

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Leader and Executive Member for Hampshire 2050 and Corporate Services
Date:	9 March 2023
Title:	Countywide Moving Traffic Enforcement Policy
Report From:	Director of Hampshire 2050

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Purpose of this Report

1. The purpose of this report is to seek approval for the adoption of the Moving Traffic Enforcement Policy which provides the policy framework and guiding principles for enforcing moving traffic offences.

Recommendations

2. That the Leader and Executive Member for Hampshire 2050 and Corporate Services approves the Moving Traffic Enforcement Policy attached to the report in Appendix A and its adoption.
3. That the Leader and Executive Member for Hampshire 2050 and Corporate Services delegates authority to the Director of Hampshire 2050 to make any updates and minor amendments as considered appropriate to the Moving Traffic Enforcement Policy in consultation with the Leader and Executive Member for Hampshire 2050 and Corporate Services.

Executive Summary

4. This paper seeks approval and adoption of the Moving Traffic Enforcement Policy document which provides the policy framework and guiding principles for enforcing moving traffic offences. This will be read in conjunction with a Code of Practice and guidelines on enforcement. An existing Code of Practice on Bus Priority and Traffic Enforcement Cameras was approved at the former Executive Lead Member for Economy, Transport and Environment Decision Day on 28 October 2021 (which, under existing delegated authority, will be updated to reflect the new moving traffic enforcement powers). Guidance notes on enforcement and cancellation of Penalty Charge Notices are included in an annex to the policy.
5. The policy and supporting documents will ensure there is a clear and consistent policy position and approach to the enforcement of moving traffic restrictions once all other reasonable steps have been taken to improve compliance.

Contextual Information

6. Approval was given at the Executive Lead Member for Economy, Transport, and Environment Decision Day on 27 January 2022 to the principle of the County Council undertaking civil enforcement of moving traffic restrictions and, after a successful application to the Secretary of State, these powers were granted to Hampshire County Council as part of The Civil Enforcement of Moving Traffic Contraventions Designations and Miscellaneous Amendments Order 2022 on 14 July 2022.
7. The Moving Traffic Enforcement Policy is written in accordance with the Department for Transport's most recent Statutory Guidance (The Traffic Management Act 2004: Statutory Guidance for Local Authorities outside of London on Civil Enforcement of Bus Lanes and Moving Traffic Contraventions).
8. The Moving Traffic Enforcement Policy sets out the context for moving traffic enforcement, the outcomes expected and how moving traffic enforcement will be implemented, delivered, and operated. The governing principles for moving traffic enforcement are:

Principle 1 Improving Road Safety

Enforcement of moving traffic restrictions at locations where there have been a history of collisions resulting in road users being injured or where there is risk to pedestrians within bus priority measures

Principle 2 Managing the transport network to ensure the expeditious movement of traffic

Enforcement of moving traffic restrictions at locations where congestion of the network regularly occurs or where contraventions within bus priority measures hinders the efficient movement of buses.

Principle 3 Improving the quality and accessibility of public transport

Enforcement of bus priority measures to assist with the safe and efficient movement of buses, raising the profile and attractiveness of public transport.

Principle 4 Improving the local environment and assisting with carbon reduction

Enforcement of restrictions aimed at easing congestion and reducing delays to emergency services.

Enforcement of restrictions that help improve air and noise quality and encourage more cycling and walking.

9. The County Council aims to use the new powers to address highway contraventions where those contraventions are known to either compromise highway safety, cause active travel users to feel uncomfortable using highway infrastructure, cause congestion of the network or result in delays to buses. This

will assist the County Council in fulfilling its Network Management Duty and its commitment to improve road safety, encourage modal shift and traffic reduction, reduce traffic congestion and improve air and noise quality.

