

FAREHAM

BOROUGH COUNCIL

AGENDA

PUBLIC PROTECTION POLICY DEVELOPMENT AND REVIEW PANEL

Date: Tuesday, 28 July 2015

Time: 6.00pm

Venue: Vannes/Pulheim Room - Civic Offices, Fareham

Members:

Councillor Mrs M E Ellerton (Chairman)

Councillor J V Bryant (Vice-Chairman)

Councillors Mrs S M Bayford
J M Englefield
G Fazackarley
Mrs S Pankhurst
R H Price, JP

Deputies: Mrs K K Trott
N J Walker



1. Apologies for Absence

2. Minutes (Pages 1 - 4)

To confirm as a correct record the minutes of the meeting of the Panel held on 26 May 2015.

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. Public Protection Policy Development and Review Panel Work Programme (Pages 5 - 10)

To consider a report by the Director of Community, which reviews the Panel's Work Programme for 2015/16.

7. Annual Report on Fareham Parking Enforcement Service (Pages 11 - 38)

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

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

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

P GRIMWOOD
Chief Executive Officer

Civic Offices
www.fareham.gov.uk
17 July 2015

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

FAREHAM

BOROUGH COUNCIL

Minutes of the Public Protection Policy Development and Review Panel

(to be confirmed at the next meeting)

Date: Tuesday, 26 May 2015

Venue: Collingwood Room - Civic Offices, Fareham

PRESENT:

Councillor Mrs M E Ellerton (Chairman)

Councillor J V Bryant (Vice-Chairman)

Councillors: Mrs S M Bayford, G Fazackarley, Mrs S Pankhurst and
R H Price, JP

Also Present: Councillor T M Cartwright, MBE – Executive Member for Public
Protection (minutes 6 and 7); Councillor Mrs K K Trott (minute
2).



1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. MINUTES

It was AGREED that, subject to the amendment of the list of those present to show that Councillor Mrs K K Trott attended as a deputy for Councillor R H Price, the minutes of the meeting of the Public Protection Policy Development and Review Panel held on 10 March 2015 be confirmed and signed as a correct record.

(At the invitation of the Chairman, Councillor Mrs Trott addressed the Panel during this item).

3. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

4. DECLARATIONS OF INTEREST AND DISCLOSURES OF ADVICE OR DIRECTIONS

Councillor Price declared a personal interest during the presentation on the Services Falling Within the Public Protection Remit (minute 6 below refers).

5. DEPUTATIONS

There were no deputations made at this meeting.

6. SERVICES FALLING WITHIN THE PUBLIC PROTECTION REMIT

Councillor Price declared a personal interest during the consideration of this item, indicating that he was a member of the Fareham Community Safety Partnership, representing the Hampshire Fire and Rescue Authority.

The Panel received a presentation from the Director of Community, the Head of Environmental Health and the Community Safety Manager on the services falling within the Public Protection remit.

The presentation gave details of the role of the Panel and of services within the Public Protection Portfolio, as follows: Environmental Health, including Food Safety, Air Quality, Contaminated Land, Pollution, Pollution (Statutory Nuisance), Public Health (filthy and verminous premises), Out of Hours Service, Dog Control, Pest Control; Community Safety, including Data, New Way of Working, Antisocial Behaviour, Initiatives & Projects, Diversionary Activities, Fareham Supporting Families, Criteria, What's Happening in Fareham?, Partners, What Does Support Look Like?, Family Support Worker, DWP Seconded, Fareham Map, Challenges; and Emergency Planning, Enforcement Team, Parking and Traffic Management, Litter/Dog Fouling Complaints, Fly-Tipping, Abandoned Vehicles, CCTV and Out of Hours Service.

At the invitation of the Chairman, Councillor Cartwright addressed the Panel during this item.

It was AGREED that:-

- (a) the Director of Community, the Head of Environmental Health and the Community Safety Manager be thanked for their presentation; and
- (b) the officers be requested to arrange for a further article concerning the Food Standards Agency Food Safety Ratings System to be included in an edition of Fareham Today.

7. PUBLIC PROTECTION POLICY DEVELOPMENT AND REVIEW PANEL WORK PROGRAMME

The Panel considered a report by the Director of Community on the Panel's work programme for 2015/16.

At the invitation of the Chairman, Councillor Cartwright addressed the Panel during the consideration of this item.

It was AGREED that:-

- (a) it be noted that, with reference to the unassigned item 'Further Update on Police Reorganisation', the new Chief Inspector for the Fareham area would not now be taking their post until September 2015 and so the item was unlikely to be assigned to a meeting until 2016;
- (b) in view of the report on air quality considered at the last meeting of the Panel (minute 9 of 10 March 2015 refers), the 'Air Quality Action Plan Update' item be moved from 15 September 2015 to 8 March 2016;
- (c) a presentation on the work of the food safety service be added to the work programme;
- (d) the officers be requested to invite the Chief Fire Officer to attend a future meeting of the Panel to give a presentation on proposed changes to the Fire and Rescue Service;
- (e) subject to (b), (c) and (d) above, the work programme for 2015/16, as shown in Appendix A to the report, be approved; and
- (f) the progress on actions since the last meeting of the Panel, as set out in Appendix B to the report, be noted.

(The meeting started at 6.00pm
and ended at 7.12pm).

FAREHAM

BOROUGH COUNCIL

Report to Public Protection Policy Development and Review Panel

Date 28 July 2015

Report of: Director of Community

Subject: **PUBLIC PROTECTION POLICY DEVELOPMENT AND REVIEW
PANEL WORK PROGRAMME 2015/16**

SUMMARY

The work programme for the year was reviewed by the Panel at its meeting on 26 May 2015 and is attached as Appendix A.

Members are now invited to further review this work programme for the year 2015/16.

RECOMMENDATION

- (a) that the programme items as set out in Appendix A be confirmed; and
- (b) that the progress on actions since the last meeting as set out in Appendix B be noted.

INTRODUCTION

1. At the last meeting of the Panel, on 26 May 2015, members reviewed the Work Programme for 2015/16. The Work Programme 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.

RISK ASSESSMENT

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

CONCLUSION

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

Background Papers:

None.

Reference Papers:

None.

Enquiries:

For further information on this report please contact Martyn George (Ext 4400).

