

Cabinet

28 August 2008



Civil Parking Enforcement Standing Orders: Durham District

Report of Roger Elphick, Acting Corporate Director, Environment (Cabinet Portfolio Member for Environment – Councillor Bob Young)

1.0 Purpose of the Report

- 1.1 To set out the requirement of the Authority to specify the officers having the authority to cancel parking tickets issued by a Civil Enforcement Officer following the implementation of Civil Parking Enforcement in Autumn 2008.

2.0 Background

- 2.1 Civil Parking Enforcement is to be introduced in Durham District in Autumn 2008. Following its introduction vehicles considered as being in contravention of on street or off street parking restrictions may be issued with a parking ticket (PCN).
- 2.2 The vehicle owner may dispute the issuing of the PCN at three stages:
- Informally through the appointed enforcement contractor;
 - Formally through the Authority's in house Parking Management Team if the informal representation is rejected;
 - Formally through an independent adjudicator if the in house formal representation is rejected.
- 2.3 It is recommended in 'The Secretary of State's Statutory Guidance to local authorities on the civil enforcement of parking contraventions' that a clear separation exists between the staff that agree the issuing and processing of PCNs and the staff who decide on representations. This is particularly important for cases referred back from the adjudicators with a recommendation to review the issue of the PCN. It ensures that decisions are seen as impartial.
- 2.4 The office of the Chief Executive will be responsible for the consideration of all cases referred back from the adjudicators.
- 2.5 It should be noted that the Authority is responsible for the whole Civil Parking Enforcement process whether they contract out part of it or not.

3.0 Issues

3.1 The Secretary of State's Statutory Guidance to local authorities on the civil enforcement of parking contraventions states that:

- Elected Members and unauthorised staff should not under any circumstances, play a part in deciding the outcome of individual challenges or representations. This is to ensure fully trained staff make decisions on the facts presented.
- The Authority's standing orders should be specific as to which officers have the authority to cancel parking tickets (PCNs).

4.0 Recommendation and Reasons

4.1 It is recommended that members agree the designation of the following officers to cancel parking tickets (PCNs): -

- Corporate Director, Environment;
- Officers responsible for management of the parking function as designated by the Corporate Director, Environment.

Background Papers

Cabinet report dated 20th March 2008: Civil Parking Enforcement: Durham District Key Decision Env/EN/03/08

Cabinet report dated 22nd March 2007: Decriminalised Parking Enforcement: Durham District

Local Transport Plan 2:

Guidance on Decriminalised Parking Enforcement outside London: DfT

The Traffic Management Act 2004

The Civil Enforcement of Parking Contraventions (England) General Regulations 2007

The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007

The Secretary of State's Statutory Guidance to local authorities on the civil enforcement of parking contraventions

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Appendix 1: Implications

Local Government Reorganisation

(Does the decision impact upon a future Unitary Council)

No

Finance

Cancellation of tickets will result in an associated loss of income.

Staffing

None

Equality and Diversity

Impartiality of Civil Parking Enforcement parking ticket (PCN) representation decisions

Accommodation

None

Crime and Disorder

None

Sustainability

None

Human Rights

None

Localities and Rurality

Durham District

Young People

None

Consultation

A full consultation on the introduction of Civil Parking Enforcement is being undertaken

Health

None