

Date of Meeting	31 st August 2006
Title of Report	Parking Enforcement Policy
Portfolio	Equalities & Diversity including Car Parking & Decriminalisation
Link to Corporate Priorities	Car Parking & Decriminalisation
Key Decision	YES - the decision will affect all members of the public who drive a motor vehicle on private or business use and park within the North Wiltshire District if they contravene the Traffic Regulation Orders in any way.
Executive Workplan Ref	B136
Public Report	YES

Summary of Report

The report seeks agreement on the adoption of a Parking Enforcement Policy under the Decriminalisation of Parking Enforcement Act.

Officer Recommendations

That the Executive agree the Parking Policy as the accepted Policy for enforcement under the Decriminalised Parking Enforcement Act (DPE) which will come into force from 4th September 2006.

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
YES	YES	YES	YES	YES

Contact Officer	Chris Major, Senior Parking Officer 01249 706285 cmajor@northwilts.gov.uk
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1. Introduction

- 1.1 This report seeks the Members agreement for the use of the attached Enforcement Policy as a standard for the issuing of and appeals against Penalty Charge Notices issued by North Wiltshire District Council Parking Attendants. The document will be adopted county wide.

2. Options and Options Appraisal

- 2.1 Option 1: North Wiltshire adopts the County wide Enforcement Policy to ensure all residents and visitors to Wiltshire will be subject to a consistent level of enforcement and the same dispensations.
- 2.2 Option 2: North Wiltshire does not adopt the County wide Enforcement Policy and decides on their own standards and dispensations.

3. Background Information

- 3.1 Members will be aware that the responsibility for on street parking enforcement switches from Wiltshire Constabulary to the Council on 4th September 2006. This will allow for Parking Attendants employed by the Council to enforce on street parking contraventions including double yellow lines and overstaying limited waiting areas that are currently enforced by Traffic Wardens and Police Community Support Officers as well as the current off street enforcement undertaken. This new legislation will allow the District Council to provide more effective traffic enforcement to meet the needs of local communities, something that local communities have requested.
- 3.2 However, there is currently no accepted Enforcement Policy. The Wiltshire County Council Decriminalised Parking Enforcement Policy (Appendix 1) is recommended as it gives examples of contraventions and recommended actions for each example according to best practice. Also included are explanations of the processes undertaken by the Council including the standards for service provided by the Councils Back Office staff after the issuing of a Penalty Charge Notice (PCN). The Wiltshire County Council Decriminalised Parking Enforcement Policy (Appendix 1) was drafted by RTA Associates for Wiltshire County Council and suggested for use by all District Councils in Wiltshire.
- 3.3 This document will be used as a basis for all training of staff and challenges or representations received from members of the public. However as it is impossible to qualify every case and there will be occasions when either the Parking Attendant or the Senior Parking Officer will consider a case on its individual merits and either not issue the PCN or cancel it.
- 3.4 The integration of enforcement for both on and off street parking should provide better monitoring of the effectiveness and value of parking controls, so that parking provision becomes more responsive to the public's needs. This will be achieved by the ability to enforce by Policy wherever and whenever necessary.

- 3.5 As the Wiltshire County Council Enforcement Policy document is too in depth for day to day use, a North Wiltshire District Council Decriminalised Parking Enforcement document (Appendix 2) has been produced which gives a clear understanding of how the Council will enforce all traffic contraventions across the district in a firm but fair manner.

4. Human Resource Implications

- 4.1 With clear guidance issued to Parking Attendants less time will be spent on dealing with challenges to PCN's that have been issued. Good quality PCN's result in more payments and less negative publicity.

5. Equality and Diversity Implications

- 5.1 The policy clearly states the Councils aim to enforce parking restrictions fairly and responsibly across the whole of the community. Included within the policy are clear guidelines on the use of PCN's for enforcement on drivers displaying a current Disabled Drivers Blue Badge.

6. Community and Environmental Implications

- 6.1 This proposed policy document is part of the arrangements for decriminalised parking enforcement, which provides an opportunity to better enforce indiscriminate parking and also should be seen in the wider context of better traffic management and local transport policy.

7. Legal implications

- 7.1 The legislation governing the decriminalisation of parking enforcement comprises The Road Traffic Act 1991; The Road Traffic Regulation Act 1984 and The Local Authorities Traffic Orders etc Regulations 1996. There is also Government Guidance on Decriminalised Parking Enforcement Outside London issued by the Department of Transport in 1995. Following Decriminalisation parking enforcement both on and off street will be a civil matter ultimately enforceable through the County Court.

8. Financial Implications

- 8.1 There are no financial implications beyond the publishing costs of the document.

9. Risk Analysis

- 9.1 This is considered to be low risk. A consistent level of enforcement gives clear guidelines to all officers involved, and to the public.
- 9.2 The risks associated with not following the report are the lack of clarity for all Members, Officers and members of the public on enforcement and dispensation standards across the district. This could lead to inconsistent decisions within the appeals process resulting in negative publicity and leading to appeals being lost at the National Parking Adjudication Service.

Appendices:	<ol style="list-style-type: none">1. Wiltshire County Council Decriminalised Parking Enforcement Policy2. NWDC Decriminalised Parking Enforcement
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• None

Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
<ul style="list-style-type: none">• None		