PUBLIC PROTECTION POLICY DEVELOPMENT AND REVIEW PANEL – DRAFT WORK PROGRAMME 2015/16

Date	Subject	Type of Item	Training Session/Workshop
26 May 2015	Work Programme 2015/16	Information/Consultation	
	Services Falling Within the Public Protection Remit	Presentation	
28 July 2015	Work Programme 2015/16	Information/Consultation	
	Annual Report on Fareham Parking Enforcement Service	Monitoring	
	Biennial Review of Parking Enforcement Policy	Policy Review	
15 September 2015	Work Programme 2015/16	Information/Consultation	
	Annual Health and Safety Performance 2014/15	Monitoring	
10 November 2015	Work Programme 2015/16	Information/Consultation	
	Traffic Management Programme	Programming	
19 January 2016	Preliminary review of work programme for 2015/16 and preliminary draft work programme for 2016/17	Monitoring/Programming	
8 March 2016	Review of annual work programme for 2015/16 and final	Monitoring/Programming	

Date	Subject	Type of Item	Training Session/Workshop
8 March 2016 cont.	consideration of draft work programme for 2016/17		
	Food Standards Agency Food Safety Service Plan	Consultation	
	Air Quality Action Plan Update	Monitoring	

To be assigned/possible items for 2016/17:

Further Update on Police Reorganisation

Local Drug Enforcement/Community Safety Partnership

Work of the Food Safety Service

Chief Fire Officer – Proposed Changes to the Fire and Rescue Service

**Public Protection Policy Development and Review Panel – 28 July 2015
Progress on Actions Since Last Meeting on 26 May 2015**

Date of Meeting	26 May 2015
Subject	Services Falling Within the Public Protection Remit
Type of Item	Monitoring
Action by Panel	<p>Councillor Price declared a personal interest during the consideration of this item, indicating that he was a member of the Fareham Community Safety Partnership, representing the Hampshire Fire and Rescue Authority.</p> <p>The Panel received a presentation from the Director of Community, the Head of Environmental Health and the Community Safety Manager on the services falling within the Public Protection remit.</p> <p>The presentation gave details of the role of the Panel and of services within the Public Protection Portfolio, as follows: Environmental Health, including Food Safety, Air Quality, Contaminated Land, Pollution, Pollution (Statutory Nuisance), Public Health (filthy and verminous premises), Out of Hours Service, Dog Control, Pest Control; Community Safety, including Data, New Way of Working, Antisocial Behaviour, Initiatives & Projects, Diversionary Activities, Fareham Supporting Families, Criteria, What's Happening in Fareham?, Partners, What Does Support Look Like?, Family Support Worker, DWP Secondee, Fareham Map, Challenges; and Emergency Planning, Enforcement Team, Parking and Traffic Management, Litter/Dog Fouling Complaints, Fly-Tipping, Abandoned Vehicles, CCTV and Out of Hours Service.</p> <p>At the invitation of the Chairman, Councillor Cartwright addressed the Panel during this item.</p> <p>It was AGREED that:-</p> <p>(a) the Director of Community, the Head of Environmental Health and the Community Safety Manager be thanked for their presentation; and</p> <p>(b) the officers be requested to arrange for a further article concerning the Food Standards Agency Food Safety Ratings System to be included in an edition of Fareham Today.</p>
Outcome	In progress
Link Officer	Martyn George

Subject	Review of 2015/16 Work Programme
Type of Item	Monitoring/Programming
Action by Panel	<p>The Panel considered a report by the Director of Community on the Panel's work programme for 2015/16.</p> <p>At the invitation of the Chairman, Councillor Cartwright addressed the Panel during the consideration of this item.</p> <p>It was AGREED that:-</p> <ul style="list-style-type: none"> (a) it be noted that, with reference to the unassigned item 'Further Update on Police Reorganisation', the new Chief Inspector for the Fareham area would not now be taking their post until September 2015 and so the item was unlikely to be assigned to a meeting until 2016; (b) in view of the report on air quality considered at the last meeting of the Panel (minute 9 of 10 March 2015 refers), the 'Air Quality Action Plan Update' item be moved from 15 September 2015 to 8 March 2016; (c) a presentation on the work of the food safety service be added to the work programme; (d) the officers be requested to invite the Chief Fire Officer to attend a future meeting of the Panel to give a presentation on proposed changes to the Fire and Rescue Service; (e) subject to (b), (c) and (d) above, the work programme for 2015/16, as shown in Appendix A to the report, be approved; and (f) the progress on actions since the last meeting of the Panel, as set out in Appendix B to the report, be noted.
Outcome	Work programme amended in respect of (b), (c) and (d); letter sent to Chief Fire Officer in relation to (d).
Link Officer	Martyn George

FAREHAM

BOROUGH COUNCIL

Report to Public Protection Policy Development and Review Panel

Date **28 July 2015**

Report of: **Director of Environmental Services**

Subject: **ANNUAL REPORT ON FAREHAM PARKING ENFORCEMENT
SERVICE**

SUMMARY

This report provides members with an update of the last twelve months' operation of the Fareham Parking Enforcement Service.

RECOMMENDATION

Members are asked to note the contents 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, fly-tipping, graffiti and vandalism.
4. The Department of Environmental Services is responsible for the delivery of the Fareham Parking Enforcement Service, which falls within the 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.
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. The next review of the policy will take place at the meeting of the Executive on 10 September 2015.
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 2014/15, was budgeted to be £228,400. The actual cost of the service was approximately £191,500. Approximately £175,500 was generated from the issuing of Penalty Charge Notices (PCN's) and other charges. As a result £16,000 was transferred from the on-street parking reserve to balance the cost of the service. Table 8 on page 22 of Appendix A provides more detailed information on the budget and costs for 2014/15.

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 2013/14, was £24,979. The further progress made in 2014/15 demonstrates the work that employees have made, and continue to make, to 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 2014/15 there is currently approximately £46,000 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 Environmental Services provides regular updates to the Executive Portfolio Holder for 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 approximately £178,000, in 2014/15. The actual cost of the service was around £173,000. This reduction in costs is due to a reduction in employee costs of approximately £37,000. A drop in the expected income, of nearly £32,000, has meant that the overall cost of the service has not fallen by the same margin. Table 9 on page 22 of Appendix A provides more detailed information on the budget and costs for 2014/15.

CONTRAVENTIONS

14. A breakdown of the type of contraventions for which PCNs have been issued for both on and off-street is detailed in the attached report, but a summary of the key reasons is provided below. The most frequent issues are the same sort as previous years and there is no indication of these changing.
15. The top three contraventions for off-street PCNs are:
 - (a) Not displaying a ticket
 - (b) Parked in a disabled person's parking space without showing a disabled badge.
 - (c) Parked after the expiry of the parking ticket.
16. The top three contraventions for on-street are:
 - (a) Parked on yellow lines (restricted street)
 - (b) Parking for longer than permitted
 - (c) Parking in residents' space without displaying a permit.

CONCLUSION

17. 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.

Background Papers:

None.

Reference Papers:

None.

Enquiries:

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

Appendix A: [Parking Report 2014/15](#)

FAREHAM

BOROUGH COUNCIL

Annual Parking Enforcement Report 2014-2015



Osborn Road Multi-Story Car Park

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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

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

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 113,600.

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 Environmental Services is responsible for the delivery of the Fareham Parking Enforcement Service, which falls within the 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 June 2013 and is scheduled to be reported to the Executive on 10 September 2015.

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. 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.

