

Parking Enforcement Policy

1. Aim

The aim of this policy is to state Dover District Council's approach to the enforcement of parking regulations both on- and off-street throughout the district. Enforcement on-street is carried out by the Council on behalf of Kent County Council.

2. Scope

This policy covers the area of parking services, including operations and administration.

3. Authorisations

In accordance with the Council's constitution, the Community Safety, CCTV and Parking Manager has a duty to appoint officers with suitable qualifications, experience and level of competency to enforce or to ensure that appropriate officers are trained to the required level.

Authority to exercise executive functions in relation to parking has been delegated to the Community Safety, CCTV and Parking Manager as detailed in the Council's Constitution.

4. General Principles

When carrying out enforcement action it is important that the Council works with the statutory framework set out and that it follows best practice and procedure

In particular, the Council is committed to acting in a fair and consistent manner and has adopted this enforcement policy as part of this commitment. When exercising its enforcement functions, the Council will act in such a way which is:

- transparent;
- accountable;
- proportionate;
- consistent; and
- targeted only at cases in which action is needed

The legislation underpinning this strategy is the Traffic Management Act 2004, The Road Traffic Regulation Act 1984, The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007, The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, The Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007, The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007 and The Civil Enforcement of Parking Contraventions (Guidelines on the Levels of Charges) (England) Order 2007.

Other relevant legislation comprises the Dover District Council (Off-Street Parking Places) Order 2010, and The Kent County Council (Various Roads, Dover District) (Waiting Restrictions and Street Parking Places) Order 2005.

Account has also been taken of

- Overarching DDC enforcement strategy
- Advice from the Department of Transport
- Advice from PATROL
- Human Rights Act 1998
- Data Protection Act 1998
- Freedom of Information Act 2000
- The Protection of Freedoms Act 2012.

5. Interventions and Enforcement

Parking enforcement is undertaken in order to:

- Keep traffic flowing freely;
- Ensure that there is a fair and even distribution and turnover of available parking spaces throughout the District, not only for visitors but also for residents, traders, customers and businesses;
- Make the District a safer place to drive, walk and/or cycle through;
- Ensure that the designated disabled bays are used only by those persons lawfully displaying a valid disabled badge in accordance with the regulations pertaining to the international Blue Badge Scheme;
- Ensure that spaces designated for use by specific vehicles such as taxis, buses, police and goods vehicles are kept clear for their sole use in line with regulations;
- Ensure that those areas identified as being within a residents scheme contain vehicles that park only within the permitted time limits and regulations pertaining to that scheme; and
- Ensure that pedestrians may walk safely without fear or obstruction, especially in pedestrianised areas and outside schools within the relevant regulations and enforcement powers.

Dover District Council will enforce parking regulations fairly, lawfully and without discrimination.

Enforcement will take place between the hours of 8.15am and 9.30pm daily, and outside these hours as and when necessary. Parking regulations will be enforced every day of the year including bank holidays unless otherwise indicated.

It is not the policy of Dover District Council to clamp and remove vehicles, although the legal powers are in place to do so. Any such action on-street would also require the consent of Kent County Council on whose behalf DDC are acting.

Penalty Charge Notices will be issued to vehicles that do not display the disabled

badge correctly. In most instances, the PCN will be cancelled for a first contravention where the badge has not been displayed correctly. This course of action educates disabled badge holders in the correct procedure for displaying the blue badge and clock, avoids misunderstanding at a later date, and keeps badge misuse to a minimum. Parking Services has the power to inspect blue badges and DDC will report suspected cases of misuse to KCC.

Drivers committing a contravention of the parking regulations will be served with a Penalty Charge Notice which will normally be affixed to the vehicle or handed to the driver. It is also possible for parking services to issue a PCN through the post if the Civil Enforcement Officer has been prevented from issuing the PCN because of threats of physical violence or the vehicle has been driven away before the Notice could be properly served. Photographs will be taken of every contravention where possible, in order to assist in proving the contravention and the fact that the PCN was served to the vehicle (where the driver has not been abusive or driven away).

Under the regulations drivers are entitled to 14 days in which to either pay the PCN at the discounted rate or challenge the Notice. Every challenge will be investigated on its own merits and mitigating circumstances will be taken into account. It is the policy of DDC to request proof of any mitigating circumstances where possible. If a challenge is received and does not constitute grounds for waiving the charge, then the discounted rate will usually be held for a further 14 day period from the date of rejection.

If no payment has been received within 28 days after the issue of a PCN, irrespective of whether the driver/owner has previously challenged the charge, Parking Services will seek to obtain details of the registered owner/keeper of the vehicle from the Driver Vehicle Licensing Agency (DVLA). The registered owner/keeper of the vehicle is the person responsible for payment of the charge.

A Notice to Owner (NtO) will be despatched to the registered owner/keeper upon receipt of the relevant details from the DVLA. The owner/driver may then make a formal representation to the charge and this will be investigated by Parking Services. If this representation is not accepted then a formal notice of rejection under Part 6, Traffic Management Act 2004 will be issued. This formal notice will contain details of the process that can be followed by the appellant if they wish to appeal to the Traffic Penalty Tribunal.

A minimum of 28 days after the issue of the NtO (if no payment or notification of appeal to the TPT has been received) Parking Services will send a charge certificate to the registered owner/keeper of the vehicle which will increase the original charge by 50%.

A minimum of 14 days after the issue of the charge certificate (if no payment or notification of appeal to the TPT has been received) Parking Services will register the debt at Northampton County Court. This will increase the charge by an additional £7, which is the debt registration fee. The registered owner/keeper will be informed of this debt registration and if no response is received within 21 days of the registration, bailiffs will be instructed to recover the debt on our behalf.

The procedure for dealing with parking appeals is set down in Part 6, Traffic Management Act 2004 and Road Traffic Parking Adjudicators Regulations. The Traffic Penalty Tribunal (TPT) exists as an independent body to determine appeals against PCNs.

As part of this policy:

- CEOs will be trained to ensure consistent application of the regulations by way of formal training, on-going monitoring and an in-house manual;
- CEOs cannot retract a PCN once it has been lawfully issued;
- At any of the legal stages through the enforcement process, mitigating circumstances will be considered;
- Customers will be given the opportunity to pay in instalments in appropriate cases. Such instalments will not be less than £5 per week;
- At every stage that correspondence is sent to a registered owner/keeper, details will be included of the next course of action that will be taken;
- Parking Services will use whichever databases are lawfully available to them to seek to recover monies owed by drivers who have contravened parking regulations within Dover district;
- Parking Services will not disclose personal information held on its databases to a third party, unless the request is from a Law Enforcement Agency and is in order to prevent or detect crime; and
- Parking Services will endeavour to patrol all areas of the district on a regular basis. However, enforcement can only take place as resources permit and consequently some areas may not be patrolled if those resources are limited.

6. Policy monitoring

The activities of Parking Services will be monitored regularly and subjected to the audit process to ensure compliance with this policy. A monthly report will be made to the relevant Director and Portfolio Holder.

This policy will be reviewed annually by the Community Safety, CCTV and Parking Manager as appointed by the Director of Environment and Corporate Assets.

7. Training and Development

Appropriate resources will be made available for training officers to enable them to successfully carry out their duties within this policy.

8. Equality impact assessment

This Policy falls within the Overarching Enforcement Strategy Equality Impact Assessment