

REPORT FOR RESOLUTION

SUBJECT: Service of Notices

REPORT OF: The Lead Officer on behalf of the Advisory Board

PURPOSE OF REPORT

To inform Members of the requirements placed on Local Authorities undertaking Civil Parking Enforcement in relation to the Service of Notices and to seek views on the impact of these requirements.

RECOMMENDATIONS

1. Council Officers should be requested to provide evidence relating to the current Post Office First Class Post expenditure on postage for parking with comparisons with other postal services used by other departments within the Council.
2. After the evidence has been reviewed, if appropriate, it is recommended that the Chair should write to the Secretary of State for Transport on the Joint Committee's behalf seeking amendment of the service provisions in the Regulations to allow greater flexibility and value for money for enforcement authorities

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1. BACKGROUND

- 1.1 Regulation 3 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (“the Regulations”) requires all notices which an enforcement authority may issue under those Regulations to be served by first class post. This requirement applies to penalty charge notices served by post, notices to owner and charge certificates.
- 1.2 Regulation 3(4) provides an exception permitting these documents to be sent electronically, but this exception only applies where the documents are being served on a vehicle hire firm. Save, for this limited exception, first class post is the only permitted method of service under the Regulations.
- 1.3 By contrast, the service provisions relating to documents which are sent to a party during the course of an appeal are more extensive. Paragraph 17 of the Schedule to The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (“the Representations and Appeal Regulations”) permits documents to be sent:
 - By delivery to the recipient
 - By leaving the document at their address
 - By first class post
 - By fax or other means of electronic data transmission
- 1.4 Restricting councils serving documents under the Regulations to using the Royal Mail is out-dated and prevents enforcement authorities achieving cost savings by using alternative delivery suppliers and alternative methods of delivering notices. In particular, enforcement authorities are increasingly using electronic communication with motorists at other stages in the civil enforcement process (for example in responding to informal challenges and formal representations), with the obvious time, cost and environmental benefits this provides.
- 1.5 The Regulations make provision for electronic communication but only with vehicle hire firms. This limitation is simply out-dated and should be removed to allow electronic communication with any motorist who consents to it. The Representations and Appeal Regulations already provide a model for a more flexible range of methods for serving documents, including both electronic communications and alternative methods of physical delivery to first class post.

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