



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

6 April 2023

Joint Report of the Executive Director - Place and the Director of Finance and ICT

Civil Parking Enforcement – Write-Off Policy
(Cabinet Member for Highways, Assets and Transport)

1. Divisions Affected

1.1 County-wide.

2. Key Decision

2.1 This is not a Key Decision.

3. Purpose

3.1 To seek Cabinet approval of the Civil Parking Enforcement Penalty Charge Notice Write-Off Policy. This Policy will provide a consistent and structured approach for unpaid parking charges to be written off. A review of the Policy will be undertaken biennially, as a minimum.

4. Information and Analysis

4.1 Derbyshire County Council is responsible for on-street parking across Derbyshire, with Civil Enforcement Officers responsible for the issuing of Penalty Charge Notices (PCN) in accordance with the Traffic Management Act 2004, Part 6. The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 govern the processing of a PCN. Where the appeals process has reached the stage where a warrant has been issued by the County Court, for the

recovery of goods, and the PCN remains unpaid then the PCN is regarded as a debt. Should one or more of the following criteria be met, the PCN is classed as a write off, i.e the debt is uncollectable:

- When the warrant has fully expired i.e., 12 months after the warrant has been issued and payment is still outstanding
- When the debtor has deceased and evidence provided via Tell Us Once or a copy of a death certificate
- Where the debtor has provided evidence they are in prison and they will remain so until the remaining duration of the warrant
- Where evidence has been received that the debtor would be regarded as vulnerable and that this has been independently confirmed with medical information or Citizens Advice Bureau intervention. Vulnerable cases should be referred to a senior member of staff to determine
- Where the debtor is confirmed as insolvent and will remain so for the duration of the warrant.

4.2 Following approval of the draft Policy, all PCNs that meet with one of the above criteria can be written off in conjunction with the revised Scheme of Delegation.

4.3 The PCN data held contains personal information, for example registered keeper details. In line with Data Protection, this data should not be held for more than six years.

5. Consultation

5.1 The Write-Off Policy has been reviewed by the Assistant Director of Finance (Audit).

6. Alternative Options Considered

6.1 That the uncollectable debt remains within the system and may result in a data retention issue. All data within the system should remain for no more than six years.

7. Implications

7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

8.1 None identified.

9. Appendices

9.1 Appendix 1 – Implications.

9.2 Appendix 2 – Civil Parking Enforcement – Write-Off Policy.

10. Recommendation

That Cabinet:

- a) Approves the Civil Parking Enforcement Penalty Charge Notice Write-Off Policy, to put in place a Policy for unpaid parking charges to be written off.

11. Reason for Recommendation

11.1 The current data retention Policy states that all PCN detail is removed from the system after six years from the date of closure in line with the Council's Financial Regulations.

12. Is it necessary to waive the call in period?

12.1 No.

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Implications

Financial

1.1 The debt remains uncollectable and remains in the system in breach of data retention.

Legal

2.1 None.

Human Resources

3.1 None.

Information Technology

4.1 None.

Equalities Impact

5.1 Not applicable.

Corporate objectives and priorities for change

6.1 None.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None.