

APPEALS PANEL NO. 2

MONDAY 28 APRIL 2014 AT 2.00PM

PRESENT: Councillors Stothard (Chairman) Bell and Bloxham

OFFICERS: Director of Local Environment
Committee Clerk

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. PUBLIC AND PRESS

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A of the 1972 Local Government Act.

3. COMPLAINT REGARDING THE ISSUE OF A CAR PARKING NOTICE

Consideration was given to complaint regarding the issue of a car parking notice. .

The Committee Clerk had advised the Panel that, on the Friday before the hearing, the appellant had requested an adjournment of the meeting. The appellant had been advised that the Chairman would make that decision at the hearing and requested the additional information referred to in the e-mail be forwarded to the Committee Clerk ahead of the meeting. The Panel allowed a fifteen minute period after the start of the hearing to allow time for the appellant to arrive. When the appellant had not arrived by 2:15 the Chairman decided that the hearing should go ahead in his absence.

The Panel invited the Director of Local Environment to the meeting.

The Director of Local Environment outlined the complaint and explained the procedures that the Civil Enforcement Officers work to. She stated that in the case of the complaint the Civil Enforcement Officer had acted within his authority, had allowed five minutes observation time in line with guidance, and had issued the parking notice in line with procedure. The appellant had been given a number of opportunities to formally challenge the notice but had not done so. The appellant had written to the Director of Local Environment and following receipt of her response wrote again to the Chief Executive of the Council. The Deputy Chief Executive responded on behalf of the Chief Executive. The appellant then requested that the complaint be heard before a Board of Arbitration.

Members suggested that, as well as the photographs already taken of vehicles not displaying a parking disc, photographs should also be taken of the foot well where possible.

Members further suggested that letters sent from the Car Parking unit should be in the name of the Director of Local Environment with a request that any response should include the reference number which was included in the heading of the letter.

The Panel thanked the Director for her input and she left the hearing at 2.25pm.

The Panel then considered the evidence that had been presented to them, prior to and during the hearing and:

RESOLVED – That, having considered all of the evidence presented, both prior to and at the hearing, the Panel had decided not to uphold the Appeal as it considered that the Civil Enforcement Officer had acted properly, including checking all of the car windows, taking photographs, allowing five minutes observation time and following all procedures and guidelines. As such, the Civil Enforcement Officer had not acted outside their authority.

[The meeting ended at 2.35pm]