10. The policy is essentially an enabling measure and all future schemes for enforcement, including necessary Orders, will be subject to individual assessment including business cases and financial implications. Where appropriate, some of these will be subject to future formal Executive Member decisions, particularly where there are significant financial implications or where there are major local sensitivities.
11. Delegated authority is sought to allow the Director of Hampshire 2050 to make minor changes to the policy in the future, this would allow the policy to be kept updated in response to any minor changes in legislation or national guidance. All revisions would be made in consultation with the Executive Member and a decision for anything of significance would be sought through the normal decision making process.
12. There are over 1,000 moving traffic restrictions and 42 bus priority measures of several types in force across the county that can be enforced under the new regulations. These include bus lanes, banned turns, yellow box markings, one-way streets, access restrictions such as prohibition of driving and bus gates, mandatory cycle lanes and School Keep Clear markings.
13. As part of its Traffic Management Duty, the County Council will regularly appraise accident records and arrange traffic surveys to identify where moving traffic offences are occurring. Where contraventions are identified, all reasonable steps will be taken to improve compliance by ensuring the restriction is clear and visible to road users. This will include the review and enhancement of traffic signs, and road markings and site lines are kept clear through regularly maintained vegetation. Camera enforcement schemes will only be taken forward where road users continue to fail to comply with the restrictions, despite these enhancements.
14. An initial ten locations, where current highway restrictions are subject to regular contraventions, are proposed in the first tranche of enforcement schemes. The sites have been identified on the basis of road safety records or where congestion of the network is known to occur or where traffic surveys identify regular contraventions that can hinder the safe and efficient movement of buses.
15. Further enforcement schemes may need to follow this initial tranche where an established case or policy need has been identified, and once all other reasonable steps have been taken to improve compliance.
16. Before any enforcement sites are commissioned, the County Council will arrange a 6-week on-line public consultation accessible from the County Councils website. The consultation will provide details on why the site requires enforcement and will provide the opportunity for comments and suggestions. The consultation will be publicised through Corporate Communications press and media channels.

17. Enforcement will be carried out using specialist approved traffic enforcement cameras that utilise ANPR technology. The County Council will manage the detailed design, procurement, supply, installation, and commissioning of ANPR enforcement cameras, associated signage and road markings.
18. To promote compliance by helping road users understand the seriousness of moving traffic contraventions, for a period of six months following implementation of the enforcement scheme, warning notices for first-time moving traffic contraventions will normally be issued instead of fines. This is a requirement of the Department for Transport's moving Traffic Enforcement Statutory Guidance document. The warning notice will set out the six-month period and advise that any further moving traffic contravention at the same camera location would result in the issue of a Penalty Charge Notice (PCN).
19. All enforcement measures will be kept under review on a regular basis. It is anticipated that compliance within moving traffic restrictions will improve over time.
20. To complement the Moving Traffic Enforcement Policy, a Code of Practice and guidance notes for the operation of bus lane and moving traffic enforcement set out the rules by which the system will be operated. This will ensure privacy, fairness and integrity issues are managed in accordance with legislation.

Finance

21. It is intended that enforcement of moving traffic restrictions will be cost neutral over time, with the full annual costs of operating and maintaining individual enforcement locations met from Penalty Charge Notices (PCNs). An early years revenue budget is likely to be required to meet any initial in-year deficit, for start-up and initial operating costs as sites are introduced countywide pending receipt of income from fines. Any investment and cashflow revenue funding will be subject to business case approval and in accordance with current standing financial orders and authorisations.
22. The requirement to issue warning notices, rather than PCNs, to first-time contraventions at each site during the first 6 months of enforcement will mean that the County Council will receive very little scheme revenue during this period. Budget provision will therefore need to be made to cover the back-office processing and administrative costs associated with the issuing of warning notices and will be funded through the Parking Services contract with the service provider NSL.
23. Fines for moving traffic violations have been set by the Government at £70 within the new regulations with a reduction to £35 if paid within 21 days. The rates are defined by Government and may change in future in line with national changes.
24. As with income from civil on-street parking and bus lane enforcement, any surplus revenue generated through fines from moving traffic enforcement, should it arise, must be spent in accordance with Section 55 of the Road Traffic Regulation Act 1984. In accordance with previous cabinet and council reports relating to the SP23 opportunity to offset costs for highways and transport delivery, once associated operational and set up costs have been covered, any surplus revenue should be prioritised towards other enforcement or traffic

management schemes, measures to improve public transport, active travel measures, or other associated highway improvement measures, including asset improvement, adaption and maintenance.

25. All future schemes introduced under the policy will be subject to their own financial assessment as part of the decision making process.

Consultation and Equalities

26. An engagement exercise was undertaken before the County Council's application for moving traffic enforcement powers. The engagement was open from 14 February 2022 and closed on 27 March 2022, it was an open engagement, so respondents were self-selecting.
27. Engagement was communicated through a range of channels including social media, direct communication to stakeholders and a press release to local media. Residents directly surrounding the proposed enforcement locations also had a letter hand delivered to their property.
28. A total of 432 responses were received with the majority of those who responded being in favour of Civil Enforcement.
29. A six-week public consultation will also be required for all future proposed Moving Traffic Enforcement sites.
30. Enforcement of the existing highway traffic restrictions will not affect the fundamental provision of the services and will have a positive impact on groups with protected characteristics. There would generally be benefits to the local community and, potentially, benefits for road safety from greater compliance. Enforcement of some Orders would, for example, potentially improve the experience of people using public transport, which would have a beneficial impact for a number of people with protected characteristics, who more commonly use buses and trains than the general population.
31. The equalities impact of individual schemes covered by the policy would be subject to EqIAs when they come forward in future, where the impacts could be more specifically assessed.