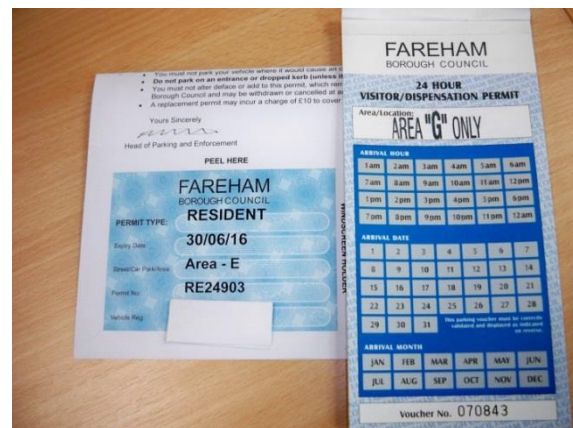
Complaints received from residents, schools or Councillors are brought to the attention of Parking Services and are included in future patrols.

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, Enforcement Team and Traffic Management 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 over 840 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.

Upgraded cameras were introduced, for all CEOs, in 2014.

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



Market Quay

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 traffic.

- £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 38 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 patrol the CEO downloads all of the details, of the PCNs issued and photographs taken, and this is automatically linked to the PCN record. The recovery process automatically commences the day after the PCN was issued.

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 Notices 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 nearly £112,000 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.

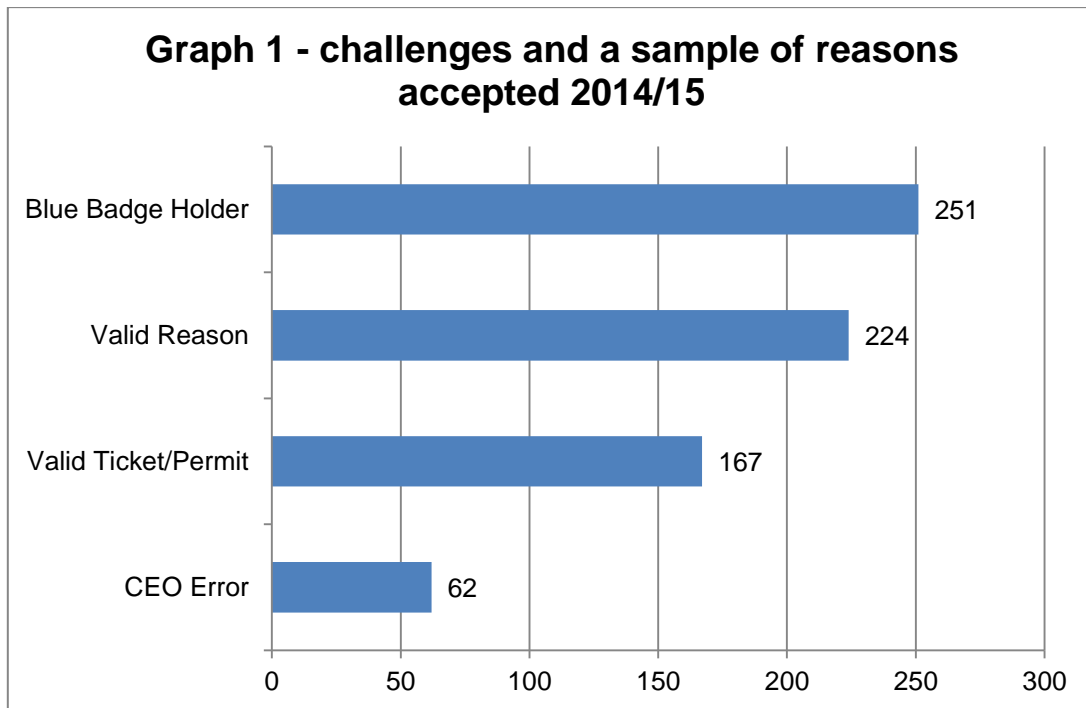
The Council utilises an up to date ICT system, called Chipside, to support the service and uses appropriate interfaces to external organisations including the DVLA, the County Court and the Traffic Penalty Tribunal (TPT).

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

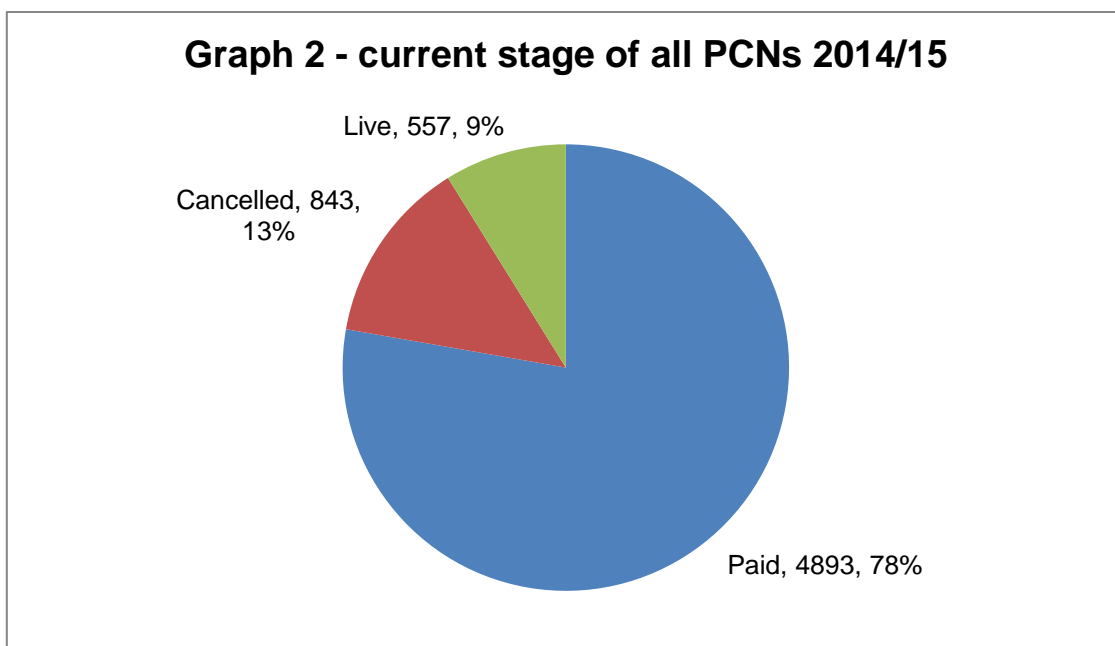
- By post to the Director of Finance and Resources
- Through an automated telephone system on a number identified on the PCN
- In person at the Cash Office at the Civic Offices
- Through the Council's 'Pay It' website using a credit or debit card
- By contacting the parking office or the Customer Service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

Our performance in 2014/15

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.



