practice to request proof of these circumstances wherever possible, for example, if a valid pay and display ticket or permit is produced or we receive evidence of loading and unloading such as a delivery note and/or receipt and in emergency cases proof of the emergency.

If a challenge to a PCN is received, and does not constitute grounds for waiving the charge, the opportunity to pay the discounted rate will be re-offered for a further 14-day period from the date of receipt of the rejection letter.

The Secretary of State considers that the exercise of discretion should, in the main, rest with back office staff as part of considering challenges against PCNs and representations against a Notice to Owner (NtO). This is to protect CEOs from allegations of inconsistency or favouritism. It also gives greater consistency in the enforcement of traffic regulations.

Notice to Owner (NTO)

If no payment has been received within 28 days after the date of service of the PCN, irrespective of whether the driver/owner has previously challenged the penalty charge, then Parking Services will obtain the details of the registered owner/keeper of the vehicle from the Driver Vehicle Licensing Agency (DVLA).

The registered owner/keeper of the vehicle is legally the person responsible for payment of the charge.

A NtO will be served by 1st class post to the registered owner/keeper upon receipt of these details from the DVLA, and may not be served before the expiry of 28 days from the date of service of the PCN.

Regulation 10 Penalty Charge Notice

This form is served if the CEO is prevented, by the actions of the driver or third party, from serving a PCN. Details are obtained from the DVLA and the Regulation 10 PCN/NTO is served. The registered keeper of the vehicle has 14 days to pay the PCN at the 50% discounted rate. If no payment is received after 28 days of service then the charge will increase by 50% and a charge certificate will be served.

Formal Challenge

The owner/driver may then make a formal challenge in respect of the charge, and this will be investigated by Parking Services where a decision will be made after investigating and considering all the presented facts.

All challenges must be made in writing or e-mailed to: parkingservices@fareham.gov.uk and must be made not later than the last day of the period of 28 days beginning with the date on which the NtO is served. Any challenges made outside of this period may be disregarded by the Council. If this is the case you may still contact the TPT by post asking them to consider the late appeal and request the Council to re-consider, (contact the Council for details).

If the challenge against the charge is not accepted, a formal notice of rejection under Part 6 of the Traffic Management Act 2004 will be served to the appellant. This correspondence will contain details of the steps that can be taken by the appellant if he or she wishes to appeal to the TPT.

At this stage there will be no opportunity for the reduced charge to be paid.

Appeal to the TPT www.trafficpenaltytribunal.gov.uk

It is the policy of this council to contest every formal appeal to the TPT, unless the appellant produces additional evidence that was not previously forthcoming.

Fareham Borough Council will not pursue enforcement of PCN simply to test whether the appellant will progress the challenge to the TPT.

Members of the public are able to access this web site www.patrol-uk.info for further information of appeals to the TPT and the rights of motorists relating to Civil Enforcement and the whole process up to and including bailiff stage. Downloadable forms will be available.

Charge Certificate

A minimum of twenty-eight days after the date of issue of the NtO or Regulation 10 PCN, Parking Services will serve a Charge Certificate to

the registered owner/keeper of the vehicle, which will increase the original charge by 50%. At this stage there is no legal right of appeal but all cases may be considered by its own merit.

After a further period of 14 days a pre debt registration letter is sent advising of cost and next stage of bailiff.

Registration and collection of debt

After a minimum of 14 days after the date of issue of the pre debt registration letter, Parking Services will register the debt at the Traffic Enforcement Centre which is a branch of the County Court set up to handle registration of debt from non-payment of penalty charges for England and Wales. This action will increase the charge on each case by a further £7 to cover the appropriate court fee for this service and registration.

The registered owner/keeper will be informed of this debt registration and, if no response is received within 21 days of the date of registration, then Enforcement Agents (Certificated Bailiffs) will be instructed to recover the debt on the Council's behalf. This could incur substantial extra costs being added onto the outstanding amount. The outstanding debt is then handled by the debt recovery company acting for the Council and any payment or correspondence must be sent to them.

7. Consistency and Proportionality

All CEO's and Parking Office Support staff are trained to the same standards by way of an in-house manual, formal training in the form of City in Guilds qualification or equivalent and on-going monitoring and refresher training.

At any of the legal stages throughout the enforcement process, up to the issuing of the warrant stage, mitigating circumstances will be considered in order to produce a reasonable and sustainable decision.

This Authority has a policy of allowing an observation period when vehicles are parked on double yellow lines. This is to allow for any loading or unloading of heavy goods, however should there be evidence from a CEO that it is immediately evident that no loading/unloading is taking place; an instant PCN will be served.

Although Fareham Borough Council has always allowed a grace period of 10 minutes to allow customers to return to their vehicle, this has now been made a statutory undertaking.

