

# 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).