

LBHF PARKING ENFORCEMENT – EXERCISE OF DISCRETION

CIVIL ENFORCEMENT OFFICERS

When carrying out their enforcement duties in Hammersmith and Fulham, Civil Enforcement Officers (CEOs) will be robust but fair. The Council has a zero tolerance approach to malpractices in relation to the issue of Penalty Charge Notices (PCNs). The Council believes that it is not appropriate to give CEOs high levels of discretion with regard to the issuing of PCNs as this increases the potential for corruption and increases the likelihood of allegations of inconsistent enforcement.

PCNs are issued after following guidelines in relation to observation times and evidence. Our CEOs now take photographs of all vehicles issued with PCNs. If they realise that they have made a mistake in issuing a PCN, they will submit a report asking for it to be cancelled. They will also record details of any extenuating circumstances that they become aware of.

CHALLENGES AND REPRESENTATIONS AGAINST PCNs

The Council accepts written challenges and representations against PCNs by post, fax, e-mail and on-line. The Council's Parking Service has a registered Quality Management System (QMS) and also holds the Charter Mark. Within its QMS are details of the rules in relation to the cancellation of PCNs. These are not published as this is considered to be against the general public interest.

Council Officers are aware they have a duty to consider mitigating circumstances. These obligations are summarised in the Traffic Management Act 2004 Parking Policy and Enforcement Operational Guidance to Local Authorities. This states that "under general principles of public law, authorities have a duty to act fairly and proportionately and are encouraged to exercise discretion sensibly and reasonably and with due regard to the public interest", and that "they should approach the exercise of discretion objectively and without regard to any financial interest in the penalty or decision that may have been taken at an earlier stage in the proceedings". Each investigation is undertaken on an individual basis. All circumstances surrounding the issue of a PCN are considered, including any potential mitigation