

Joint Transportation Board – Monday 23 November 2020

Motor Caravan Ban - PSPOs vs TROs

Public Space Protection Order (PSPO)	Traffic Regulation Order (TRO)
Designed to stop individuals or groups committing anti-social behaviour in a public space	Designed to regulate the behaviour of traffic or the parking of vehicles
Can be applied to wider areas and can only be introduced for a maximum of 3 years. Can be reviewed at any point and can be reviewed and extended.	Can be applied to one or more roads or car parks
Measure 7 deals with unauthorised camping	Restriction deals with caravans parked on the highway overnight
Other than St Mary's Bay, Dymchurch and Hythe, Measure 7 is across the majority of the district. (Not in these areas due to no complaints at the time of review and consultation).	Currently applies to specific areas such as The Leas, Wear Bay Road and West Parade, where concerns were raised by residents
Breach is a criminal offence	Decriminalised parking offence
Needs dedicated enforcement often outside usual patrol hours	Needs dedicated enforcement often outside usual parking patrols.
Depending on the situation and severity, a Fixed Penalty Notice (FPN) of £100 can be issued for breach	Penalty Charge Notice (PCN) of £70 can be issued for breach. This is reduced to £35 if paid within 14 days.
If fine is not paid, FPN is then obsolete and a prosecution for the original breach is required. Subject to, up to level three fine on prosecution (up to £1,000). FPNs cannot be appealed, however the matter could be decided by a Court. Representations can be made to the Council giving reasons why the driver disagrees with the offence committed.	Non-payment results in increased charge. PCN can be recovered by bailiffs.
Driver must be seen for FPN to be served	No need to speak to or see driver. PCN issued to the vehicle
There is a requirement for signage and comms in the areas of the PSPO which is in place (without covering the whole district in the signage). A PSPO has to be published on the Local Authority's website.	Signage prescribed by the DFT <u>must</u> be installed to enable enforcement