

Maidstone Borough Council

Regeneration and Sustainable Communities Overview and Scrutiny Committee

Tuesday 12 February 2008

Parking Regulations and Enforcement– Interview with the Assistant Director of Regulatory and Environmental Services, Steve Goulette and Parking Services Manager, Jeff Kitson.

Report of: Overview and Scrutiny Officer

1. Background

- 1.1 At its meeting on 15 January 2008, the Regeneration and Sustainable Communities Overview and Scrutiny discussed a potential review into parking enforcement following an article in *The Guardian* depicting Maidstone as one of the easiest places in the country in which to get a parking ticket overturned. Members agreed that it was important to look into this to establish whether there were problems with the issuing of tickets or the contesting of appeals.
- 1.2 The Chairman highlighted that new parking regulations were coming into force on 31 March 2008 and Members agreed that they should also be briefed on these.

2. Parking Enforcement

- 2.1 Consumer rights magazine *Which?* commented that it was worth persevering if an initial challenge against a parking fine was rejected, as most Councils did not contest repeated challenges against penalties.
- 2.2 *The Guardian* further commented that;

"Away from the capital, Harlow and Braintree in Essex, Maidstone in Kent, St Albans in Hertfordshire, and Slough are among the locations where drivers won 80%-plus of appeals"¹.
- 2.3 Figures for 2006-2007 rank Maidstone 11th of Local Authorities outside London to overturn a parking ticket following an appeal². The Telegraph reported that 80% of the parking tickets in Maidstone which were appealed were overturned with 32% of these not being contested by the Local Authority.

¹ <http://www.guardian.co.uk/money/2008/jan/05/motoring.consumeraffairs1>

²

<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2007/12/19/nappeals119.xml>

3. Parking Regulations

- 3.1 Civil Parking Enforcement Regulations come into effect on 31st March 2008. The new regulations form Part 6 of the Traffic Management Act 2004.
- 3.2 The new regulations aims are to make parking fairer and transparent and provide motorists with consistency in service across the Country.
- 3.3 The major changes entail:
- i) Parking Attendants becoming known as Civil Enforcement Officers.
 - ii) Two levels of Penalty Charges depending on the severity of the contravention.
 - iii) Penalty Charge Notices no longer needing to be placed on vehicles or handed to the driver in order for it to be properly served and can instead be posted to the registered keeper.
 - iv) Penalties can be issued for parking alongside 'dropped kerbs' or for 'double' parking –being half a metre out from the kerb.
 - v) Annual Reports on Parking Enforcement are required to be produced by Local Authorities in order to perpetuate transparency.
- 3.4 The two levels of Penalty Charges in Kent include a higher tariff of £70 for more serious contraventions, and the lower tariff of £50 for less serious contraventions. Both fines are halved if paid within 14 days. However, the 50% discount period will be extended to 28 days if an informal representation is unsuccessful.
- 3.5 Local Authorities will be required to update their documentation to reflect the change of name for Parking Attendants to Civil Enforcement Officers and make reference to the new legislation where necessary.

4. Recommendation

- 4.1 Members are recommended to consider the comments of the Parking Services Manager and ask questions with regard to Parking Enforcement and the new Regulations as they feel appropriate.
- 4.2 It is particularly recommended that Members consider any recommendations that they would wish to make with regard to the implementation of the new Parking Regulations.