

# FAREHAM

## BOROUGH COUNCIL

### Report to the Executive for Decision 12 October 2015

<b>Portfolio:</b>	Public Protection
<b>Subject:</b>	Biennial Review of Parking Enforcement Policy
<b>Report of:</b>	Director of Environmental Services
<b>Strategy/Policy:</b>	
<b>Corporate Objective:</b>	A safe and Healthy Place to Live and Work

**Purpose:**

This report sets out the Fareham Parking Enforcement Policy that details the main principles for enforcement that will be followed by officers. The policy is reviewed biennially and has taken account of any changes in the way the service is delivered and these have been incorporated into the policy which is attached as Appendix A and which is now being presented to the Executive for approval.

**Executive summary:**

The Council has an existing Parking Enforcement Policy, which 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 Public Protection Review Panel and was subsequently approved by the Executive.

The current Enforcement Policy was reviewed and approved by the Executive in June 2013. As part of the biennial review of the policy it has also been reported to the Public Protection Policy Development and Review Panel on 28<sup>th</sup> July 2015. The Panel recommended that the revised draft policy, attached as Appendix A to this report be presented to the Executive for approval.

**Recommendation/Recommended Option:**

That the updated Fareham Parking Enforcement Policy, as detailed in Appendix A to this report, be approved.

**Reason:**

To enable the effective and transparent enforcement and operation of the Fareham Parking Enforcement Service.

**Cost of proposals:**

There are no financial implications for the Council arising from consideration of this proposal.

**Appendices:**                    **A:** Parking and Enforcement Policy

**Background papers:** None

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### Executive Briefing Paper

<b>Date:</b>	12 October 2015
<b>Subject:</b>	Biennial Review of Parking Enforcement Policy
<b>Briefing by:</b>	Director of Environmental Services
<b>Portfolio:</b>	Public Protection

#### 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 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.

### **CONCLUSION**

10. The proposed policy document attached as Appendix A is submitted to the Executive for approval. The policy takes account of that part of the Traffic Management Act that came into effect on 31 March 2008, which Members considered in March 2008. It is 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.

### **Reference Papers:**

Report to the Executive 5 February 2007, Parking Enforcement Policy  
Report to the Executive 4 February 2008 Traffic Management Act – Implications for Fareham Parking Enforcement  
Report to the Executive 7 April 2008, Parking Enforcement Policy  
Report to the Executive 6 April 2009. Parking Enforcement Policy  
Report to the Executive 12 April 2010, Parking Enforcement Policy  
Report to the Executive 4 April 2011, Parking Enforcement Policy  
Report to the Executive 10 June 2013 Parking Enforcement Policy