

OFFICER DECISION RECORD

For staff restructures, please also complete an RA1 form to update the HR Portal. This is attached at Annex 2.

Decision Ref. No:

RE18 0106

Box 1

DIRECTORATE: Regeneration and Environment

DATE: 1 June 2018

Contact Name: Carolina Borgstrom

Tel. No: 01302 737573

Subject Matter: Approve revised Parking Enforcement Policy and procedures for write offs of over payments for parking fines.

Box 2

DECISION TAKEN:

1. To adopt the Parking Enforcement Policy attached to this report, which sets out the out standards of enforcement that businesses, individuals and the community can expect from Doncaster Council in relation to parking matters and bus lane enforcement.
2. To implement procedures to ensure regular audit and write off of any over payments made against parking fines in line with internal audit recommendations.

Box 3

REASON FOR THE DECISION:

Doncaster Council carries out Civil Parking Enforcement across the Borough under Traffic Management Act 2004. The Authority is currently in the process of extending such enforcement to include some moving traffic contraventions taking place in bus lanes.

The prime aim of Parking and Bus Lane Enforcement is to achieve the following policy objectives:

- To integrate traffic management policies with effective on-street enforcement
- Provide dedicated on-street and off-street Parking Enforcement
- To allow the Council to be responsive to changing priorities, local factors and demand for parking
- To provide definitions of parking exemptions or dispensations where appropriate
- Ensuring smooth operation of Public Transport routes, to reduce emissions and implement the aims of the Council Air Pollution Strategy
- To allow free moving traffic

- To create a Safer Doncaster

Doncaster Council issues around 14,000 Penalty Charge Notices (PCNs) each year which is likely to increase with the introduction of Bus Lane Enforcement.

The enclosed Parking Enforcement policy is designed to outline the circumstances when enforcement action will take place and the reasoning behind this. It covers both on and off-street enforcement activities. It will be issued to all Council staff involved in parking and Bus Lane Enforcement.

The policy ensures all parking enforcement taken by Doncaster Council will be in line with the principles of good enforcement outlined in the Enforcement Concordat which was formally adopted by Doncaster Council at its Policy and Strategy Board on 26 February 2001. This document should be read in conjunction with the overarching Enforcement Strategy and Enforcement Policy of Regulation and Enforcement

In general, enforcement activity will comply with the following principles:

- Applying the legislation fairly and ensuring compliance with the law.
- Taking enforcement action where it is necessary.
- Being consistent in our approach.
- Being transparent about what enforcement action is taken and why.

Statutory Guidance has been issued by the Secretary of State providing clear expectations of considerations Local Authorities must make when carrying out Parking Enforcement. Such guidance also provides advice on how Authorities should deal with appeals and challenges of Penalty Charge Notices. The guidance advises Authorities to formulate and then publish their enforcement policies, including any discretion applied when considering appeals.

Penalty Charge Notices issued are processed using a semi-automated debt management software provided by Chipside Ltd. Fines are issued with multiple method of payment and the software automatically recognise when payment are received and close the debt. The system is incredibly accurate but from time to time individuals paying their fines over pay their debt.

Details of the overpayments are held in debt management software provided by Chipside and will be returned to the client on request from them. On request by internal audit a new process has been introduced to generate quarterly report detailing the totals the overpayments collected for the period from 12 months to 15 months. It is proposed that a copy of these report will be sent to finance along with a request that this amount is written off as an overpayments.

Box 4**OPTIONS CONSIDERED & REASONS FOR THE RECOMMENDED OPTION:**

1. Do Nothing – The only other option is not to take any action. This would mean continuing operating under the old Parking Enforcement Policy which does not include any reference to Bus Lane Enforcement. This would leave the Authority open to appeals or challenges of any penalty charge notices issues. Not having a set method for write off of fine over payment was identified as poor practice by Internal Audit in 2017 and requests made to adopt more robust procedures to address this.
2. To adopt the Parking Enforcement Policy attached to this report, which sets out the out standards of enforcement that businesses, individuals and the community can expect from Doncaster Council in relation to parking matters. In addition to implement procedures to ensure regular audit and write off of any over payments made against parking fines in line with internal audit recommendations. This is the recommended option.

Box 5**LEGAL IMPLICATIONS:**

Section 16 of the Traffic Management Act 2004 imposes a duty on the Council, as a local traffic authority, to manage its road network with a view to achieving, so far as may be reasonably practicable having regard to its other obligations, policies and objectives:-

- securing the expeditious movement of traffic on the authority's road network, and
- facilitating the expeditious movement of traffic on road networks.

The Council's powers of civil enforcement of bus lane contraventions derive from section 144 of the Transport Act 2000 and regulations made under that provision. The civil enforcement of bus-lane contraventions is regulated by the use of cameras. A penalty is only payable to a council in respect of a bus-lane contravention if the council has a visual record of the contravention generated and recorded by an approved device.

The Deregulation Act 2015 came into effect on 1 April 2015. The Act prevents the issue of Penalty Charge Notices by post using evidence from CCTV cameras, with the exception of School zig zags, Bus Lanes, Bus Stops and Red Routes.

