



**UTTLESFORD DISTRICT COUNCIL**

**DECRIMINALISED PARKING  
ENFORCEMENT POLICY**

## **DECRIMINALISED PARKING ENFORCEMENT POLICY**

This document is divided into two main parts. The first contains the introduction, the parking policy and specific examples of how the policy is applied. The second is a list of definitions explaining terms commonly used in parking enforcement.

The contents of the policy are derived from: current practices, accepted best practice, NPAS recommendations with regard to mitigation and common practice among Essex local authorities.

This information can be obtained in different formats. To enquire about these please telephone 01799 510608.

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## INTRODUCTION

Introduction:

This policy is primarily concerned with:

1. Who can and cannot park in restricted areas and when they may do so.
2. How challenges, representations, appeals and dispensations are dealt with, including how the Council will endeavour to treat people fairly, equally and with respect, taking full account of the their personal circumstances.
3. The conduct of the Council's staff and the manner in which it carries out enforcement.
4. Service standards that will be adopted when carrying out parking enforcement which are in addition to the normal accepted process.

It is impossible to qualify every case and there will be occasions when either the Parking Attendant (PA) or the back-office team will consider the case on its individual merits and either not issue a PCN or cancel it.

This Policy will be subject to review and will reflect current best practice.

## **POLICY STATEMENT**

### **DECRIMINALISED PARKING ENFORCEMENT**

#### **[With effect from (date of Environment Committee approval)]**

Uttlesford District Council is committed to making sure that it provides Equality of Opportunity in how its services are delivered. This commitment has been translated into its Core Values by ensuring that different groups and individual needs are reflected in the delivery of service

The staff of Uttlesford District Council will ensure that they will offer all necessary assistance to any person to ensure that they are aware and can avail themselves of all services and rights due to them.

*The policy shall be regularly reviewed and will take into account:*

1. Existing and predicted levels of demand for parking.
2. The availability and/or pricing of both on and off-street parking.
3. The nature and extent of on-street parking restrictions.
4. The accuracy and quality of existing signs and plates.
5. The levels of compliance that Uttlesford District Council considers to be acceptable and the level of enforcement necessary to achieve them.
6. The views of the public who shall be actively consulted on all matters relating to the extension of parking restrictions.
7. The views of Essex Police.
8. The provision of suitable parking facilities for disabled people.
9. The provision of suitable parking facilities for cyclists and motorcyclists.
10. Consideration of the Council's overall aims with regard to the environment, fear of crime within the district and the sustained economic growth of the district.



## **POLICY**

### **ABANDONED VEHICLES**

Where a vehicle remains parked, in a restricted area, for a period during which multiple PCNs are issued (multiple = 3+) for the same contravention. The attendant will report the vehicle as potentially abandoned and it will be dealt with by the Council's abandoned vehicle team.

Criteria used in identifying Abandoned Vehicles:

1. Untaxed or showing out of date tax disc.
2. General poor condition.
3. No evidence of movement.
4. Multiple PCNs attached to vehicle.

Whilst the vehicle is being dealt with as potentially abandoned no further PCNs will be issued.

Issued PCNs will be enforced against the registered keeper of the vehicle in the normal way.

### **BAILIFFS**

Bailiffs, as agents of the court, are court officers. Of the many functions they perform, executing warrants is one that is likely to concern us most. These are court orders for the collection of money and/or goods of sufficient value to produce the required amount. For this purpose the bailiff will always have an appropriate vehicle nearby.

For their other activities they do not need a vehicle nearby, e.g. If they are serving a summons or warrant (not enforcing it). In such circumstances they would be expected to comply with parking restrictions.

When they are taking goods or high values in cash, we can exercise discretion where it appears reasonable to do so. Bailiffs are not exempt from legislation, however, and an official badge or permit should be displayed on the vehicle and, further, the act of loading/unloading should be observed as taking place. Once goods have been seized the bailiff is required to list them prior to leaving the premises and this could legitimately take some time. In such circumstances we should ask for a warrant number, identification and confirmation of the nature of goods being seized before the PCN is either issued or subsequently cancelled.