A total of 6,293 PCNs were issued in 2014/15. As the above pie chart shows the Council has recovered 78% 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
2009/10	4,759	3,679	78.49%	7,181
2010/11	4,307	3,879	75.66%	7,254
2011/12	5,193	4,219	73.00%	5,977
2012/13	4,482	3,567	79.23%	5,339
2013/14	3,713	2,009	75.10%	4,983
2014/15	3,314	1,578	77.73%	4,218

Table 2 – PCN challenges by financial year			
Year	Received	Accepted	Percentage accepted
2009/10	3,814	1,679	44.02%
2010/11	3,352	1,658	49.46%
2011/12	3,573	1,641	45.93%
2012/13	3,135	1,565	49.92%
2013/14	2,723	1,289	47.34%
2014/15	1,485	701	47.20%

The Traffic Penalty Tribunal

When a formal challenge has been rejected a motorist may make an appeal to the Traffic Penalty Tribunal, 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.

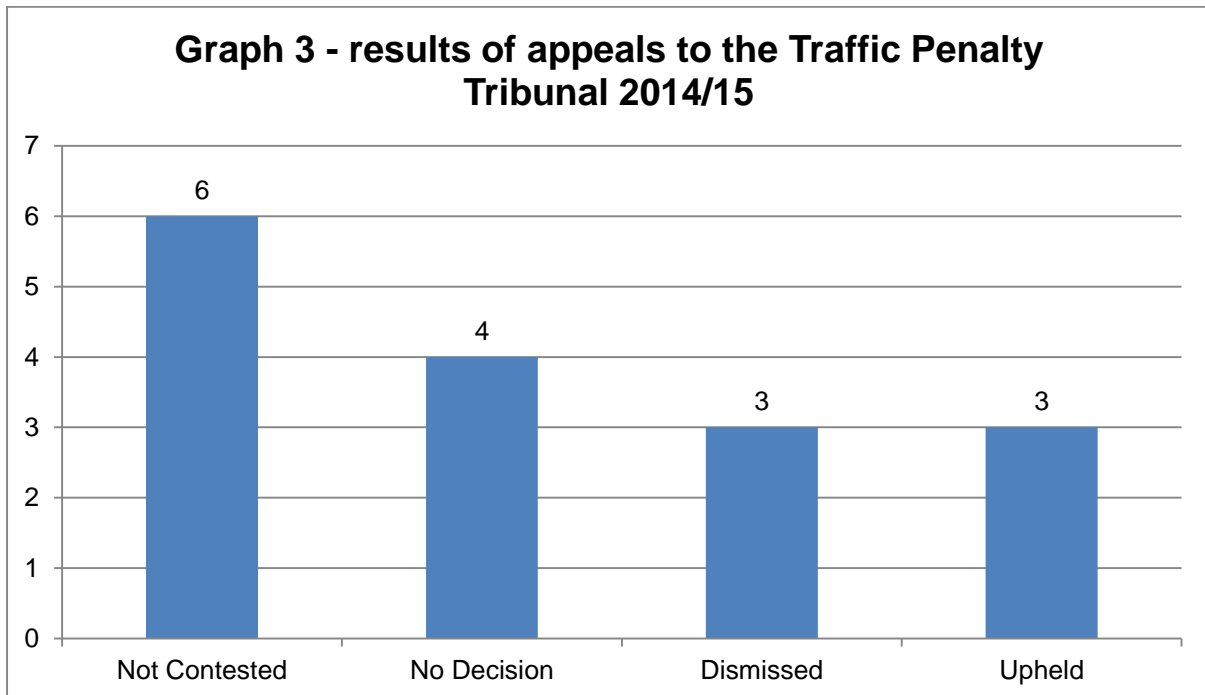
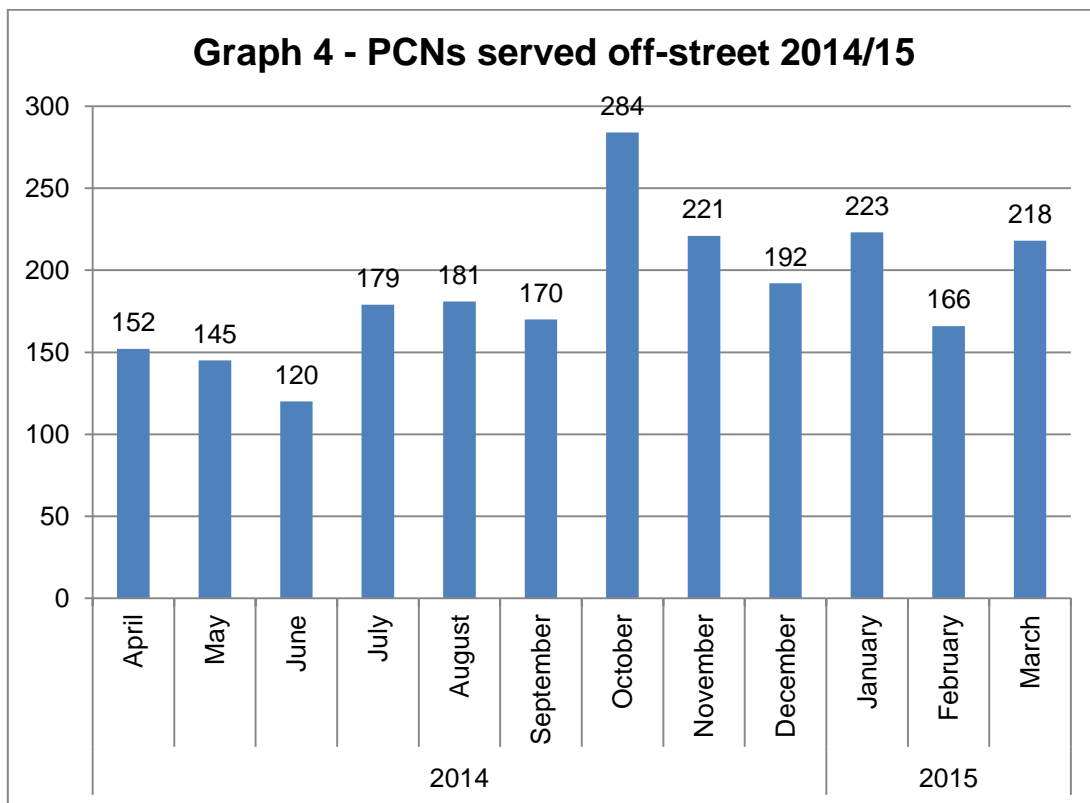