Climate Change Impact Assessments

32. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.
33. The policy will have a beneficial impact in terms of carbon reduction where it is able to support reductions in congestion or traffic, although the impact will be relatively small compared to the impact of other measures to reduce traffic and travel demand.

Climate Change Adaptation

34. A Climate Change Impact assessment will be carried out for each individual moving traffic scheme as it is developed.
35. Cameras installed on the highway network will be vulnerable to the extremes. The tool highlighted the greatest vulnerability to be via extreme storms which may affect cameras installed on site and network connections (via mobile signals) to central offices.
36. The project will ensure:
 - a requirement for the cameras to be Vehicle Certification Agency approved; and
 - sites will be assessed for storm, floodwater or coastal vulnerability concerns.

Carbon Mitigation

37. A full Carbon Mitigation impact assessment will be carried out for each moving traffic enforcement scheme. By reducing congestion and delays caused by the contravention of traffic restrictions, the proposal to enforce such restrictions will have a positive impact on carbon reduction. Congestion or collisions caused by inconsiderate or unsafe driving results in increased vehicle emissions.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Other Significant Links

Links to previous Member decisions:	
<u>Title</u> Moving Traffic Enforcement Powers Moving Traffic Enforcement Powers-2022-01-27-ELMETE Decision Day (hants.gov.uk) Bus Priority Enforcement Policy Bus Priority Enforcement Policy and Practice - Appendix 1-2021-10-28-ELMETE Decision Day (hants.gov.uk)	<u>Date</u> 27 January 2022 28 October 2021
Direct links to specific legislation or Government Directives	
<u>Title</u> The Civil Enforcement of Moving Traffic Contraventions Designations and Miscellaneous Amendments Order 2022 (legislation.gov.uk)	<u>Date</u> 14 th July 2022

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1 Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

2 Equalities Impact Assessment:

Enforcement of the existing highway traffic restrictions will not affect the fundamental provision of the services and will have a positive impact on groups with protected characteristics. There would generally be benefits to the local community and, potentially, benefits for road safety from greater compliance. Enforcement of some Orders would, for example, potentially improve the experience of people using public transport, which would have a beneficial impact for a number of people with protected characteristics, who more commonly use buses and trains than the general population.

The equalities impact of individual schemes covered by the policy would be subject to EqlAs when they come forward in future, where the impacts could be more specifically assessed.

Appendix A – Draft Moving Traffic Offences Policy (January 2023)

**MOVING TRAFFIC ENFORCEMENT
POLICY**

January 2023

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Introduction to Moving Traffic Enforcement Policy

This policy document sets out how the County Council will manage the civil enforcement of moving traffic restrictions and is written in accordance with Statutory Guidance issued by the Secretary of State for Transport under Section 87 of the Traffic Management Act (TMA) 2004. The TMA sets out the policy framework for bus lane and moving traffic enforcement, including how to approach carry out and review enforcement.

This Moving Traffic Enforcement Policy is one of a series of policy documents pertaining to civil enforcement and should be read in conjunction with:

- Code of Practice for the Operation of Bus Lane and Moving Traffic Restrictions, which sets out the objectives and the rules by which the system will be operated. This will ensure privacy, fairness and integrity issues are managed in accordance with relevant guidance and legislation.
- Bus Priority Enforcement Policy which sets out the guidelines and principles for enforcement at bus lanes, bus gates and other bus related highway restrictions (collectively called Bus Priority Measures)

This document will be reviewed on a regular basis to ensure that it continues to meet ongoing needs and is up to date in respect of legislation, regulations and guidance. Any changes to the policy shall be approved by the Executive Member for Hampshire 2050, or where minor in nature by the Director for 2050 in consultation with the Executive Member.

Background and Policy Objectives

There are over 1,000 moving traffic restrictions and 42 bus priority measures of several types in force across the County. These include banned turns, yellow box markings, one-way streets, access restrictions such as prohibition of driving and bus gates, mandatory cycle lanes, School Keep Clear markings and bus lanes. Contraventions within such measures can either compromise highway safety, cause congestion of the road network or impact on the safe and efficient movement of buses.