## **BANK HOLIDAYS – RESTRICTIONS APPLICABLE**

Waiting and loading restrictions, as indicated by yellow lines/markings on the carriageway and/or kerbs may be in force throughout the year.

It is only in designated parking bays (limited waiting, loading, shared use bays, pay & display etc.), that restrictions may be lifted on Bank Holidays. Reference should be made to the relative Traffic Regulation Order.

Motorists cannot assume that restrictions do not apply to Bank Holidays unless this is specifically stated in the relative signage.

## **BANK VISITS**

Claims from individuals or companies that because money is being taken to or from a bank PCNs should not be issued will not be accepted as a reason to cancel. If restrictions are in place adjacent to a bank these must be complied with by all motorists. Motorists should be advised to contact the bank about future security arrangements.

It is appreciated that difficulty may be experienced when visiting banks but the exemption that may apply is in relation to bullion vehicles whilst loading/unloading large quantities of coin and cash boxes.

## **BLOCKED ACCESS**

Drivers who claim that they were unable to gain access to their private or commercial property are not entitled to park in contravention of any parking restriction. The exception to this is when a driver has to collect a key to unlock a barrier that prevents access. This, however, should take no longer than 5 minutes.

Where access to/from a property is being blocked and no parking restriction is in place the matter should be referred to the Police as the offence of Obstruction is only enforceable by them.

Where a restriction is in place a PCN may be issued to the vehicle providing it is parked in contravention of the restriction. Only when the vehicle in question persistently contravenes will Uttlesford District Council consider removing the vehicle.

## **BROKEN DOWN VEHICLES: (Also See “Vandalised Vehicles”)**

Claims of alleged breakdown should be accepted if they appear to be unavoidable and, if supporting evidence in the form of one or more of the following is produced:

1. Garage Receipt, on headed paper, properly completed and indicating repair of the alleged fault within a reasonable time of the contravention.
2. Till receipt for purchase of seemingly relevant spare parts purchased on or soon after the date of contravention.

3. Confirmatory letter from the RAC, AA or other similar motoring organisation.
4. Confirmation from the PA that the vehicle was obviously broken down.

A note left in the windscreen, stating that “the vehicle has broken down”, will not be accepted, by the PA, as a reason for not issuing a PCN.

Listed below are some areas of contention relative to the alleged breakdown of vehicles:

**1. FLAT BATTERY:**

- a. The receipt for the purchase of a new battery or parts that could cause a flat battery (alternator, solenoid etc.), should be requested. The receipt should not pre-date the date of the contravention or postdate it by an unreasonable length of time.
- b. In cases where it is alleged that the vehicle was bump/jump started and no other evidence received, the PCN should be enforced. (NB. Vehicles with automatic transmission cannot be bump started).
- c. If no evidence is forthcoming, the PCN should be enforced.
- d. Consideration should also be given as to how the vehicle became illegally parked in the first instance, i.e. was it pushed from an unrestricted area or was parked in contravention of a restriction before the breakdown occurred?

**2. FLAT TYRE:**

- a. It is reasonable to expect that in the event of a flat tyre the driver would be with the vehicle and making efforts to change the vehicle's wheel. If the vehicle is left unattended a PCN will be issued and will be cancelled only if it subsequently transpires that the driver was: Elderly, disabled or infirm and had gone to obtain assistance. In such instances evidence from the assisting party is required.
- b. If the wheel could not be changed because of a mechanical difficulty evidence must be produced from the attending breakdown service supporting this.
- c. Failure to carry a spare wheel is not sufficient reason to cancel a PCN.

**3. OVERHEATING:**

- a. All cases where it is claimed that the vehicle had overheated due to lack of water should be enforced unless it is directly attributable to a

mechanical fault such as: broken fan belt, cracked radiator, burst hose, faulty water pump or thermostat. In such cases evidence of repair must be produced.

- b. Overheating caused by heavy traffic or hot weather will not be accepted as a valid excuse.

#### 4. **RUNNING OUT OF FUEL:**

- a. Unless this is due to a mechanical/electrical fault evidenced by repair all PCNs are to be enforced.