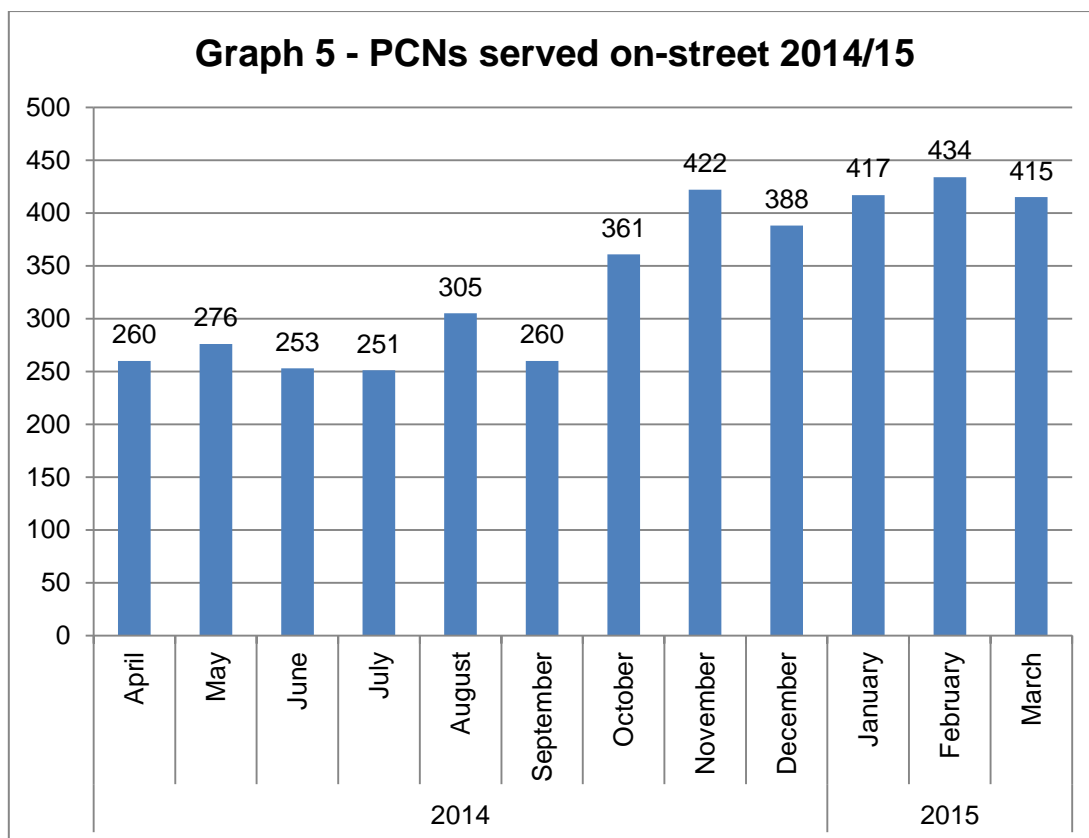
Table 3 – Appeals made to Traffic Penalty Tribunal

Year	Dismissed (Council Won)	Upheld (Council Lost)	Not Contested by the Council	Pending
2009/10	14	11	9	0
2010/11	4	4	8	0
2011/12	6	1	4	0
2012/13	13	3	10	0
2013/14	12	10	9	1
2014/15	3	3	6	4

Table 4 – Cases registered at County Court			
Year	Registered	Warrants Issued	Warrants Paid
2009/10	683	410	145
2010/11	653	543	86
2011/12	652	444	160
2012/13	570	368	108
2013/14	539	533	207
2014/15	308	290	83

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	639
Higher	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	455
Lower	Parked after the expiry of paid for time	445
Higher	Parked in a car park or area not designated for that class of vehicle	258
Lower	Parked for longer than the maximum period permitted	222
Lower	Parked beyond the bay markings	207
Higher	Parked in a permit bay without clearly displaying a valid permit	16
Higher	Parked in a restricted area in a car park	7
Higher	Parked in a loading area during restricted hours without reasonable excuse	2
Total		2,251

Table 6 – PCNs served on-street		
Charge	Contravention Description	Number Issued
Higher	Parked in a restricted street during prescribed hours	1,153
Lower	Parked for longer than permitted	1,108
Lower	Parked in a residents or shared use parking place without clearly displaying either a permit or voucher for that place	624
Higher	Parked in a parking place or area not designated for that class of vehicle	302

Higher	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	205
Higher	Parked with one or more wheels on any part of an urban road other than a carriageway (footway parking)	149
Higher	Parked on a taxi rank	107
Higher	Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge	100
Higher	Parked adjacent to a dropped footway	93
Lower	Re-parked in the same parking place or zone within 2 hours of leaving	89
Higher	Stopped on a restricted bus stop or stand	57
Higher	Parked in a loading place during restricted hours without loading	20
Higher	Stopped on a pedestrian crossing and/or crossing area marked by zigzags	20
Higher	Stopped in a restricted area outside a school	11
Lower	Parked in a residents' or shared use parking place without clearly displaying either a permit or voucher or pay and display ticket issued for that place	2
Higher	Vehicle parked more than 50 centimetres from the edge of the carriageway and not within a designated parking place	1
Lower	Parked with engine running where prohibited	1
Total		4,042

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.

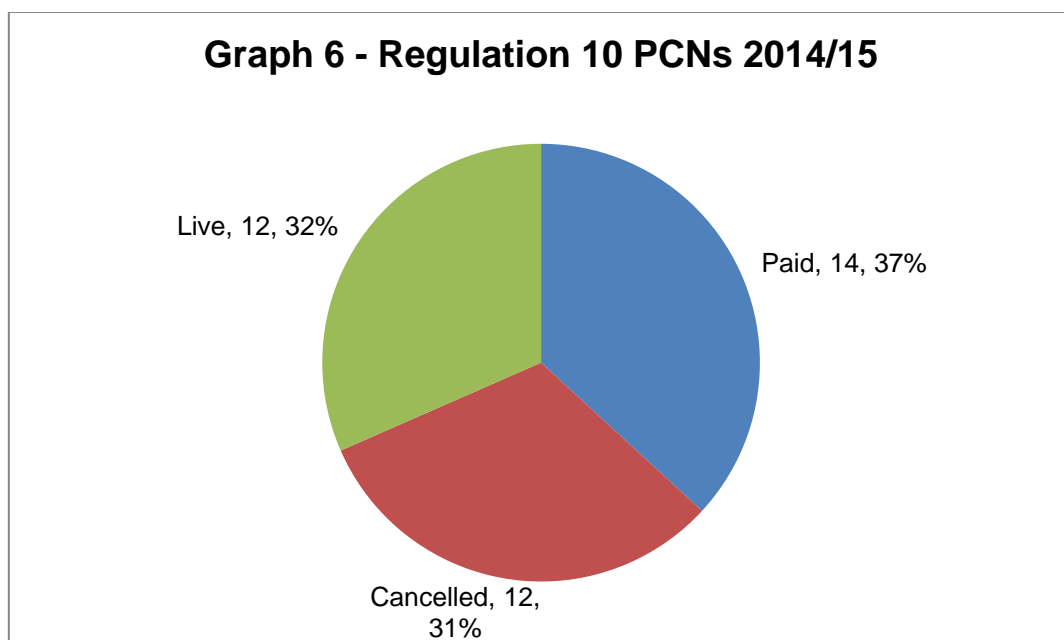
Table 7 – PCNs issued by Ward and hotspots 2014/15			
Area	Total PCNs issued	Off-street (number issued)	On-street (number issued)
Fareham	291	Not applicable	West Street (245)
Fareham East	3,445	Osborn Road Multi-storey car park (236)	High Street East (309)
Fareham North	893	Leisure Centre Car Park (108)	West Street (325)
Fareham North West	89	Not applicable	Stow Crescent (37)
Fareham South	358	Not applicable	Speedfields (189)
Fareham West	17	Not applicable	Blackbrook Road (5)
Hill Head	29	Not applicable	Solent Road (7)
Locks Heath	13	Not applicable	Crompton Way (5)
Park Gate	218	Middle Road Car Park (75)	Middle Road (52)
Portchester	7	Not applicable	Oysell Gardens (7)
Portchester East	195	Portchester Precinct Car Park (83)	White Hart Lane (16)
Portchester West	53	Not applicable	The Hill Way (15)
Sarisbury	97	Holly Hill Car Park (20)	Gull Coppice (53)
Stubbington	275	Stubbington Community Centre Car Park (82)	Stubbington Green (80)
Titchfield	120	Barrys Meadow Car Park (23)	West Street (33)
Warsash	193	Passage Lane Car Park (35)	Newtown Road (24)

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.

