

Report to: Cabinet
Date: 29 May 2008
Subject: Parking Penalty Charge Notice Cancellation Policy
Report of: Director of Environmental Services
Contact officer: Kevin Hargreaves 01942 404311

Purpose / summary: To seek Cabinet approval to adopt a Cancellation Policy for parking Penalty Charge Notices.

Alternative options considered and reason for selecting the one recommended: Not Applicable.

Recommendation / decision: That Cabinet:

- Note the content of the report.
- Adopt the Cancellation Guidance which can be viewed in the Members Room.

Key Decision: This report does not involve a key decision.

Risks / Implications:

Financial:	Within existing Traffic Management Revenue budget.
Staffing:	Within existing resources.
Policy:	Local Transport Plan.
Equal Opportunities - Has a Diversity Impact Assessment been conducted?	No.
Wards affected:	All.

Property Implications – Does the proposal involve a reduction, addition or change to the Council’s asset base or its occupation?

No

If yes, have the property implications been agreed with the Corporate Property Officer?

Does this proposal have significant implications for the Council and the local population?

A diversity impact assessment is not necessary at this stage, however, equality and diversity implications have been considered when producing this report.

Does this proposal involve a new policy or procedure or significant changes to an existing policy or procedure?

A diversity impact assessment is not necessary at this stage, however, equality and diversity implications have been considered when producing this report.

Has the Director of Legal and Property Services confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? **Yes**

Has the Director of Finance and IT confirmed that any expenditure referred to within this report is consistent with the Council's budget? **Yes**

Are any of the recommendations within this report contrary to the Policy Framework of the Council? **No**

* delete which applicable

For Cabinet reports only :

Categorisation of the report:			
Discussion leading to a decision		Discussion	
Monitoring		Decision	X
Sharing for corporate understanding		Information	

Tracking/Process:

	Consultation	Ward Members	Partners
Panel	Overview & Scrutiny	Cabinet	Council
		29 May 2008	

List of Background Papers in accordance with Section 100D of the Local Government Act 1972:

Document	Date	File Reference	Place of Inspection
Cabinet	17 March 2005	30.1 / 15.1	Civic Buildings
Cabinet	21 February 2008	30.1 / 15.1	Civic Buildings

Proper Officer Martin Kimber

Date 8 May 2008

1.0 Introduction:

- 1.1 Parking enforcement operations contribute to the objectives of the current Local Transport Plan by providing on-street and off-street enforcement of restricted areas. This assists in improving traffic conditions, reducing the risk of accidents, encourage the use of public transport, reduce congestion and generally preserve and improve the infrastructure and environment.
- 1.2 The council will ensure that their processes for handling challenges, representations and appeals are efficient, effective and impartial; responding to motorists promptly and professionally. Motorists are offered flexible and efficient ways to contact the council, including e-mail, telephone and the internet.
- 1.3 The council wishes to ensure that Civil Parking Enforcement (CPE) is seen as a single, consistent operation across the Borough. As such, the council's policy is to issue Penalty Charge Notices (PCN's) whenever a valid contravention is observed by a Civil Enforcement Officer.

2.0 Challenges, Representations and Appeals

- 2.1 It is in the interests of the council and the motorist to resolve any dispute at the earliest possible stage. Informal challenges, or formal representations will always be given fresh and impartial consideration. Elected members and unauthorised staff do not, under any circumstances, play a part in deciding the outcome of individual challenges or representations.
- 2.2 It is likely that the council will receive informal challenges immediately following the issue of a PCN. The council will respond to these challenges in writing within 10 days. A challenge that is received within the discount period and subsequently rejected, will be re-offered a further 10 days at discount (50% of the initial charge). If a rejection is received, a motorist can still make a formal representation after a Notice to Owner form has been issued.
- 2.3 The regulations stipulate the specific grounds on which representations can be made and are stated on the Notice to Owner. The council will serve notice of its decision on the person making the representations within 56 days. However, the council aims to decide on representations as quickly as possible.
- 2.4 If the council rejects the representations it will serve a Notice of Rejection. The Notice of Rejection will state that the owner/keeper has two options to either pay or appeal to the Traffic Penalty Tribunal (TPT). The Notice of Rejection will include the forms necessary to make an appeal. If they do not appeal or do not pay the penalty charge within 28 days the penalty charge will increase by 50% and a Charge Certificate will be issued.
- 2.5 Wigan Council will consider extending the discounted period if compelling or mitigating circumstances are provided as to why the penalty charge could not be paid within the discount period.
- 2.6 If the council rejects a formal representation, the person who made the representation has the right to appeal to TPT within 28 days. An adjudicator has the discretion to consider an appeal made after 28 days in appropriate circumstances.

2.7 If an adjudicator allows the appeal, they may direct the council to cancel the PCN and refund any sum already paid in respect of the penalty charge. The authority will comply with this direction without delay. The adjudicator's decision is final and binding on both parties.

3.0 PCN Cancellation Policy

3.1 A copy of the proposed Cancellation Policy is available for viewing in the Members Room. It details the instances where a cancellation of a PCN will be considered. The document also informs of contravention codes and descriptions currently enforced by Wigan Council. The table also includes the relevant level of charge for each contravention. For each contravention there is information of the restriction and cancellation policy.

3.2 The policy will be made available to the general public on the council's website and in hard copy format.

4.0 Recommendations:

4.1 It is recommended that Cabinet:

- Notes the content of the report;
- Adopt the Cancellation Guidance which is available for viewing in the Members Room.

Martin Kimber
Director of Environmental Services

D/KH/DL/1.0
8 May 2008