NB. If it is apparent from previous records that the same driver is continuously trying to avoid liability for PCNs by claiming that his/her vehicle is broken down, this should be considered when deciding on whether or not to accept their representations

Where representations are accepted on the second or subsequent occasion the keeper should be informed, in writing, that due consideration to previous incidents will be taken into account should another contravention be committed for the same reason.

#### **BUILDERS / TRADESMEN**

1. **Residents-only Parking Areas:** Parking will only be allowed whilst loading/unloading of tools and materials is taking place. At all other times the vehicle must display a valid visitor permit or dispensation.
2. **Yellow Line restrictions:** Parking will only be allowed whilst loading/unloading of tools and materials is taking place. At all other times the vehicle must be moved to a permitted parking area unless a dispensation has been granted.

#### **BUS STOPS**

Bus stops can either be restricted or unrestricted:

1. **Restricted:** A restricted bus stop will show yellow lines and a time plate showing the hours of operation.
2. **Unrestricted:** An unrestricted bus stop will not have a time plate but may show advisory road markings.
3. A bus stop restriction cannot be transferred to a temporary bus stop unless a Temporary Traffic Management Order has been issued.
4. PCNs issued to vehicles, other than buses, waiting in a restricted bus stop should be enforced.

## CARE ORGANISATIONS

Numerous care organisations are now operating within the Uttlesford District as a result of sub contracting by Social Services and the Local Health Authority as well as privately arranged care. Each display badges issued by the various organisations but, due to the variety of badges in circulation none are recognised by Uttlesford District Council as valid authorities to park.

1. **Parking in Residents-only Parking Areas:** Uttlesford District Council will issue its own permits allowing genuine carers to park within residents-only parking areas if absolutely necessary to enable them to care for residents. Permits are issued upon application, which must be supported by an official letter from the care organisation or, in the case of a private carer (relative etc) confirmation from the resident's GP that he/she is in need of regular, permanent care within their home. Any abuse of a permit will result in it being withdrawn.
2. **Parking in Council Car Parks and On-Street Pay-and-Display spaces:** It is not felt that there is a need for carer's to park within Council car parks free of charge. Consequently permits are not issued for this purpose.
3. **Parking on Yellow Lines:** Carers are not exempt from yellow line restrictions and must not contravene them. No dispensation will be issued to carers to enable them to park on a yellow line except in a medical emergency in which case they must be covered by Uttlesford District Council's Health Emergency Badge Scheme (HEBS) – *see later*.

## CHALLENGE AGAINST ISSUE OF PCN

Within 14 days of issue of a PCN the keeper of the vehicle may make a written challenge against the issue of the PCN. Within this challenge (s)he can mention any mitigating circumstances as well as challenging the validity of the PCN.

The Council must respond, in writing, and must either give notification of acceptance of the challenge and cancellation of the PCN or rejection of the challenge.

If a challenge is rejected the written notification from the Council must give precise reasons why this decision has been reached. Providing the written challenge was received within 14 days of the PCN being issued the discounted rate will be restarted and last for 14 days from the date of the rejection notice.

If a challenge is received later than 14 days from the date of the PCN issue it will be dealt with in the same way but the discounted period will not be restarted and the full amount will be payable. This fact should be included within the notice of rejection.

The making of a challenge in no way detracts from the ability of the keeper to make a subsequent formal representation against the issue of the PCN to the Council or to NPAS.

## **CHALLENGES/REPRESENTATIONS ACCOMPANIED BY PAYMENT**

To avoid the loss of the discount period or to avoid County Court action keepers may opt to enclose settlement of the PCN with a challenge or formal representation. In such circumstances Uttlesford District Council must act in good faith and deal with the challenge/representation in a fair and equitable manner.

Challenges and Representations accompanied by a payment will be separately logged, will be dealt with as a priority and responded to within a maximum of four working days. If the challenge/representation is successful the payment will be returned to the keeper with the letter of acceptance. If the challenge is unsuccessful the payment will be immediately banked and the keeper duly notified that we have accepted it in full or part settlement as part of the rejection notice.