Managing the highway network is an integral part of the County Council's Network Management Duty under the Traffic Management Act 2004. This includes maintenance of highway assets, co-ordination of street works and events,

enforcement and managing traffic and congestion, ensuring the expeditious movement of traffic on the road network.

The County Council is committed to embedding a climate resilient integrated transport network that addresses the key challenges of congestion and environmental pollution in furtherance of a range of important outcomes as set out in national and local policy background.

This will be achieved by ensuring that, where there is a need to do so, existing or future bus priority measures and moving traffic restrictions are enforced, which will help achieve national and local objectives of:

- improving road safety
- improving the quality and accessibility of public transport
- improving the local environment, especially carbon reduction
- creating more pleasant places to live and work
- managing the traffic network to ensure efficient movement of traffic and tackling congestion

Legal Context

Hampshire County Council was granted powers by the Secretary of State to enforce moving traffic restrictions as part of the Civil Enforcement of Moving Traffic Contraventions Designations and Miscellaneous Amendments Order 2022 on 14 July 2022. The moving traffic enforcement powers will assist the County Council to meet its network management duty by enabling improved enforcement with consequential benefits to road safety, congestion, quality of place and air quality.

Prior to the County Council securing the new powers, the police were the only authority with the jurisdiction to enforce moving traffic restrictions (other than bus lanes and bus gates). Whilst the changes in legislation now enable the County Council to expand its civil enforcement functions, they do not remove the police powers to enforce restrictions as criminal offences. In addition, the police retain sole enforcement for the most severe traffic violations including speeding, traffic signal violations and overtaking on double white lines.

All highway restrictions that are considered for civil enforcement would be subject to a legal Traffic Order. Only established traffic restrictions that fall within scope of the new legislation, and are subject to regular contraventions, would be considered for civil enforcement.

Moving Traffic Enforcement Approach

The County Council aims to take a fair but robust approach to moving traffic enforcement. The aim is to encourage compliance to make roads safer, reduce congestion and to assist with the safe and efficient movement of buses.

The County Council will only consider the civil enforcement of traffic restrictions where actions to improve compliance falls within one or more of the following principles:

Principle 1 Improving Road Safety

Enforcement of moving traffic restrictions at locations where there have been a history of collisions resulting in road users being injured or where there is risk to pedestrians within bus priority measures.

Principle 2 Managing the transport network to ensure the expeditious movement of traffic

Enforcement of moving traffic restrictions at locations where congestion of the network regularly occurs or where contraventions within bus priority measures hinders the efficient movement of buses.

Principle 3 Improving the quality and accessibility of public transport

Enforcement of bus priority measures to assist with the safe and efficient movement of buses, raising the profile and attractiveness of public transport.

Principle 4 Improving the local environment and assisting with carbon reduction

Enforcement of restrictions aimed at easing congestion and reducing delays to emergency services.

Enforcement of restrictions that help improve air quality and encourage more cycling and walking.

Before camera enforcement schemes are considered, the County Council will arrange surveys to establish the level of contraventions. Camera enforcement is costly to implement and maintain and is therefore considered to be a last resort, once all other reasonable steps have been taken to improve compliance of the restrictions by other means.

Traffic signs and road markings associated with highway restrictions will be reviewed and enhanced to make sure they are clear and visible. Vegetation will be cut back, and site lines kept clear so that road users can clearly see the restriction in force as they approach it. Camera enforcement schemes will only be taken forward at locations where road users continue to fail to comply with the restrictions, despite these enhancements.

Financial Context

It is intended that enforcement of moving traffic restrictions will be cost neutral over time, with the full annual costs of operating and maintaining individual enforcement locations met from Penalty Charge Notices (PCN).

As with income from civil on-street parking and bus lane enforcement, any surplus revenue generated through fines from moving traffic enforcement, should it arise, must be spent in accordance with Section 55 of the Road Traffic Regulation Act 1984. Any surplus revenue, once all associated operational and set up costs have been covered, should be prioritised towards other enforcement schemes, measures to improve public transport or other associated highway improvements.

The penalty charge for bus priority contraventions will be in accordance with legislation, currently set at £70, reducing to £35 for motorists who pay within 21 days of the date of issue.

Communications and Engagement

Before the implementation of moving traffic enforcement schemes, the County Council will arrange a six week on-line public consultation accessible on the County Council's website and in line with the Council's consultation principles. The consultation will provide details of the site that has been identified as justifying enforcement and provide the opportunity for comments and suggestions. The consultation will be publicised through various press and media channels.

Prior to the commissioning of enforcement, warning signs to advise motorists of when enforcement will begin will be deployed by the County Council.

