

TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

27 February 2006

Report of the Director of Planning & Transportation

Part 1- Public

Matters for Recommendation to Cabinet

1 GUIDANCE POLICIES FOR ASSESSING REPRESENTATIONS ON PENALTY CHARGE NOTICES

Summary

The Board is invited to endorse Guidance Policy produced by the Kent Parking Group for assessing cancellations of Penalty Charge Notices.

1.1 The Context

1.1.1 Each of the districts of Kent carries out Decriminalised Parking Enforcement (DPE) on behalf of the traffic authority, Kent County Council. Officers from each of the districts meet regularly through the Kent Parking Group to promote best practice, to learn from each others' operational experiences and to achieve as far as it is possible a consistent approach to DPE across the county.

1.2 Cancellation Policy

1.2.1 One of the most important aspects of the DPE is the right of motorists to respond to Penalty Charge Notices (PCN) by pleading mitigating circumstances. The authority administering the enforcement service has a duty to deal with such responses fairly, openly, objectively and expeditiously.

1.2.2 In doing so, it is possible that the same set of circumstances could be treated differently by different districts. Ideally, there should be a consistent national approach so that drivers can expect that they will be treated similarly, irrespective of where a contravention of parking restrictions took place. In time that might be possible but, for the moment, it is not really practically achievable.

1.2.3 What might be achievable is a relatively consistent approach across Kent and the Kent Parking Group has worked on preparing a set of Guidance Policies. A copy of the document is attached as **Annex 1**. Officers from parking teams in most of the Kent districts are recommending support for this document and, if adopted by their respective councils, it should go a long way towards helping to achieve the consistent approach it is intended to produce.

- 1.2.4 It is understood that the document annexed is the final draft and should not be subject to any further amendment. But just in case it does, it is suggested that I be authorised to agree minor changes or refinements on the Board's behalf.

1.3 Legal Implications

- 1.3.1 DPE powers rest with Kent County Council under the 1991 Road Traffic Act and this has been applied in Kent through a series of legal agreements with the districts to carry out the service on its behalf. Not only is it open to the districts to get together to refine operational methods, it is highly advisable for them to do so to secure the best level of service for the local community.

1.4 Financial and Value for Money Considerations

- 1.4.1 There is no direct financial impact from adopting the Guidance Policies.

1.5 Risk Assessment

- 1.5.1 The Guidance Policies mirror closely the parking team's operational practices and methods so I envisage no great change in how the service is currently carried out. Consequently the risk of doing things differently does not arise.
- 1.5.2 However there is the potential for improving the risk profile. Adopting this guidance is a step towards decreasing risk because it will give the parking team the opportunity to demonstrate to the Adjudicator that best local practice is being followed when in assessing pleas in mitigation.

1.6 Recommendations

- 1.6.1 That the Director **BE DELEGATED** to agree any minor changes that might be made in the DPE Guidance Policy Document annexed to the report and that it **BE ENDORSED** for the purposes of operational parking management.

Background papers:

Nil

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