Where an investigation is required that will take more than four days a letter should be sent to the keeper stating this and informing him/her that "In accordance with the Council's Financial Procedures" the payment has been banked pending the outcome of the investigation. Should the challenge/representation be upheld the Council would immediately make arrangements for a refund to be issued to the keeper. Any letter of acceptance or rejection sent to the keeper must make specific reference to the fate of the payment.

## **CLAMPING & REMOVAL**

Uttlesford District Council, along with all other Essex Local Authorities, have the power to clamp and subsequently remove vehicles parking in contravention of parking restrictions. This power is incorporated within the relative Traffic Regulation Orders.

However, it is not the intention to carry out Clamping & Removal in Essex at this time although this decision may be reviewed in the future.

## **COMPLAINTS AGAINST PARKING ATTENDANTS**

Allegations that an attendant has made an error whilst issuing a PCN will be investigated under the normal Representations or Challenge procedures and a formal written notice of acceptance or rejection will be sent within the stipulated timescale.

Any allegation of misconduct or rudeness made against a member of the enforcement staff will be investigated and dealt with by the relevant manager.

## **COUNCIL OFFICERS AND MEMBERS ON DUTY**

All council officers and Members on duty are expected to fully comply with parking regulations:

1. **Request for Cancellation of PCN:** This will only be considered in cases of emergency and must be supported by written confirmation from the relative Head of Division.

## DENTAL/DOCTORS APPOINTMENTS

If the claim is made that, due to a delay in the appointment time or that treatment took longer than anticipated and this resulted in a PCN being issued for overstaying the parking time purchased on arrival, consideration should be given to the validity of the claim.

Such claims should be supported by written confirmation from the dentist or doctor that the delay was caused for reasons outside of the driver's control. However, the Council must be satisfied that the parking time purchased was reasonably sufficient to allow for normal delays experienced whilst attending such appointments.

## DESCRIPTION OF VEHICLE – ON PCN

When issuing a PCN the attendant will note the make, colour and registration number of the vehicle, which will appear on the PCN. He/she will also note other details such as tax disc number and positions of tyre valves, which will form part of the supporting records.

1. **Incorrect colour:** If the colour is incorrectly recorded consideration should be given to cancellation of the PCN as follows:
  - a. **Similar Colours:** Similar colours are often mistaken for each other especially in poor light. Many metallic colours can be seen differently by different people i.e. Silver as Blue, Black as Grey. Solid colours such as white differ widely from model to model and can be seen as Cream. Many blues can be seen as green and vice-versa. Where there is a close relationship between the colours then the PCN should be pursued.
  - b. **Widely differing Colours:** A blue car recorded as red can, obviously, not be explained by 'a' above and serious consideration should be given to cancellation of the PCN. This error may, however, indicate a re-spray not advised to DVLC.
2. **Incorrect make:** Although many manufacturers produce different models that look very similar it would be very difficult to enforce a PCN issued to a Vauxhall which turned out to be a Ford. In such cases serious consideration must be given to cancelling the PCN.
3. **Tax Disc Number:** The one thing that is unique to the vehicle is the tax disc number, which is recorded by the attendant at the time of the PCN issue. If these match then the Council have good grounds to pursue the PCN irrespective of any other error regarding colour or make.

## DIPLOMATIC VEHICLES

These fall into two categories: those with 'D' plates, which indicate that the driver has full diplomatic immunity, and those with 'X' plates, which indicate limited immunity.

- **'D' PLATES:** PCNs issued to 'D' plate vehicles should automatically be cancelled upon input to the processing system although, should the driver subsequently decide to make payment, it will be accepted. Details of these PCNs will be taken up with the Foreign & Commonwealth Office and payment may be obtained later.
- **'X' PLATES:** In effect these PCNs should be cancelled upon input. If correspondence is received from the driver and enforcement seems appropriate a request for payment should be made.

## DISABLED DRIVERS/PASSENGERS

Blue badges are issued to either a disabled driver or a disabled passenger. They can only be used when the vehicle is being used to transport the disabled person. It is not permitted to use the badge for any other purpose e.g., shopping for the disabled person when they, themselves, are not being transported in the vehicle.