On 6th April 2015 the Department for Communities and Local Government (DCLG) who are now responsible for off street parking and the Department for Transport introduced a new Statutory Instrument to allow a 10 minute parking grace period, this applies to paid for or free parking spaces both on-street and off-street (in Council owned car parks or similar), the exact wording of the Statutory Instrument is:

“If a vehicle is parked legally on a designated parking bay when it is initially parked, then you should apply a ten minute grace period before issuing a PCN from the moment it becomes parked illegally.”

An explanation of this is provided below:

A vehicle parked on a residents bay overnight when controls are not in place (and the vehicle is allowed to park), will receive a 10 minute grace period from the moment controls commence.

A vehicle that parks on a residents bay, shared use bay or pay and display bay when controls are already in force, and the driver does not display a permit/scratch card or pay and display ticket is liable for a PCN without the need for a 10 minute grace period (any usual observation periods apply).

A vehicle parked on a single yellow line (and not in a designated parking place) outside of the hours of control will be liable to an immediate PCN without the 10 minute grace period when controls commence (any usual observation periods apply).

A vehicle parked in a bay that is not designated for that class of vehicle can receive an immediate PCN without the 10 minute grace period if it parks when controls are already in force. 10 minutes grace will need to be given if it is parked legally before controls commence (any usual observation periods will apply).

It is important to note that grace periods only apply to designated parking places where a person is permitted to park. A road with a restriction (e.g single yellow line) or prohibition (e.g double yellow line) is not a 'designated' parking place either during or outside of the period of the restriction or prohibition.

In cases of extreme hardship, customers may be given the opportunity to pay the full charge in instalments. Each case will be dealt with on its own merits and a request for such should be made in writing or by e-mail to parking services. It is important to list all/any outstanding PCN'S.

At every stage that correspondence is sent to a registered owner/keeper or appellant, that person will be advised of the next course of action that will apply. All correspondence will be matched and input into the relevant case and responded to within appropriate timescales. Further advice is available on the Council website; www.fareham.gov.uk

Parking Services will use whichever databases are lawfully available to them to pursue details of drivers that have committed a contravention of the parking regulations, and are fully compliant with the requirements of the Data Protection Act.

Fareham Borough Council pursues a policy of non-discrimination for all drivers and for that reason will consider the use of an agency to enforce payment by residents in countries other than England and Wales.

Parking Services undertakes not to disclose information held on its databases to a third party unless the request is from a Law Enforcement Agency and is in order to prevent or detect crime.

Parking Services will endeavour to ensure that patrolling takes place in all areas of the Borough on a regular but prioritised basis as resources permit.

Measurement of performance of the Parking Enforcement function will take place regularly through the service plan monitoring process applicable to all Council departments.

8. Rights of Appeal

Specific rights of appeal will be set out in all of the Notices and correspondence referred to in the above procedures.

The procedure for dealing with parking appeals is set down in Part 6 of the Traffic Management Act 2004 and The Civil Enforcement of Parking Contraventions, Representations and Appeals Regulations 2007.

Traffic Penalty Tribunal

The TPT exists as an independent body to determine appeals against Penalty Charges. If an owner or the person in charge of the vehicle at the time of the service of the PCN chooses to appeal to the TPT, then the right to pay the charge at the reduced rate will be forfeited. There is no additional charge to motorists for this service.

Appeals must be in writing and the adjudication may be requested either by post a telephone hearing or in person. Personal appeals would normally be heard in Portsmouth or Southampton but appellants may nominate any of the locations used by the Adjudication Service throughout the country. The correct form and details for this will be sent to the appellant within the formal rejection notice, as an appeal may not be made unless a NTO has been served.

The TPT has the power to award costs, either to the appellant or to the Council if either party is found to have behaved in a vexatious or frivolous manner.

Decision

The Adjudicator's decision is final and neither the Council nor the driver/owner or person in charge of the vehicle can argue their case in another court at a later date. In certain limited circumstances an adjudicator's decision can be reviewed. For example, if an adjudicator makes a mistake in law the decision may be reviewed in the High Court.

The adjudicator may refer a case back to the Council. This may be if further evidence has been sent or received by them from the appellant. In these cases the file will be reviewed by a Council Officer independent of the parking services where after review and consultation a decision will be made whether to continue pursuing the case or not to contest it.

9. Contacts

For further information on this policy, please contact the Fareham Parking Enforcement Service on 01329 236100, or visit www.fareham.gov.uk

10. Complaints

Corporate Complaints Procedure

Our policy is to try to be as helpful and fair as possible in providing council services. If you have any suggestions for improving our services; if you have any comments or if you are dissatisfied with the way in which you have been treated, please talk to a member of our staff who knows about the situation and explain what the problem is. They will try to resolve the matter for you immediately.

