

<b>URGENT REPORT TO THE EXECUTIVE</b>		Report No.21
<b>Date of Meeting</b>	13 <sup>th</sup> March 2008	
<b>Title of Report</b>	Revised Parking Enforcement and Cancellation Policy	
<b>Portfolio</b>	Built Environment	
Link to Corporate Priorities		
Key Decision	No	
Executive Workplan Ref	N/A	
Public Report	Yes	

### Summary of Report

To seek the approval of the Executive to adopt an amended Enforcement and Cancellation Policy from the 31<sup>st</sup> March 2008.

### Officer Recommendations

**Option 1: That the amended Enforcement and Cancellation Policy (as set out in Appendix 1 to the Report) be adopted from 31<sup>st</sup> March 2008 and that delegated authority be granted to the Senior Parking Officer to make further amendments as necessary from time to time to ensure that the issue and cancellation of Penalty Charge Notices continues to be in accordance with best practice and current legal advice.**

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
None	None	None	None	None

<b>Contact Officer</b>	Chris Major, Senior Parking Officer 01249 706285 <a href="mailto:cmajor@northwiltts.gov.uk">cmajor@northwiltts.gov.uk</a>
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## **1. Introduction**

- 1.1 Under the Traffic Management Act 2004 there is a requirement for the Local Authority to publish all policies in regard to parking and the cancellation of Penalty Charge Notices (PCN's) on the Web for the public. This is to improve the transparency of the decisions and improve the perceived fairness of the decisions to the public.

## **2. Options and Options Appraisal**

- 2.1 Option 1: That the amended Enforcement and Cancellation Policy (as set out in Appendix 1 to the Report) be adopted from 31<sup>st</sup> March 2008 and that delegated authority be granted to the Senior Parking Officer to make further amendments as necessary from time to time to ensure that the issue and cancellation of Penalty Charge Notices continues to be in accordance with best practice and current legal advice.
- 2.2 Option 2: That the new policy be adopted without giving delegated powers to the Senior Parking Officer. This will mean that the policy is returned to the Executive for any changes to adhere with best practice and current legal advice.
- 2.3 Option 3: That the new policy is not agreed and adopted. This will mean that the current policy document is published. The current policy is adequate but the format does not clearly outline all areas of discretion as required and may be open to criticism.

## **3. Background Information**

- 3.1 Parking Services, until 30<sup>th</sup> March 2008, issue PCNs under the Road Traffic Act 1991. Under this Act there is no requirement to have a written enforcement/cancellation policy although it is recommended. NWDC currently has a written policy and uses it for the training of all staff within the department but it is not freely available to the public, given on request only. It is updated to reflect best practice and current legal advice on a regular basis to ensure it remains relevant. The new policy (Appendix 1) will supersede the current policy and be used as a guide for all future cancellation decisions and training members of staff.
- 3.2 On the 31<sup>st</sup> March 2008 the legislation under which Parking Services issues PCNs changes to the Traffic Management Act 2004. The changes to the service and the financial implications under this Act have been highlighted in previous reports. However, within the new legislation there is also a requirement to publish all policies in relation to the enforcement, cancellation and the use of discretion on the website and a copy kept in an easily accessible location, i.e. reception, for the public to be able to access from the 31<sup>st</sup> March 2008. Therefore the new policy has been developed and recommended for publication.
- 3.3 The new policy was written by the Kent Parking Managers Group and has recently been highlighted as best practice by the National Parking Adjudication Service (who are re-branded as the Traffic Penalty Tribunal under another change within the TMA 2004) and the Local Government Ombudsman. The group has therefore made the document available to all other Local Authorities who wish to use it to help set consistent standards within the industry nationwide. The document has been agreed with WCC and will also be used in Wiltshire by Salisbury, Kennet and, once they go live with Civil Parking Enforcement, West Wiltshire District Councils.

**4. Equality and Diversity Implications**

4.1 There are no Equality and Diversity implications associated with this report. PCNs are issued to vehicles that are in contravention and not members of the community individually.

**5. Community and Environmental Implications**

5.1 There are no Community and Environmental implications associated with this report. Each case is dealt with on an individual basis.

**6. Legal implications**

6.1 Beyond the requirement of the Parking Services Department to adhere to the requirements of the Traffic Management Act 2004 and associated legislation there are no further Legal Implications.

**7. Financial Implications**

7.1 There are no financial implications associated with this report.

**8. Risk Analysis**

8.1 There are no risks associated with this report other than those highlighted above.

<b>Appendices:</b>	<ul style="list-style-type: none"><li>Appendix 1 – NWDC Enforcement and Cancellation Policy</li></ul>
<b>Background Documents Used in the Preparation of this Report:</b>	<ul style="list-style-type: none"><li>None</li></ul>

**Previous Decisions Connected with this Report**

<b>Report</b>	<b>Committee &amp; Date</b>	<b>Minute Reference</b>
<ul style="list-style-type: none"><li>None</li></ul>		