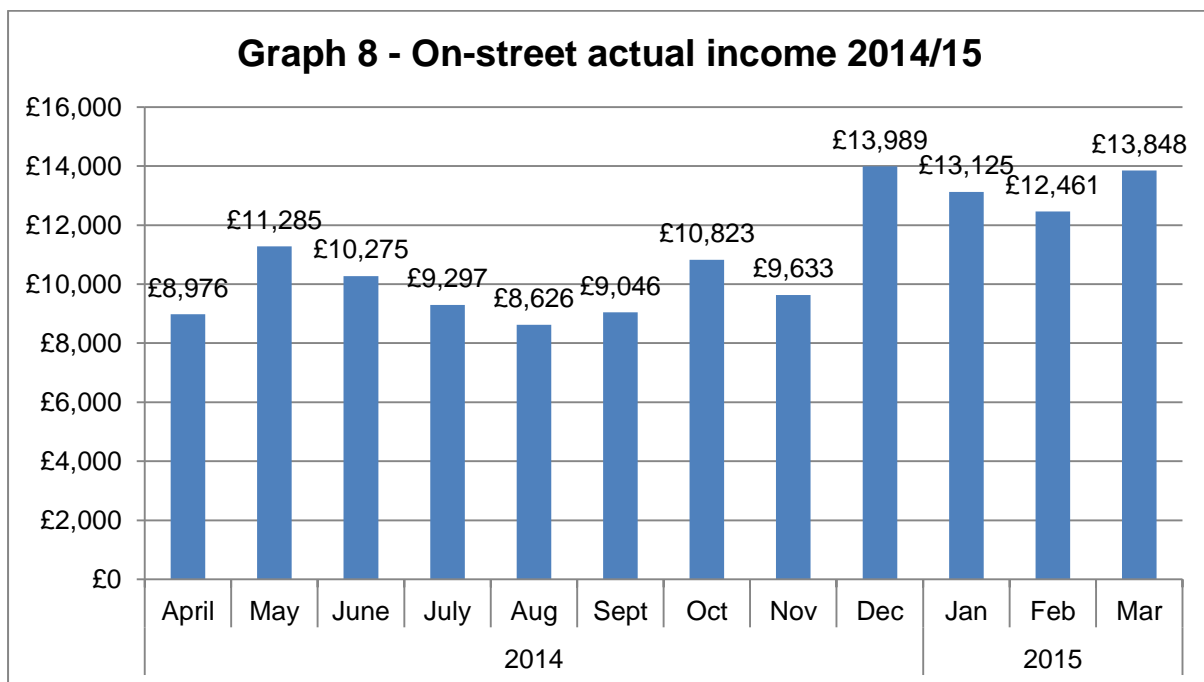
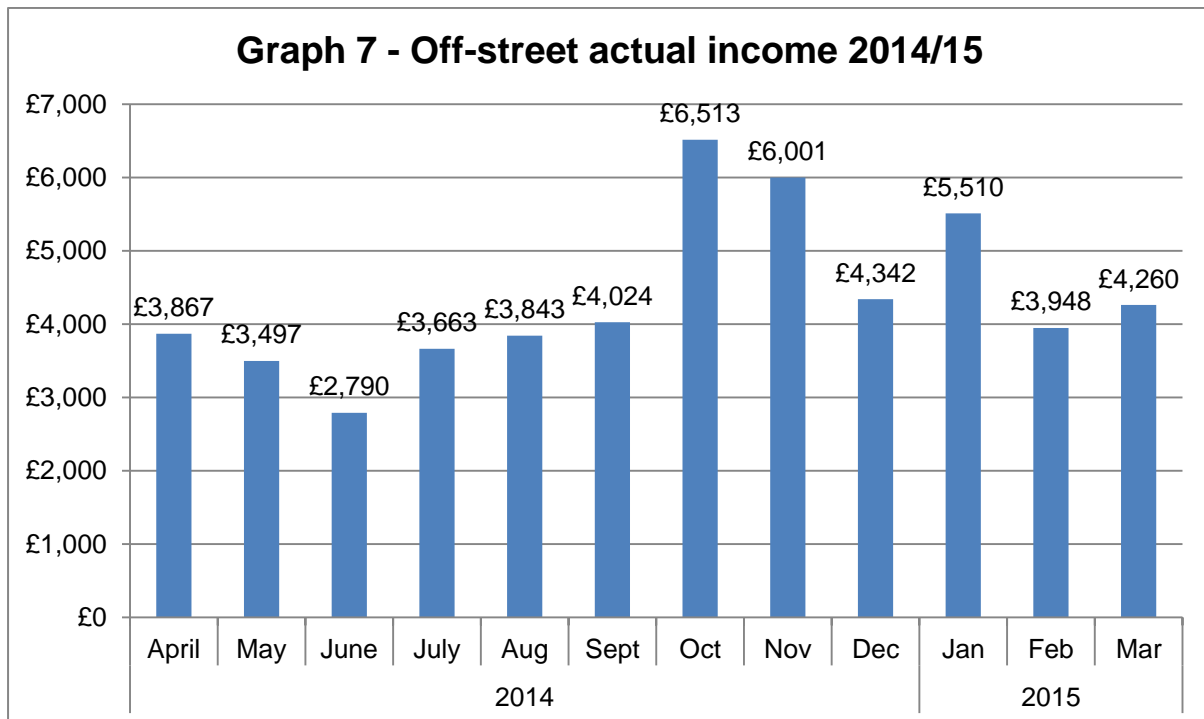
In any of the cases listed above the PCN is served by post on the owner of the vehicle, which is ascertained from the DVLA, this notice also acts as the Notice to Owner.