If this is not possible please contact a Customer Services Adviser within the Customer Service Centre by telephoning 01329 236100, who will endeavour to resolve the matter to your satisfaction or advise you how to make a formal complaint through the council's complaints procedure. Alternatively, please e-mail customerservices@fareham.gov.uk.

The corporate complaints procedure provides the Council with the opportunity to investigate and, where appropriate, provide a remedy in circumstances where the Council is alleged to have been guilty of "maladministration" which has caused injustice (and where there is no other reasonable avenue available to the complainant to appeal or seek redress).

It is important to note, however, that the corporate complaints system cannot entertain objections against the merits of a decision on a penalty charge which has been properly taken but with which the complainant does not agree.

Local Government Ombudsman

In the event that the complainant remains dissatisfied after the Council has investigated the complaint, the complainant may refer his/her complaint to the Local Government Ombudsman, who is independent of the Council. It must be emphasised that the Ombudsman will not consider a complaint where more than 12 months has elapsed since the alleged act/omission (unless the Ombudsman thinks that it is reasonable to look into the matter despite the delay).

The Role of Council Members

The Secretary of State, in his publication "Guidance on decriminalised parking enforcement outside London" (LAC 1/95) advises that "*given the semi-judicial role of the representation process, local authority members should play no part in deciding on individual representations*".

It is the policy of Fareham Borough Council that Council members will not be part of the process of resolving challenges, representations or appeals. Member representation is however required on the Traffic Penalty Tribunal Joint Committee. Fareham's representative is the Executive Member for Public Protection with the Executive Member for Street Scene as a deputy representative.

11. Reviews

It is important that the Council should monitor its performance in applying its Corporate Enforcement Policies so that it can assess the impact and effectiveness of its Policies and ensure that those Policies are assisting the Council in meeting its aims and objectives in each respective service area.

The Council publishes its standards in responding to letters of all kinds and will report annually on parking enforcement. This will also advise on the issue/cancellation and income within the Parking Service.

The Fareham Parking Enforcement Policy will be reviewed biennially and this, alongside the Council's annual service plans, will provide a basis for measuring implementation and improvement of those policies and procedures. Policies will also be the subject of periodic consultation processes, e.g. with relevant bodies and organisations.

12. Staff Well Being and Health and Safety

The Council takes the Health, Safety and Welfare of its staff very seriously and will take all appropriate legal action against any member of the community that either verbally or physically threaten or injure staff whilst in the execution of their duties.

All Civil Enforcement officers are now required to wear Body Worn Video Cameras (BWV) whilst carrying out their duties.

13. Contacts and responsibility

Head of Parking and Enforcement,
Department of Operations,
Civic Offices,
Fareham,
Hants, PO16 7AZ Tel: 01329 236100.
Email: parkingservices@fareham.gov.uk

FAREHAM

BOROUGH COUNCIL

Report to the Health and Public Protection Policy Development and Review Panel

Date **25 July 2017**

Report of: **Director of Planning and Regulation**

Subject: **REVIEW OF WORK PROGRAMME 2017/18**

SUMMARY

The Work Programme for the year 2017/18 was reviewed by the Panel at its meeting on 25 May 2017 and is attached as Appendix A.

Members are now invited to further review the Work Programme for the year 2017/18 and add to the Work Programme, as appropriate, any proposed additional items agreed generally by the Panel or put forward by individual Members and accepted by the Panel

RECOMMENDATION

It is recommended that the Panel:-

- (a) confirms the programme of items as set out in Appendix A to the report; and
- (b) notes the progress on actions since the last meeting as set out in Appendix B to the report.

INTRODUCTION

1. At the last meeting of the Panel, on 30 May 2017, Members reviewed and agreed the Work Programme for 2017/18 which is attached as Appendix A to this report.
2. The progress on actions since the last meeting of the Panel is attached at Appendix B for information.

REVISIONS TO THE CURRENT WORK PROGRAMME 2017/18

3. Members are asked to note the following revisions to the 2017/18 Work Programme:
 - i. The addition of an agenda item entitled 'Update on Fareham Community Hospital' to the Work Programme as an unallocated item;
 - ii. The removal of the 'Emergency Planning Update' from the agenda of the meeting scheduled for 16 January 2018; and
 - iii. The addition of an item entitled 'Presentation: Enforcement and CCTV Update' to the agenda of the meeting scheduled for 16 January 2018.

RISK ASSESSMENT

4. There are no significant risk considerations in relation to this report.

CONCLUSION

5. The Panel is now invited to:-
 - (i) confirm the programme of items as set out in Appendix A to the report; and
 - (ii) note the progress on actions since the last meeting as set out in Appendix B to the report.

Appendices

Appendix A: Health and Public Protection Policy Development and Review Panel Work Programme 2017/18.

Appendix B: Health and Public Protection Policy Development and Review Panel - Progress on actions since the last meeting.