During the first six months following implementation of moving traffic enforcement in practice, the County Council will issue warning notices for first-time moving traffic contraventions. The warning notice will set out the six-month

period and advise that any further moving traffic contravention at the same camera location would result in the issuing of a PCN.

Code of Practice

The Policy needs to be read in conjunction with the County Council's Code of Practice (Code of Practice for the Operation Moving Traffic Restrictions), which sets out the objectives and the rules by which the system will be operated. This will ensure privacy, fairness and integrity issues are managed in accordance with relevant guidance and legislation.

Delivery and Operation

Enforcement will be carried out using specialist approved traffic enforcement cameras that utilise Automatic Number Plate Recognition (ANPR) technology and installed in accordance with the manufacturer's specifications.

The County Council will manage the detailed design, procurement, supply, installation, and commissioning of ANPR enforcement cameras, associated signage and road markings.

The enforcement operations (back-office processes including reviewing of captured footage and informal appeals) will be undertaken by the County Council's parking service contractor, with this work being overseen by the County Council's internal Parking Services team. Formal appeals related to bus lane fines will be dealt with by the County Council.

Upon commissioning, ANPR enforcement cameras will detect the number plate of all vehicles entering the bus priority measure and compare that plate to a database of authorised vehicles, known as the 'White-List'. Details of any vehicle that is flagged as being unauthorised will be reviewed and if appropriate, a warning notice or PCN will be issued. The County Council's Parking Services team will maintain overall responsibility for the operational aspects of enforcement, processing arrangements and formal appeals.

UK General Data Protection (UK GDPR)

The County Council and its parking service contractor will process personal data in accordance with data protection legislation, including the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act



**Moving Traffic and Bus Gate Enforcement -
Guidance notes for the enforcement and cancellation of Penalty Charge Notices**

October 2022

Version 1.0

Parking Services

Hampshire County Council

Queen Elizabeth Court

The Castle

Winchester SO23 8UD

parking.services@hants.gov.uk

Policies set out in this document are providing guidance only.
Each case will be considered on its own merits, taking into account all of the evidence
and the exceptionality of the circumstances.

1. Introduction

- 1.1 Hampshire County Council as the Highway Authority has now been granted powers under part 6 of the Traffic Management Act 2004 to enforce moving traffic contraventions on the local highway network.
- 1.2 This Guidance:
 - a. Outlines how moving traffic and bus gate restrictions are enforced by Civil Enforcement Officers (CEO's) in the districts of Hampshire, the process involved for the issue of a Penalty Charge Notice (PCN) and defines each restriction.
 - b. Outlines the process involved for staff to handle each appeal against a penalty charge.
 - c. Clarifies the enforcement and decision-making process, whilst ensuring consistency and transparency in parking operations.
- 1.3 Careful regard has been paid to the Statutory Guidance "The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions" (as stipulated by section 87 of the Traffic Management Act 2004) in the formation of this document.

2. Hampshire's Objectives

- 2.1 The Moving Traffic and Bus Gate Policy and Operation Guidance should be read in context with the Hampshire Local Transport Plan (LTP) 2011-31
- 2.2 <http://documents.hants.gov.uk/transport/HampshireLTPPartALongTermStrategy2011-2031RevisedApril2013.pdf>
- 2.3 The Local Transport Plan sets out the wider transport strategy for the County. Successful management of traffic enforcement can have a major impact on the transport network including:
 - a. Improved road safety
 - b. Reduced congestion
 - c. Improved air quality
 - d. Maintaining access to and encouraging use of public transport
- 2.4 This will ensure HCC can manage the highway network to safeguard the expeditious movement of traffic, (including pedestrians and cyclists), as required under the Traffic Management Act 2004 Network Management Duty 4.

Financial Objectives

- 2.5 The County Council's aim is to operate the moving traffic and bus gate enforcement on a full cost recovery basis, but should the authority make a surplus on its on-street parking account, it will be used in accordance with the legislative restrictions in Section 55 (as amended) of the Road Traffic Regulation Act 1984.
- 2.6 The primary purpose of penalty charges is to encourage compliance with traffic restrictions. In pursuit of this, Hampshire will adopt a charge level consistent with a high level of public acceptability and compliance. All charge levels will be published.

