

Report to the Cabinet Member for Highways and Transport
Report submitted by: Head of Service Highways
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Part I

Electoral Divisions affected:
All

Regulation 10 Penalty Charge Notices

Contact for further information:

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Executive Summary

This report has been produced in order to address parking problems relating to short term parking habits where motorists consider that the likelihood of receiving a penalty charge notice are minimal. The location where these vehicles are parked generally impacts on other highway users and this reports sets out to address this issue.

The proposed working practice follows those set out in the Department for Transport – Operational Guidance to Local Authorities: Parking Policy and Enforcement.

This is deemed to be a Key Decision and the provisions of Standing Order No 25 have been complied with.

Recommendation

The Cabinet Member for Highways and Transport is asked to give approval to change the current working practice of only issuing Regulation 10 Penalty Charge Notices (Postal PCN) where a PCN has been physically printed before the vehicle drives away to be in line with the DfT Operational Guidance that a postal PCN be issued if a Civil Enforcement Officer has started to issue a PCN.

Background and Advice

There have been a number of parking issues across the county relating to vehicles parking in locations where parking and loading is prohibited. The problems predominantly relate to short parking sessions where the drivers know they can return and move their vehicle before a Penalty Charge Notice (PCN) can be issued by a Civil Enforcement Officer (CEO). The problem is mainly in the location of fast food outlets, taxi/private hire offices, cash point machines, newsagents and convenience stores.

A review of working practices has been undertaken in order to find a solution that would increase compliance by actively increasing the possibility of vehicles receiving a PCN in certain locations. In the majority of locations the CEO would still need to carry out an observation period, but where the area is covered by a loading ban instant PCNs can be issued.

Instant PCNs are currently issued for the following contraventions: Parked in a suspended bay, Police bay, Taxi bay, Stopped on a clearway, Stopped on school markings, parked on cycle track, stopped on pedestrian crossing and where loading is prohibited.

Observation and grace periods:

There is a significant difference between an observation period and a grace period although the general public usually assume that they are the same thing. A grace period is a period of time allowed after parking time has expired in which a PCN will not be issued. The county council has always provided a 10 minute grace period at the end of on-street pay and display parking sessions. The government have recently legislated that all local authorities should provide a 10 minute grace period at the end of any parking session within a permitted parking place, so this now also includes free limited waiting bays.

An observation period is the time that a Civil Enforcement Officer observes a vehicle prior to issuing a PCN to determine that a contravention has taken place, usually to determine whether or not loading is taking place. On yellow lines the council currently observes the vehicle for 5 minutes. Where loading is not allowed the CEO will issue an instant PCN where no observation period is carried out. Although this is referred to as an instant PCN it will still take the CEO around 2 minutes to input the details and print out a PCN.

For clarity, where there is a 10 minute grace period this replaces the 5 minute observation period and is not in addition to it.

Regulation 10 PCNs (Postal PCNs):

Where a CEO has been unable to issue a PCN to the vehicle the county council is able to issue postal PCNs to vehicles where the CEO has started the issuing process. The service has always taken a cautious approach on this matter and only issues postal PCNs where the PCN has already been printed but the CEO was unable to serve the notice.

The DfT Operational Guidance to Local Authorities: Parking Policy and Enforcement – March 2015 actually states that a postal PCN can be issued where:

Prevention of service by "drive away"

8.76 A PCN may also be served by post if the CEO had begun to issue it – i.e. has completed his/her observations and had either started to write the PCN or put the data into the HHC and would, in other circumstances, have to cancel the PCN – but the vehicle was driven away before the CEO had time to finish or serve the PCN.

Proposed solution:

Removing the current working practice of only issuing postal PCNs where a PCN has been printed before the vehicle is driven away would increase the deterrent of vehicles parking in contravention particularly where there is an existing loading ban and instant PCNs are issued. Instead postal PCNs will be issued provided that the CEO has started the issuing process.

It is planned to introduce the revised operating arrangements from 2 November 2015, following the school autumn half term.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

- Financial

There is no cost associated with introducing this change in working practice although it is anticipated that a press release and possible engagement with schools will take place prior to its introduction, which will involve staff time.

Approximately 20,000 vehicles are driven away during the observation period or during the period the CEO is processing the PCN. Those driven away during the observation period will be unaffected by this change. Those that are driven away after the CEO has started the PCN issuing process will now be sent a postal PCN whether or not the physical PCN has been printed out. It is estimated that 10% of the vehicles driven away prior to issue will now receive a PCN. The average value of a PCN is £30 so the additional income generated by this change would be:
 $2,000 \text{ (PCNs)} \times \text{£}30 \text{ (average value of PCN)} = \text{£}60,000.$

List of Background Papers

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A