Blue badges must be clearly and properly displayed whilst the vehicle is parked. Failure to do so will result in a PCN being issued for the contravention of the relative parking restriction. When considering the matter the Council will take into account previous contraventions by the same vehicle and/or badge holder for failure to display a disabled badge. Where no previous contravention has occurred the representation should be allowed, providing proof of the existence of a valid badge is supplied. In such circumstances the letter sent to the person making the representation should make it clear that this contravention will be taken into account when considering any future contravention and that this may lead to future representations being rejected.

Providing the Disabled Badge is clearly and properly displayed the Badge Holder can park in:

- **Limited parking areas:** For an unlimited time unless otherwise stated.
- **Yellow Lines:** For a period not exceeding 3 hours.
- **Council Car Parks:** For an unlimited time (wherever possible the driver should park in designated disabled bays).

**Disabled Badge Holders are not allowed to park in:**

- **Any area where there is a loading restriction.**
- **The Council's season ticket holders only car parks** – unless displaying a valid season ticket.



- **Residents-only Parking Areas** – unless also displaying a valid resident's or visitor permit.

**Parking must always be in accordance with the Blue Badge Scheme.**

## **DISPENSATIONS & SUSPENSIONS**

### **Dispensations:**

The following vehicles will receive automatic dispensation from waiting restrictions:

1. Police, Fire Brigade or Ambulances whilst attending emergency situations.
2. Vehicles involved in contracted Highway Maintenance where there is a need for them to be parked adjacent to the work site.
3. Liveried Council vehicles carrying out statutory duties such as Refuse Collection, Street Cleansing and verge maintenance.
4. Vehicles displaying valid disabled permits. (See relative section).

Dispensations may be granted for the following:

1. Funerals – For the hearse and cortege vehicles.
2. Weddings – Bridal Vehicles.
3. Maintenance to adjacent buildings.
4. Furniture Removals.
5. Any other reason accepted by the Council.

Applications for dispensations must be received at least 5 working days prior to the required date and must be made to the Council's Parking section. The Council's decision is final.

If granted, dispensations will be issued to the applicant by way of written authority, which must be clearly displayed on the vehicle whilst parked. A copy will be held, with the application, by the Parking Section.

A charge, per vehicle per day, may be made except in the cases of Wedding and Funeral vehicles.

## **Suspensions:**

Designated parking bays, on or off-street, may be suspended for the following reasons:

1. To allow maintenance of adjacent property where highway access is required for deliveries, essential vehicles, skips, etc. (Cars will not be considered as “essential vehicles” and will be expected to park in accordance with parking restrictions).
2. Maintenance to highway trees.
3. At the request of the Police.
4. For security reasons.
5. Any other reason accepted by the Council.

Applications for suspensions must be received at least 10 working days prior to the required date and must be made to the Council's Parking section. The Council's decision is final.

If granted suspensions of parking bays / spaces will be clearly signposted by means of temporary signs which will indicate exact location and extent of the suspension with the start and finish dates and times. These signs will be displayed at least five days before the suspension comes into operation. Further all adjacent properties will receive advanced notice of the suspension.

Vehicles parked in contravention of a suspension will receive PCNs.

A charge, per bay/space, may be made and is payable upon application.

## **DRINK DRIVING OR OTHER ARREST**

If the driver of a vehicle has been arrested and, as a direct result, has been forced to leave the vehicle in contravention of a parking restriction any resultant PCN should not be enforced unless the driver has had ample time to safely remove the vehicle after his/her release from custody. (In the case of drink driving a period of at least 12 hours should be allowed for safe removal of the vehicle).

In all cases of arrest claims the driver should be asked to provide date, time and evidence of arrest including custody number, officer and Police Station involved.

Where written evidence of the arrest cannot be supplied, confirmation should be obtained from the relative Police Station, by the Council, before the PCN is cancelled. Failure to supply or obtain supporting evidence of the arrest will lead to the PCN being enforced.