3. Reporting

- 3.1 The transparency given by regular and consistent reporting is important to the acceptance of moving traffic and bus gate enforcement and the wider parking service. Monitoring also provides the authority with management information for performance evaluation and helps to identify where improvements are needed. It also provides a framework for performance comparisons between councils.
- 3.2 Each enforcement authority within Hampshire, excluding the unitary authorities of Southampton and Portsmouth, will produce and publish an annual parking report covering both their on-street and off-street services within six months of the end of each financial year. Annual returns are also required by the Government setting out details relating to the issuing and payment of PCN's and by the Traffic Penalty Tribunal on the number of PCN's issued.
- 3.3 The reports will be produced for publication within the public domain and submission to the Government, the report should include, but is not limited to:

Overview:

Basic information including

- Brief description of car parks,
- On street controls,
- Moving traffic controls,
- Bus gate controls,
- Methods of payments,
- Permit arrangements and
- Numbers of spaces by type (Pay and Display, residents, business, disabled etc.)

3.4 Related issues (Blue Badge information, environmental issues), and Enforcement Overview.

3.5 Changes that have taken place in the year, including new Controlled Parking Zones (CPZ's), tariffs, facilities, consultations, innovations and policy changes.

Financial:

- Total income and expenditure on the on-street and off-street parking and moving traffic accounts.
- Breakdown of income by source (i.e., parking charges, permit income and penalty charges).
- Total surplus or deficit on the on-street parking and moving traffic account.
- Action taken with respect to a surplus or deficit on the on-street account and
- Details of how any financial surplus has been or is to be spent, including the benefits that can be expected as a result of such expenditure.

Statistical:

- Number of higher level PCN's issued.
- Number of lower level PCN's issued.
- Number of PCN's paid (include a percentage of total).
- Number of PCN's paid within 14 days (discount rate) (include a percentage of total).
- Number of PCN's against which a challenge or representation has been made (include a percentage of total).
- Number of PCN's cancelled (i.e., where a challenge or representation is successful) (include a percentage of total).
- Number of PCN's written off for other reasons (include a percentage of total).
- Number of vehicles relocated.
- Number of appeals to adjudicators.
- Number of appeals refused and
- Number of appeals non-contested.

4. Training and Professionalism

- 4.1 All staff working with the Parking Service are integral to its success.
- 4.2 As the front-line staff Civil Enforcement Officers (CEO's) will complete the City and Guilds Level 2 Award for Civil Enforcement Officers (Parking) QCF (No. 1889-01) Course, or the equivalent BPA-WAMITAB qualification within 12 months of being employed. Any staff employed on the Parking Services Contract prior to completing the relevant qualifications must have, as a minimum, core on-street training in parking legislation/codes of practice, contravention codes, conflict resolution and Hampshire County Council's policies regarding equality and diversity, customer service and parking policies and have at least two weeks of shadowing a more experienced CEO to ensure beat familiarisation.
- 4.3 Staff involved in PCN processing must possess a City and Guilds Level 3 award for Notice Processing QCF (No. 1916) or the later BPA-WAMITAB or an equivalent qualification. Staff employed in PCN processing should have completed and attained these formal qualifications within 12 months of being employed.
- 4.4 As an organisation Hampshire County Council and its partners will:
- Treat you as an individual and with respect.
 - Listen to what you say.
 - Be polite, fair, helpful and easy to talk to.
 - Keep what you say to us confidential in line with the Data Protection Act.
 - Continually improve our service to you.
 - Consider your views before we make any changes and be honest about what we can't do.
 - In return, we would ask you to:
 - Be polite and considerate to our staff and
 - Give us relevant information when we ask you for it, including any suggestions for improvement.
 - Our Standards
 - Our aim is to answer queries or complaints at first point of contact or, failing that, to transfer or direct you to someone best placed to assist you and keep you informed along the way.
- 4.5 Letters, faxes and email
- Our aim is to provide an answer within 10 working days. For more complex enquires, our aim is to give you an update within 10 working days and an answer within 20 working days.
- 4.6 Phone
- Our aim is to answer the phone within 20 seconds.

5. Contravention Codes and Observation Times for Moving Traffic and Bus Gate Contraventions

5.1 There is a single, nationwide list of contraventions and associated codes although not all contravention codes apply in all council areas.

Code	Observation Period (mins)	Description
31	0	Entering and stopping in a box junction where prohibited
32	0	Failing to proceed in the direction shown by the arrow on a blue sign
33	0	Using a route restricted to certain vehicles
34	0	Being in Bus Lane
37	0	Failing to give way to oncoming vehicles
38	0	Failing to comply with a sign indicating that vehicular traffic must pass to the specified side of the sign
50	0	Performing a prohibited turn
51	0	Failing to comply with a no entry restriction
52	0	Failing to comply with a prohibition on certain types of vehicle
53	0	Failing to comply with a restriction on vehicles entering a pedestrian zone
54	0	Failing to comply with a restriction on vehicles entering and waiting in a pedestrian zone

6. Guidance on General Grounds for Appeal/Mitigating Circumstances

- 6.1 This section includes guidance regarding the general grounds for appeal which may be submitted against a PCN for any moving traffic or bus gate contravention. The guidance will outline how appeals will be considered and the various factors that will be taken into consideration.
- 6.2 The criterion outlined is for guidance only as each case must be considered on its own merits, taking all circumstances into account.
- 6.3 There is no legal obligation to take account of these mitigating circumstances but in order to act fairly and proportionately the following mitigating circumstance may be taken into consideration.