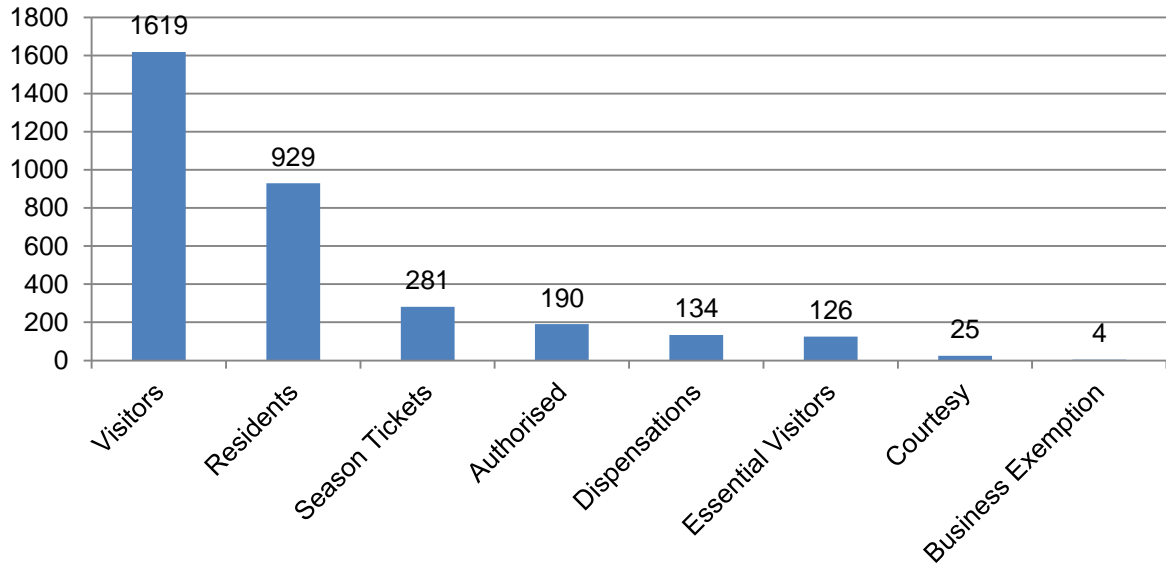
Financial Performance 2014/15

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.

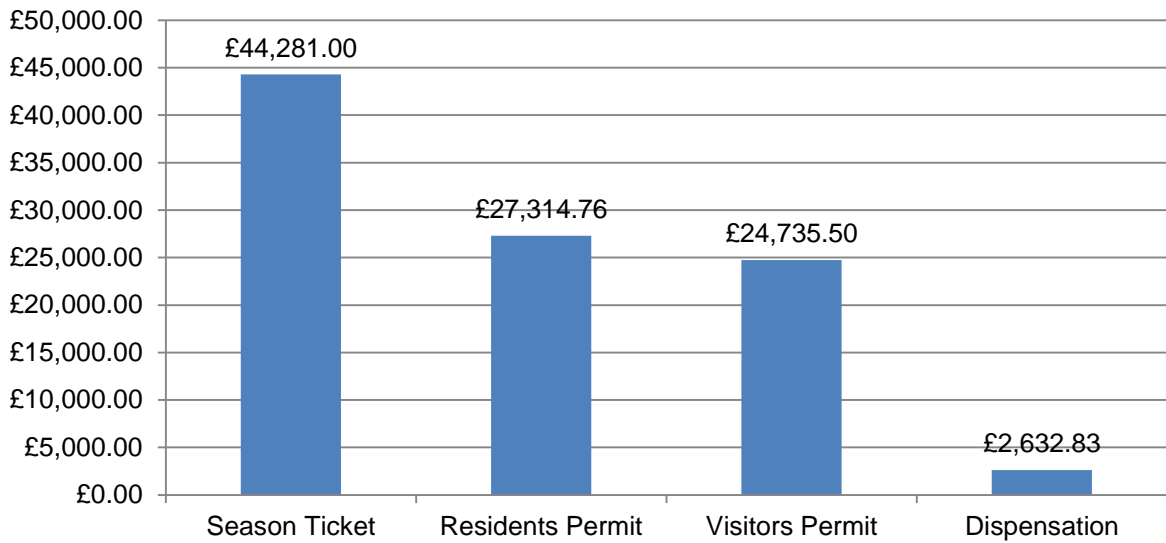
Penalty Charge Notice Income



Graph 9 - Permits Issued 2014/15



Graph 10 - Permit Income 2014/15



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 2014/15.

Table 8 – On-street Enforcement Budget and Expenditure 2014/15			
	Budget	Expenditure	Variance
Employees	£167,400	£139,213	-£28,187
Premises	£0	£45	£45
Transport	£7,800	£7,224	-£576
Supplies and Services	£5,900	£5,357	-£543
Third Party Payments	£300	£89	-£211
Internal Recharges	£47,000	£39,586	-£7,414
Gross Expenditure	£228,400	£191,514	-£36,886
Fees and Charges	-£162,100	-£175,493	-£13,393
Transfer from on-street parking reserve	-£66,300	-£16,021	£50,279
Gross Income	-£228,400	-£191,514	£36,886
Net Expenditure	£0	£0	£0

Table 9 – Off-street Enforcement Budget and Expenditure 2014/15			
	Budget	Expenditure	Variance
Employees	£296,900	£259,854	-£37,046
Gross Expenditure	£296,900	£259,854	-£37,046
Fees and Charges	-£119,000	-£87,020	£31,980
Gross Income	-£119,000	-£87,020	£31,980
Net Expenditure	£177,900	£172,834	-£5,066

FAREHAM

BOROUGH COUNCIL

Report to Public Protection Policy Development and Review Panel

Date: 28 July 2015

Report of: Director of Environmental Services

Subject: BIENNIAL REVIEW OF PARKING ENFORCEMENT POLICY

SUMMARY

The Council's Parking Enforcement Policy sets out the main principles for both off and on-street parking enforcement.

The policy is being reported to the Panel as part of the biennial review for comments, before it is presented to the Executive for approval.

RECOMMENDATION

Members are requested to consider the Parking Enforcement Policy attached as Appendix A, and make any comments that should be taken into account when it is presented to the Executive.

INTRODUCTION

1. In April 2007 the responsibility for on-street parking enforcement was transferred from the Police to Fareham Borough Council. The responsibility for enforcement in the Council's car parks was also included with these powers. The powers are commonly known as Civil Parking Enforcement (CPE) and are undertaken as part of the Parking Enforcement Service. CPE includes the issuing of Penalty Charge Notices (PCNs) for the contravention of parking regulations.
2. The Council's parking policies and procedures reflect the requirements of the Traffic Management Act 2004 and the associated regulations and guidance.

