

# 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).