Background Papers:

None

Reference Papers:

None

Enquiries:

For further information on this report please contact Richard Jolley. (Ext 4388)

**HEALTH AND PUBLIC PROTECTION POLICY DEVELOPMENT AND REVIEW PANEL –
WORK PROGRAMME 2017/18**

Date	Subject
30 May 2017	Police Crime Panel Update
	Annual Update on Fareham & Gosport Environmental Health Partnership
	Health Update
	Review of Work Programme 2017/18
25 July 2017	Police Crime Panel Update
	Annual Report on Fareham Parking Enforcement Service
	Biennial Review of Fareham's Parking Enforcement Policy
	Health Update
	Review of Work Programme 2017/18
12 September 2017	Police Crime Panel Update
	Health Update
	Fareham Town Centre Public Spaces Protection Order - Update
	Review of Work Programme 2017/18
14 November 2017	Presentation by Hampshire Police
	Police Crime Panel Update
	Health Update
	Annual Health & Safety Performance 2016/17
	Review of Work Programme 2017/18
16 January 2018	Police Crime Panel Update
	Health Update
	Presentation: Enforcement and CCTV Update
	Preliminary review of Work Programme for 2017/18 and preliminary draft Work Programme for 2018/19
06 March 2018	Police Crime Panel
	Health Update
	Annual Update on Fareham Community Safety Partnership & Police Crime Panel
	Annual Update on Fareham Air Quality Action Plan
	Final Review of Work Programme for 2017/18 and draft Work Programme for 2018/19

Unallocated Item(s)

Update on Fareham Community Hospital

**Health and Public Protection Policy Development and Review Panel – 25 July 2017
Progress on Actions Since 25 May 2017**

Date of Meeting	
Subject	Health Update
Type of Item	Verbal Update
Action by Panel	<p>The Panel received a verbal update on Local Strategic Health issues from Councillor T M Cartwright MBE, the Executive Member for Health and Public Protection.</p> <p>Members were advised that Hampshire County Council is responsible for the overview and scrutiny of health services. Fareham Borough Council does not have a statutory role in health provision and can only influence plans through Member representation on the Clinical Commissioning Group and other health related Partnership Boards.</p> <p>In response to concerns raised by the Panel regarding long standing issues in respect of the management and provision of services at Fareham Community Hospital, Members were advised that Suella Fernandez chairs a local Task Force that focusses on improving the use of the hospital. Members commented that it would be useful to receive a report at a future meeting on progress that has been made.</p>
Outcome	Complete
Link Officer	N/A
Subject	Police Crime Panel
Type of Item	Verbal Update
Action by Panel	<p>The Panel received a verbal update on the Police Crime Panel from Councillor T M Cartwright MBE, the Executive Member for Health and Public Protection.</p> <p>Councillor Cartwright reported that the Police and Crime Panel strategy meeting took place on 07 April 2017 at which the Panel reviewed the Estates Strategy and the Police and Crime Delivery Plan.</p> <p>There has been no response from the Police Crime Commissioner regarding when the planned move to the Civic Offices will take place and as plans have now been ongoing for over two years, there is concern that revenue is being lost by the extended delay.</p>

	Councillor Cartwright outlined concerns raised by the Police Crime Panel that the information provided in the Police and Crime Delivery Plan makes it difficult to measure with any clarity whether targets and objectives are being achieved. This will be taken forward by the Police Crime Panel at its next meeting.
Outcome	Complete
Link Officer	N/A
Subject	Fareham & Gosport Environmental Health Partnership
Type of Item	Presentation
Action by Panel	<p>The Panel received a presentation by the Head of Environmental Health on the Fareham and Gosport Environmental Health Partnership. This included:-</p> <ul style="list-style-type: none"> • Partnership Milestones • Environmental Health Management • Scope of the Service • 2011-2016 Timeline • Staffing structure comparisons • Financial Information • Current Performance • Current Issues • An overview of the Pest Control Service <p>The Panel expressed concern that there would be health implications if the free rats and mice pest control service was removed. The Head of Environmental Health advised that it will be for Members to decide the future level of pest control service provision once all the relevant information has been collated.</p>
Outcome	Complete
Link Officer	Ian Rickman
Subject	Work Programme 2017/18
Type of Item	Report
Action by Panel	The Panel considered a report from the Director of Planning and Regulation which reviewed the Panel's Work Programme for 2017/18.

	<p>Members noted the postponement of the update on the Fareham Town Centre Public Spaces Protection Order (PSPO) from the July meeting to the September meeting in order that the report can take into account the impact of the Order over the summer months.</p> <p>At the request of Members it was AGREED that a Report on Fareham Community Hospital would be added to the Work Programme as an unallocated item.</p>
Outcome	Complete
Link Officer	Richard Jolley