

HCW/15/45
Teignbridge Highways and Traffic Orders Committee
10 July 2015
West Devon Highways and Traffic Orders Committee
14 July 2015

Parking in Chagford and Moretonhampstead Response to Petition

Report of Head of Highways, Capital Development and Waste

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that the contents of the report detailing the petition and approach to enforcement are noted.

1. Background

A petition was received in March 2015 titled "Traffic wardens in Chagford and Moretonhampstead". The petition stated, "*I wish to object strongly to the inflexibility of traffic wardens who are harassing the motorists with their intolerance. Their overzealous tactics are driving visitors from our once friendly town. There is no need for such rigidity to be applied in small moor towns. A few inches over a white line in the middle of Dartmoor, or an extra 5 minutes does not deserve a fine*".

A commitment was made to report in line with central government guidance as set out in the document titled '*Right to challenge parking policies*'. Subsequent advice from Democratic Services has been that this is outside the scope of the guidance; the intention being that public could challenge restrictions, not the manner in which they are enforced. Nonetheless, in order to honour our previous commitment to address the concerns raised, this report has been prepared for information only.

2. Results of Investigation

From May 2008, parking enforcement duties were passed from Traffic Wardens employed by the Police, to Civil Enforcement Officers enforcing on behalf of the County Council. Initially these officers were employed by the District Councils undertaking duties under Agency Agreement to the County. In April 2014, the parking service was bought back in-house with staff transferring to the County Council to undertake on-street enforcement as part of a single county-wide service.

Deployment of the service in Devon is planned and prioritised using the available resource. It is managed at base level by Operation Team Leaders informed by local knowledge and feedback from their team and the public.

Priority deployment will generally be aimed at larger urban communities with a high demand for parking management. Key communities within Devon, such as Exeter, Barnstaple and Newton Abbot can expect an "all day, every day" presence. For other town communities there will not necessarily be a daily attendance but will be planned without a predictable pattern.

The communities of Chagford and Moretonhampstead currently sit within our second category of deployment. Activity within communities is reviewed regularly enabling frequency and time of attendance to be adjusted where necessary, for example additional coverage during summer months or where there are special events.

It is felt that a balanced, good quality service is provided to these communities recognising the need to ensure safe clear passage for vehicles, and turnover of limited waiting parking bays to support local business; attending to waiting restrictions and limited waiting respectively.

The approach of the Civil Enforcement Officers is consistent county wide and all staff work to the same Standard Operating Procedures, based on national guidance.

With regards specific comments in the petition relating to enforcement practice, "*A few inches over a white line in the middle of Dartmoor, or an extra 5 minutes does not deserve a fine*". This is not our approach, specifically:

- With reference to a vehicle being out of bay/parking on a waiting restriction our standard operating procedures states that the vehicle should be substantially within the restriction, enforcement being considered "*where the yellow line(s) are clearly visible on the ground between front and rear wheels for a minimum length of 600mm (2 feet)*".
- With reference to a vehicle overstaying (for example within limited waiting, or Pay & Display), we have adopted national guidance in relation to grace periods. These are set out in the Department for Transport, Traffic Management Act 2004, The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions - which can be found at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/421131/final-statutory-guidance.pdf
 - o "8.11 Parking policy should be designed to enable people to access the community and carry on their business as easily as possible. Whilst it is important to undertake enforcement, to prevent abuse of parking facilities to the detriment of the majority, enforcement should be sensitive, fair and proportionate. This would not be the case if a driver received a penalty for returning to their vehicle only moments after the expiry of a period of permitted parking. Therefore, from 6 April 2015, the law requires that a penalty charge **must** not be issued to a vehicle which has stayed parked in a parking place on a road or in a local authority car park beyond the permitted parking period for a period of time not exceeding 10 minutes. The grace period applies to on-street and off-street parking places provided under traffic orders, whether the period of parking is paid for or free. Any penalty charge issued before expiry of the 10-minute grace period would be illegal, unless the vehicle itself is parked unlawfully (e.g. where the motorist has not paid any required parking fee or displayed a parking ticket where required)."

A Penalty Charge Notice can only be issued where a vehicle is parked in contravention, if a driver feeling that they were not parking in contravention, or have mitigation that should be considered, they should utilise the appeals process as described on the rear of the Penalty Charge Notice.

The above concludes our consideration of the petition presented; it is considered that the service provided is balanced, fair, proportionate, and consistent across the County.

David Whitton
Head of Highways, Capital Development and Waste

Electoral Divisions: Bovey Tracey Rural and Hatherleigh & Chagford

Local Government Act 1972 - List of Background Papers

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Background Paper	Date	File Ref.
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None

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