

Report to the Cabinet

Report reference: C-039-2022/23

Date of meeting: 13 March 2023

Portfolio: Internal Resources Portfolio (Councillor S Kane)

Subject: Off-Street Civil Parking Enforcement Policy

Responsible Officer: James Warwick (01992 564350).

Democratic Services: Adrian Hendry (01992 564246).



**Epping Forest
District Council**

Recommendations/Decisions Required:

To adopt the updated Off-street Civil Parking Enforcement Policy and the processing of Penalty Charge Notices for Epping Forest District Council.

Executive Summary:

The current Civil Parking Enforcement policy was adopted by Cabinet in 2016 and last updated in 2016. The Civil Parking Enforcement policy is an overarching policy outlining the broad legal framework and approach to parking enforcement in EFDC off-street car parks across the district, to ensure the way enforcement is applied is fair, transparent, and consistent.

Civil Parking Enforcement is subject to strict legislative and statutory guidance and requires processes to be put in place to enable transparency and accountability. For the Council to enforce against motorists for contraventions under the Traffic Management Act 2004 and statutory guidance, it is necessary to have a Civil Parking Enforcement Policy which sets the regulatory framework and how Penalty Charge Notices are processed. The Civil Parking Enforcement policy does not replace or replicate national guidance but rather provides transparency to motorists and those enforcing the guidance.

The updated policy will be made available on the Council's website under the district-wide policies, plans and strategies page. This is to provide transparency to the public on the Council's processes for Civil Parking Enforcement and processing of Penalty Charge Notices, including handling challenges, representations, and appeals.

Reasons for Proposed Decision

For good governance and to ensure that the Council's Civil Parking Enforcement processes are up to date and promote the updated policy openly, as advised by the Department for Transport (statutory guidance for local authorities in England on civil enforcement of parking contraventions).

Other Options for Action

The do-nothing option would result in no change to the existing policy. Regular policy reviews is important to keep the organisation up to date with industry best practices and therefore the do-nothing option is not recommended.

Report

1. The updated policy does not introduce any new approach to Civil Parking Enforcement in EFDC off-street car parks across the district. Summary of changes to the updated policy is outlined below.
2. Summary of Changes:
 - Information on parking in Electric Vehicle (EV) bays and how challenges/representations regarding EV bays are assessed have been added.
 - The updated Policy adopts the same terminology as the Traffic Management Act 2004 to ensure that the policy remains relevant and up to date.
 - References to on-street parking have been removed as this does not fall within the Council's jurisdiction. It is clarified that on-street parking enforcement in the district is the responsibility of the North Essex Parking Partnership (NEPP).
 - Updated policy follows a new template and is split into four sections (Civil Parking Enforcement, Civil Enforcement Officers, Processing of Penalty Charge Notices and Enforcement of Penalty Charge Notices) for a simpler document structure.
 - An administration fee has been added to suspension requests in addition to standard suspension charges per bay. This fee is to cover officer time and resources required to arrange suspensions and will generate additional income to the Council.
 - Updated policy includes that periodic tariff reviews are to be conducted every three to five years, to demonstrate best practice car parking management.
 - Updates to legislation and statutory guidance, contravention codes, clarifying processes and wording generally.
3. The updated off-street Civil Parking Enforcement Policy was presented at Stronger Place on 16 January 2023 and was agreed to be adopted by the Select Committee.

Resource Implications: Resourced within existing service area budget.

Legal and Governance Implications: The policy complies with the relevant legislation.

Safer, Cleaner and Greener Implications: None.

Consultation Undertaken: Stronger Place – Select Committee – 16th January 2023.

Background Papers: Off-street Civil Parking Enforcement Policy.

Risk Management: The parking risk register includes an item to review the CPE policy periodically to ensure the policy remains up to date as having outdated policies may put the Council at risk if the policy is not compliant with changes in laws and regulations.

Equality Impact Assessment: See Appendix 1.