Powers were granted for civil enforcement of traffic contraventions by approved local authorities in the Traffic Management Act 2004. Doncaster Borough Council will need to be approved by the secretary of state in a statutory order for the purposes of S.144 of the Transport Act 2000 (civil penalties for bus lane contraventions).

Name: Helen Potts **Signature: _____** **Date: 28.6.18**
Signature of Assistant Director of Legal and Democratic Services (or representative)

Box 6**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with the Parking and Enforcement Policy.

Name: Richard Taylor_ **Signature:** _ **Date:** _18/07/18_
Signature of Assistant Director of Finance & Performance
(or representative)

Box 7**HUMAN RESOURCES IMPLICATIONS:**

There are no HR implications.

Name: David Knapp **Signature:** **Date:** 26/06/2018
Signature of Assistant Director of Human Resources and Communications (or
representative)

Box 8**PROCUREMENT IMPLICATIONS:**

There are no procurement implications associated with this decision

Name: _Shaun Ferron **Signature:** _ **Date:** _10.07.18_
Signature of Assistant Director of Finance & Performance
(or representative)

Box 9**ICT IMPLICATIONS:**

There are no direct ICT implications in relation to this decision. The software solutions used to process penalty charge notices and support bus lane enforcement have been previously agreed by the ICT Governance Board (IGB) and Digital & ICT have been fully involved throughout the procurement and implementation.

Name: Peter Ward (Technology Governance & Support Manager)
Signature: **Date:** 10/07/18

Signature of Assistant Director of Customers, Digital & ICT (or representative)

Box 10**ASSET IMPLICATIONS:**

There are no implications arising from the recommendations of this report that impact on the use of DMBC assets.

Name: Gillian Fairbrother (Principal Property Surveyor)

Signature

Date: 25th June, 2018

Box 11**RISK IMPLICATIONS:**

The Council receive a large number of challenges to Penalty Charge Notices every year. Most of these challenges are refused as they do not meet the statutory grounds for upholding an appeal. Without a clear parking enforcement policy there is a risk that these decisions are challenged by residents either through corporate complaint procedures or by formal appeals to Traffic Enforcement Tribunal, undermining the aim of fair and transparent parking enforcement.

The risk implications for over payments are that the Council has to refund these at some point in the future.

Name: Carolina Borgstrom **Signature:**

Date: 01/06/18

(Report author)

Box 12**EQUALITY IMPLICATIONS:**

Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. There are no specific equality implications arising from this decision and the aim of proposed Parking Enforcement Policy is to ensure enforcement is fair irrespective of protected characteristics. One of the main aim of fair and consistent Parking Enforcement is to safeguard safe use of roads and pavements which is particularly important to any person with mobility issues. .

Name: Carolina Borgstrom **Signature:**

Date: 01/06/18

(Report author)

Box 13
CONSULTATION

Officers

(In addition to Finance, Legal and Human Resource implications and Procurement implications where necessary, please list below any other teams consulted on this decision, together with their comments)

Consultation has taken place with Internal Audit as the requirement for an updated appeals policy formed part of recent audit recommendations.

Members

Under the Scheme of delegation, officers are responsible for day to day operational matters as well as implementing decisions that have been taken by Council, Cabinet, Committee or individual Cabinet members. Further consultation with Members is not ordinarily required. However, where an ODR relates to a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with the appropriate Cabinet Member before exercising the delegated powers. In appropriate cases, officers will also need to consult with the Chair of Council, Committee Chairs or the Chair of an Overview and Scrutiny Panel as required. Officers shall also ensure that local Members are kept informed of matters affecting their Wards.

Please list any comments from Members below:

Consultation has taken place with portfolio holder for Highways, Street Scene and Trading, Councillor Joe Blackham, who expressed support for the revised Parking Enforcement policy.

Box 14
INFORMATION NOT FOR PUBLICATION:

It is in the public's interest to be aware of this decision record under the Freedom of Information Act 2000, therefore this decision will be published in full, redacting only signatures.

Name: AJ Rowbotham Signature **_ Date: 18th July 2018**
Signature of FOI Lead Officer for service area where ODR originates

Box 15

Signed: _____ **Date:** 20 July 2018
Tracey Harwood, Interim Assistant Director Environment

Signed: _____ **Date:** _____
Additional Signature of Chief Financial Officer or nominated
representative for Capital decisions (if required)

Signed: _____ **Date:** _____
Signature of Mayor or relevant Cabinet Member consulted on the above
decision (if required).

- This decision can be implemented immediately unless it relates to a Capital Scheme that requires the approval of Cabinet. All Cabinet decisions are subject to call in.
- A record of this decision should be kept by the relevant Director's PA for accountability and published on the Council's website.
- A copy of this decision should be sent to the originating Directorate's FOI Lead Officer to consider 'information not for publication' prior to being published on the Council's website.
- A PDF copy of the signed decision record should be e-mailed to the LA Democratic Services mailbox