

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

CONTACT OFFICER:

Louise Hutchinson, PATROL, Barlow House, Minshull Street, Manchester M1 3DZ, Tel: 0161 242 5270

1. **BACKGROUND**

- 1.1 The service provisions for bus lanes are contained in Regulation 2(5) of The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005

“References to the service of a document include service by post and, in determining for the purposes of these Regulations the date on which a notice or other document is served by post, it shall be presumed that service of a notice sent by first class post was effected on the person to whom it was addressed on the second working day after the day on which it was posted.”

- 1.2 Therefore for bus lanes there is no absolute requirement to send a notice by first class post, but there is a presumption that it was sent by that method, and was served on the second working day.
- 1.3 If the service provisions were amended there would need to be requirement as to delivery of notices that provided certainty for the recipients as to when they must pay or make representations.

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