

WYRE FOREST DISTRICT COUNCIL

COUNCIL
WEDNESDAY 19TH SEPTEMBER 2007

Decriminalisation of Parking Enforcement Cancellation and Informal Challenge Policy

AN OPEN ITEM	
COMMUNITY STRATEGY THEME:	A Better Environment
CORPORATE PLAN THEME:	Enabling Community Wellbeing
CORPORATE PLAN KEY PRIORITY:	Transport
CABINET MEMBER:	Councillor Marcus Hart
HEAD OF SERVICE:	Andrew Dickens, Head of Cultural, Leisure & Commercial Services
CONTACT OFFICER:	Andrew Dickens – 01562 732900
APPENDICES:	Appendix 1 – Cancellation and Informal Challenge Policy Decriminalisation of Parking Enforcement, Wyre Forest District

1.0 PURPOSE OF REPORT

1.1 To adopt a Cancellation and an Informal Challenge Policy in relation to the Decriminalisation of Parking Enforcement in Wyre Forest.

2.0 RECOMMENDATIONS

The Council is asked to **DECIDE:**

2.1 The attached Cancellation and Informal Challenge Policy in relation to the decriminalisation of parking enforcement, which is due to commence in Wyre Forest in October 2007, be adopted.

2.2 The Head of Cultural, Leisure & Commercial Services, in consultation with the Head of Legal & Democratic Services and the Cabinet Member for Property & Operational Services, be given delegated powers to amend, update or add to this Policy where operational circumstances prove that the Policy does not cover matters being put forward for an informal challenge.

3.0 BACKGROUND

3.1 Although there is no statutory obligation to consider representation before issuing a notice to owners for collection of fines in relation to Penalty Charge Notices issued under the Decriminalisation of Parking Enforcement and the Consolidation of the Council's Off-street Parking Orders, it is good practise for the authority to have a Cancellation and Informal Challenge Policy.

3.2 The Policy will be used to ensure a consistent approach to all request for cancellation and informal challenges prior to any formal adjudication and challenge process.

- 3.3 The Policy will be used by the Head of Cultural, Leisure & Commercial Services and Wychavon District Council who will be administering the Policy on behalf of the Council and, in accordance with the partnership agreement in place between the two authorities, is similar in nature to the policies and procedures adopted by Wychavon District Council.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications arising from this report as a percentage of write-off has been factored into the original financial projections relating to the introduction of the Decriminalisation of Parking Enforcement within the District.

5.0 LEGAL AND POLICY IMPLICATIONS

- 5.1 Although there is no statutory requirement to adopt the Policy, it is considered good practice to have a consistent approach to request for write-offs in advance of formal adjudication. The Policy will be used by the Head of Service and Wychavon District Council and be provided to the National Parking Adjudication Service, to ensure that all informal challenges are dealt with in a consistent and fair manner.

6.0 RISK MANAGEMENT

- 6.1 If the Council does not adopt the Policy, there is a risk that it may lose adjudication hearings due to inconsistency in their challenge procedures and the Council may be subject to adverse publicity due to claims that unfair consideration has been given to requests for cancellation.

7.0 CONCLUSION

- 7.1 The Policy has been developed from good practice and implemented by other local authorities who already operate decriminalisation of parking enforcement. Accordingly, the Council is advised that they should adopt the Policy and it should be implemented by the Head of Cultural, Leisure & Commercial Services and the Council's partners, Wychavon District Council, in relation to all challenges to Penalty Charge Notices.

CONSULTEES

Wychavon District Council
Head of Legal & Democratic Services
Councillor M Hart, Cabinet Member for Property & Operational Services

BACKGROUND PAPERS

Wyre Forest District Council's Off-Street Parking Places Consolidation Order 2007
Cabinet Report – 28th July 2005
Cabinet Report – 22nd December 2005
Cabinet Report – 28th September 2006
Cabinet Report – 21st December 2006
Council Report – 28th February 2007
Council Report – 18th July 2007