Emergencies

Appeal Scenario	Action	Notes
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Medical Emergency	Cancel	Where documentary evidence is supplied that a genuine medical emergency caused the contravention.
	Uphold	Where no documentary evidence to support the claim that a medical emergency had occurred or where there was a reasonable alternative available to the driver. <i>Or</i> Where other evidence contradicts the appellants claim.
Emergency Vehicles	Cancel	Where documentary evidence is supplied that the vehicle is an emergency services vehicle (where unmarked) responding to or dealing with an emergency. This may be done by way of a letter or email from the service.
	Uphold	Where no documentary evidence to support the claim that the vehicle is an emergency services vehicle responding to an emergency.
Utility Emergency (Gas, Water, Electrical)	Cancel	Where documentary evidence is supplied that the vehicle was essential for the immediate repair of a gas or water leak, or electrical emergency, and that there was no reasonable alternative for the driver. An emergency is deemed as such where it is an unforeseen event, that poses a risk to life or property and must not be a pre-booked appointment , and as soon as the fault is rectified the vehicle should be moved to a legal alternative, even if additional work is still required at the call out.
	Uphold	Where there is no documentary evidence and the call is not deemed to be an emergency, or the vehicle remained in place for longer than required to rectify the emergency.

Other emergencies	Cancel	Where documentary evidence is supplied that an unforeseen event or circumstance arose, causing the contravention. An emergency is deemed as such where it is an unforeseen event that poses a serious risk to life, health or property.
	Uphold	Where there is no documentary evidence provided, or alternative route was available, the event is not deemed to be an emergency.

General Mitigating Circumstances

Appeal Scenario	Action	Notes
The driver does not feel the PCN was fair, or / and offers a compelling reason why the PCN should be cancelled.	Cancel	The council reserves the right in accordance with operational guidance provided by the statutory body to cancel a PCN where it is felt there are sufficient grounds to do so. In such circumstances the public interest, the community impact, impact on the driver and the perception of Civil Parking Enforcement will be taken into account.
	Uphold	After consideration, the grounds are not considered to be compelling to warrant the cancellation of the PCN.
The driver has significant mental health problems	Cancel	Where documentary evidence is provided to support such a claim.

which caused the contravention.		Where a previously diagnosed significant mental health issue, such as Alzheimer's or Dementia, caused the driver to be forgetful or complacent leading to the vehicle contravening the restrictions.
	Uphold	Where there is no documentary evidence. Where the driver has not got significant mental health issues, or has not been previously diagnosed, or the condition did not directly cause the vehicle to contravene the restrictions. For example, stress or depression would not normally be considered to lead to the driver parking incorrectly.
The driver has been recently bereaved.	Cancel	Where the bereavement is very recent and caused or contributed to the contravention. On the first occasion only.
	Uphold	Where the bereavement is not considered very recent.
The driver was not at the location on the day.	Cancel	If the VRM or make of the vehicle on the PCN are not the same as seen in the images recorded against the case. <i>OR</i> The above details seen in the case images are all correct, but the DVLA returns details that do not match these vehicle details. <i>OR</i> The motorist is claiming their vehicle is cloned and can supply evidence to support this.
The driver was not the registered keeper of the vehicle at the time.	Cancel	If the motorist can supply evidence to support their claim. Re-issue Notice to Owner to new registered keeper.

The registered keeper was not the driver.	Uphold	The registered keeper/owner of the vehicle is responsible for a PCN even if they were not driving at the time of contravention.
Already paid the PCN.	Cancel	If a payment has been logged against the case and the payment clears the remaining balance on the case. <i>OR</i> A payment has not been logged against the case, but the motorist can provide evidence to support their claim that they had already paid for the PCN.
	Uphold	Only a partial payment has been made <i>OR</i> A payment has been made at the discounted rate after the expiry of the discount period.
Motorist wishes to be granted more time to pay the PCN or would like a payment instalment.	Uphold	Penalty charge notices must be paid in full within the timeframe. In some circumstances the discounted amount may be re-instated as a Council goodwill.

