



AGENDA ITEM: 5(o)

CABINET: 17 September 2013

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

Relevant Portfolio Holder: Councillor M Forshaw

**Contact for further information: Mr C Brady (Extn. 5125)
(E-mail colin.brady@westlancs.gov.uk)**

SUBJECT: PARKING ENFORCEMENT

Wards affected: Borough Wide

1.0 PURPOSE OF THE REPORT

1.1 To advise Members on the revised arrangements for parking enforcement adjudication.

2.0 RECOMMENDATIONS

2.1 That Cheshire East be nominated as the replacement for Manchester City Council as lead authority in relation to the Parking and Traffic Regulation Outside London (PATROL) adjudication body.

2.2 That the Assistant Director Community Services be authorised to administer the decriminalised parking arrangements and agree amendments to PATROL arrangements as appropriate.

2.3 That call in is not appropriate for this item in view of the immediate deadline for a response.

3.0 BACKGROUND

3.1 West Lancashire Borough Council operates parking enforcement on its Pay and Display car parks in Ormskirk.

- 3.2 Drivers using the car parks must adhere to the regulations set out in the Traffic Regulation Order (TRO) otherwise a Penalty Charge Notice (PCN) may be issued for which a fine is payable.
- 3.3 PCNs are issued in accordance with the Traffic Management Act 2004 (TMA 2004). As part of the Act drivers are able to make representations against the issue of PCNs.
- 3.4 If a representation is received and not accepted, the vehicle owner/driver is able to appeal to an independent Adjudicator, whose decision is binding on both the vehicle owner/driver and the Council.
- 3.5 The Parking and Traffic Regulation Outside London (PATROL) body provides the appeals and adjudication service for all participating Councils and the current arrangements were put in place following a decision of Cabinet on 16 March 2004.
- 3.6 The Adjudicator is hosted by a “lead authority” which provides facilities and accommodation for the Adjudicator, but without being involved in the Appeals process.
- 3.7 The lead authority is currently Manchester City Council, who have recently given notice to terminate their role as lead authority for the service. Cheshire East Council has offered to undertake the role of lead authority, with no other Council coming forward for consideration.

4.0 ISSUES

- 4.1 As part of the change, the agreement under which the lead authority provides services is being updated to reflect changes in legislation and a greater indemnity protection in respect of its role.
- 4.2 As part of TMA 2004 there must be an independent appeals procedure, which is provided by PATROL.
- 4.3 Without the independent appeals process the Council would need to operate its car parks as a private company, issuing fixed penalty notices.
- 4.4 PATROL has requested confirmation from participating Councils of their approval to the proposed change to the lead authority by 30 September 2013.

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 5.1 Efficient off-street parking enforcement enables the Council to maintain direct control of parking on its pay and display car parks, thereby ensuring that car parking is well managed to the benefit of both the community and businesses alike.

6.0 PROPOSALS

- 6.1 In order to retain existing enforcement arrangements on its car parks, this Council agrees to the proposal for the replacement lead authority in relation to the parking adjudication service (PATROL) to be Cheshire East Council.
- 6.2 Minor amendments to the PATROL arrangements may be required from time to time in the future and the Assistant Director Community Services be given delegated authority to deal with these as appropriate.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 There are no significant financial or resource implications arising from the contents of this report.

8.0 RISK ASSESSMENT

- 8.1 This report is designed to ensure that the Council can continue with its existing enforcement arrangements on its car parks. If the recommendations are not agreed then it would mean that the Council would have to operate its car parks as a private company.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

None