FAREHAM PARKING ENFORCEMENT POLICY

3. The Council's Parking Enforcement Policy sets out the main principles for both off and on-street parking enforcement. The policy reflects the requirements of the Civil Enforcement Regulations, in particular on challenges and representations relating to PCNs.
4. The main theme of the Statutory Guidance, which is reflected in the policy, is that the making and enforcing of parking regulations is done in a transparent, legal and comprehensive fashion. As part of this the Council is required to regularly review and publish its policies and reports; along with communicating this with the public.
5. As part of the work to meet the Statutory Guidance, the current policy is published on the Council's website to ensure that it is available to the public, and the policy is being presented to members as part of the biennial review process.
6. The current policy is working well and no feedback has been received from the Traffic Penalty Tribunal that requires the Council to make any specific changes or additions. A number of additions to the Enforcement Policy have been made since the last review in June 2013, and are highlighted in bold in Appendix A.
7. Within the policy document there are some references to charges for some parts of the service. Any charges that are discussed have previously been agreed by the Executive.
8. Under the Traffic Management Act 2004, it is policy for Members not to be part of the process for resolving challenges, representations or appeals to PCNs. Member representation is required on the Parking and Traffic Regulations outside London (PATROL) Joint Committee. At present the Executive member for Public Protection is the Council's representative, with the Executive member for Planning and Development as a deputy.

LEGAL IMPLICATIONS

9. The Council is required to have regard to the Statutory Guidance for Parking Enforcement. The most recent guidance strongly encourages the Council to have a Parking Enforcement Policy and make it available online. Failure to have a policy or publish it online could undermine the Council's ability to deliver a consistent parking enforcement service.

RISK ASSESSMENT

10. Failure to have an up to date Parking Enforcement Policy could affect the Council's ability to win appeals and thereby result in a loss of income and increase in illegal parking.

CONCLUSION

11. 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 has been updated and takes account of any matters that have arisen since the last review in June 2013. Any comments from the Panel will be included when the policy is presented to the Executive for approval. Once approved, the updated policy will be used by officers in undertaking the enforcement of both on and off-street parking within the Borough.

Background Papers:

None.

Reference Papers:

None.

Enquiries:

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

Fareham Parking Enforcement Policy

Introduction

Traffic Regulation Orders

1. Traffic Regulation Orders (TROs) 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:
 - (a) Promote the safe use of highways
 - (b) Manage the competing demands for road space, e.g. traffic movement, bus stops, loading for access to premises and parking
 - (c) Give priority when considered necessary to different classes of users, e.g. disabled people, residents.
2. 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

3. 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

4. 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.
5. 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.
6. 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

7. 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.

Objectives of Parking Control and Enforcement

8. Traffic Regulation Orders to control parking are introduced by the Council and enforcement of the regulations is undertaken in order to:

- (a) Make Fareham Borough a safer place, to drive, walk or cycle through
- (b) Ensure that pedestrians may walk safely without fear or obstruction, especially in pedestrianized areas and outside schools
- (c) Keep traffic flowing freely
- (d) Ensure good access to properties adjoining highways for loading and unloading
- (e) 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
- (f) 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.
- (g) 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
- (h) 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.

- (i) Minimise parking on verges and footways where there is a restriction on parking on the highway for road safety, maintenance and environmental reasons

Legislation

9. The enforcement of parking regulations by Fareham Borough Council will be carried out within the relevant powers under the following Acts:
- (a) The Traffic Management Act 2004 (as amended) of which has now superseded;
 - (b) The Road Traffic Regulation Act, 1984 (as amended)
 - (c) The Road Traffic Act, 1991 (as amended)
 - (d) Also by the following Traffic Regulation Orders (TROs):
 - (e) The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire) (Borough of Fareham) Order 2007
 - (f) The Borough of Fareham (Waiting Restrictions and Street Parking Places) (Consolidation) Order 2014 (as amended)
 - (g) Borough of Fareham (Off Street Parking Places) (Consolidation) Order 2007 (as amended)
10. Any other order made or any other Act, Regulation, which enables enforcement by the Council to achieve the objectives set out in this policy.

Special Provisions

Blue Badge holders

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

Off-Street Car Parks

12. 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.

13. 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 car parks.

On-Street

14. 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.
15. Blue badge holders may park in any limited waiting on-street free of charge and in excess of the limited time, 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

16. 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.
17. 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.
18. 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

19. 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.
20. 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.
21. The dispensation must be displayed on the vehicle at all times that it is parked in the suspended or nominated parking place or area.
22. 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

Carers

23. Numerous care organisations are now operating 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.
24. **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 residential areas 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.

25. 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.

26. 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

27. 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.

Statement of Intent

28. The Council will introduce orders regulating parking as appropriate to meet local needs as outlined above.

29. 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.

30. 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.**

31. 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.

32. 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.
33. 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, **however the CEO's will use their judgement and discretion before issuing a PCN**. 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.
34. 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.
35. 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.
36. 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.

Summary of Enforcement Procedure

Management

37. 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.
38. 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.

39. 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.
40. 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.
41. 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.
42. Where a vehicle is parked in contravention of a prohibition, restriction or conditions of parking a penalty charge becomes payable.
43. **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.
44. **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.**
45. 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.
46. Should no challenge to the PCN be received, FBC will pursue the registered keeper of the vehicle for the **outstanding** debt.
47. 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.
48. 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.

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

50. 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)

51. 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

52. **Within current civil enforcement legislation the offence of obstruction cannot be enforced through the process of civil parking enforcement. Civil Enforcement Officers 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

53. **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:**

- (a) **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;**
- (b) **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;**
- (c) **a hazard due to the damage caused by driving on and off the pavement – broken flags etc.**

54. **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.**
55. **If there are no waiting restrictions (e.g.: 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)

56. The Council believes that in introducing parking controls of any kind it is doing so 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.
57. 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.
58. 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.
59. **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

60. 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.
61. 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.
62. 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.
- 63. 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, favouritism or suspicion of bribery. It also gives greater consistency in the enforcement of traffic regulations.**

Notice to Owner (NTO)

64. 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).
65. The registered owner/keeper of the vehicle is legally the person responsible for payment of the charge.
66. 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

67. 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

68. 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.

69. 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).

70. 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 Traffic Penalty Tribunal.

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

Appeal to the Traffic Penalty Tribunal www.trafficpenaltytribunal.gov.uk

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

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

74. Members of the public are able to access 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

75. 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.

76. 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

77. 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.

78. 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.

Consistency and Proportionality

79. 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.

80. 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.

81. 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.

82. **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.**

83. **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).

- 84. 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).**
- 85. 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.**
- 86. 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.**
- 87. 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

88. 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.
89. 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.
90. 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.
91. 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.
92. Measurement of performance of the Parking Enforcement function will take place regularly through the service plan monitoring process applicable to all Council departments.

Rights of Appeal

93. Specific rights of appeal will be set out in all of the Notices and correspondence referred to in the above procedures.
94. 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

95. 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.
96. 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.

97. 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

98. 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.

99. 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.

Complaints

Corporate Complaints Procedure

100. 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.

101. 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.

102. 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).

103. 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

104. 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

105. 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*".

106. 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.

Reviews

107. 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.

108. 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.

109. 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.

Staff Well Being and Health and Safety

110. 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.

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

Contacts and responsibility

For further information on this policy, please contact:

Head of Parking and Enforcement
Department of Environmental Services
Civic Offices
Fareham
Hampshire
PO16 7AZ
Tel: 01329 236100
Email: parkingservices@fareham.gov.uk

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