Road Markings, signs, or the Issue of the PCN

Appeal Scenario	Action	Notes
Other vehicles were also committing a contravention in this area and did not receive a PCN.	Uphold	The rules are applied to everyone
The driver did not understand the signs or road markings	Uphold	All drivers are expected to understand what each road sign or marking means. Further details on this can be found in the Highway code.
	Cancel	If restriction or tariff boards are incorrect or missing.

The PCN was issued incorrectly; or the correct procedure has not been followed.	Cancel	Where a claim that the correct procedure in the issue of the PCN was not followed is proved, and the not following of that procedure would be a procedural impropriety.
	Uphold	Where a claim that the correct procedure in the issue of the PCN was not followed is not proved, or it would not be a procedural impropriety.
The signs or road markings were worn/missing/incorrect and could not be understood by the driver.	Cancel	<p>Camera footage taken at the time will be checked, and a further site visit of the location will be carried out if necessary.</p> <p>Where the road markings or signage is considered to not inform or confuse the motorist of the restriction.</p>
	Uphold	<p>Camera footage taken at the time will be checked, and a further site visit of the location will be carried out if necessary.</p> <p>The road markings or signs are not required to be in perfect condition at all times, and there is no expectation the council will re paint them at regular intervals, or on every occasion that there are road works. The road markings and signage should be of sufficient quality for the driver to understand that a restriction applies and what that restriction is.</p> <p>Where the road markings or signage is considered to be clearly understandable to a motorist and to conform the legal requirements.</p>
Where the signs or roads markings were covered by leaves, snow, foliage or flooding.	Cancel	Where it can be established that the conditions presented at the time of contravention did not inform the driver of the restrictions.
	Uphold	Where it can be established that the conditions presented at the time of contravention did inform the driver of the restrictions.

		<p>The camera footage will be examined.</p> <p>Where a reasonable alternative indication to the restriction is present for the driver.</p>
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Vehicles carrying out a specific task

Appeal Scenario	Action	Notes
The vehicle is a taxi or bus.	Uphold	There is no general exemption for a bus, private hire or Hackney carriage taxi.
The vehicle was being used in the construction/ demolition of a building.	Cancel	Where the vehicle is actively engaged in the construction or demolition of a building at the time the PCN is issued, and the TRO allows for that type of works.
	Uphold	Where the vehicle is not actively engaged in the building works at the time the PCN is issued.
The vehicle was part of a wedding or funeral cortege.	Cancel	Only where the vehicle is directly part of the cortege for the ceremony.
The vehicle was being used for cash in transit, or to drop or collect large sums of money from a property.	Cancel	Where documentary evidence is supplied that the vehicle is a high security vehicle (bullion), actively engaged in the collection or dropping off of cash amounts to a commercial premises.
	Uphold	<p>Where there is no documentary evidence provided, or the driver was deemed not to be engaged in the collection/delivery when the PCN was issued.</p> <p>Also, where the vehicle is not a high security (bullion) vehicle.</p>

7. PCN Issue and appeal guidelines for specific contravention codes/Statutory Appeals

- 7.1 This section includes guidance on general grounds for appeal against a specified contravention and how it may be established whether a statutory ground for appeal has been satisfied.
- 7.2 Listed in this section are appeals that may be submitted against a PCN for a specific contravention (This is where an appeal scenario may be valid against one contravention but not all) and corresponding guidance on how that appeal may be assessed and to the acceptance or rejection of that appeal scenario.
- 7.3 In all cases, notes and photographs will be taken by the CEO and the appeals team will review these to check for any conflicts of information. The criteria are for guidance only as each case must be considered on its own merits, taking into account all circumstances.
- 7.4 A list of moving traffic and bus gate contraventions can be found under section 5.1 of this document.

Code 31,32 &33:

- 7.5 Guidance will be issued by the County Council should these contraventions be introduced in the future.

Code 34: Being in a Bus Lane

Appeal Scenario	Action	Notes
I was preventing an accident from happening	Cancel	If sufficient evidence is provided which corresponds with CCTV footage
I was directed by the Police or Civil Enforcement Officer to use the bus gate	Cancel	If sufficient evidence is provided which corresponds with CCTV footage
I have a disabled persons blue badge	Uphold	Blue Badge holders are not exempt
I am a taxi driver/delivery driver	Uphold	Taxi drivers and delivery drivers are not exempt

Code 37, 38, 50, 51, 52, 53 &54:

7.6 Guidance will be issued by the County Council should these contraventions be introduced in the future.