## **DROPPING OFF - PICKING UP PASSENGERS**

Except on designated clearways and certain zigzag (schools and pedestrian crossing) restrictions any vehicle will be allowed a reasonable amount of time to drop-off or pick up passengers irrespective of any waiting or loading restriction in force. It is deemed that two minutes is sufficient allowance for this unless it involves the elderly, disabled persons, young children or large amounts of luggage, etc., where ten minutes is deemed suitable. Special consideration will be given to Hackney Carriages or Private Hire Vehicles who will need additional time to announce their arrival and accept payment. The PA's will exercise reasonable discretion in such circumstances.

## **EMERGENCY DUTIES**

Doctors, nurses, midwives engaged on emergency duties are, wherever possible, expected to park legally in accordance with local restrictions. Should a PCN be issued it will be cancelled only upon evidence of the emergency being provided.

Regular or programmed visits will not be considered an emergency.

See 'Health Emergency Badge Scheme' below.

## **ESTATE AGENTS**

Estate agents visiting a client's property within a residents-only parking area should display a valid visitor permit.

Estate agents are not exempt from parking restrictions and PCNs should always be enforced.

## **EXEMPT VEHICLES**

The following vehicles are considered to be exempt from parking restrictions:

1. Fire Brigade Vehicles
2. Marked Police Vehicles
3. Ambulances.

The following vehicles are exempt in the circumstances described:

1. Local Authority Vehicles (or those of their contractual agents), whilst being used to carry out statutory duties (i.e. Refuse Collection, Street Cleansing, Highway Maintenance), or whilst carrying out duties that require the vehicle to be in close proximity (i.e. Verge Grass Cutting), including Parking Attendant Vehicles.
2. Post Office and other vehicles engaged in the delivery of postal packets (i.e. Courier companies such as UPS). – This does not include private

vehicles used by postmen/women whilst carrying out letter deliveries. The Council will expect such vehicles to be parked in compliance with any parking restriction.

3. Electricity Board, Gas Board, Water Authority, British Telecom or other telecommunications (and/or their appointed contractors), whilst actively laying or undertaking repairs to pipes, cables or other apparatus.
4. Furniture vans whilst moving furniture to and from a dwelling, office or depository. Wherever possible these vehicles should not be parked in contravention of a loading restriction. If necessary, dispensations should be sought in advance of such a requirement.
5. Public Service Vehicles and other company vehicles whilst waiting at an authorised stopping place, terminus or turning point.
6. Vehicles involved in building, excavating and demolition work whilst lawfully and actively engaged on those duties.

All exempt vehicles should be liveried, not private cars or unmarked vans and the exemption does not apply to sub contractor's vehicles unless specified above.

## **FOOTWAY PARKING**

Except for Greater London (sect 15 GLA.1974) it is not generally a contravention for a vehicle to be parked on a footway. The exceptions to this are:

1. HGV's (Sect.19, RTA 1988).
2. Cycle Tracks (Sect.21, RTA 1988).
3. By Local Act of Parliament – e.g. "The Essex Act" (this applies to grass verges maintained at public expense) – The application of the Essex Act in Uttlesford is indicated by signs mounted on posts on the grass verges.
4. Where a Traffic Regulation Order (TRO) exists.

The following vehicles are exempt from any such prohibition only under the circumstances indicated:

1. Marked Vehicles used by Police, Fire Brigade and Ambulance services whilst carrying out emergency duties.
2. Vehicles used for Street / Street Light cleaning and Refuse Collection providing that they are actively involved in the function.
3. Vehicles actively involved in road works.

Most waiting and loading restrictions cover the whole highway – boundary to boundary and this includes all footways and verges. A PCN can only be issued to a

vehicle parked in such a manner if the restriction is specifically incorporated in the relevant TRO or the road is subject to a waiting / loading restriction, in which case the PCN should be issued for contravention of the restriction.

## **FORMAL REPRESENTATION AGAINST ISSUE OF PCN**

The keeper of a vehicle is given the opportunity to make a Formal Representation against a PCN once the Notice to Owner (NtO) is sent to him/her by the Council. This representation must be made within 28 days of receipt of the NtO.

Formal Representation can only be made on the following grounds:

1. The Contravention did not occur
2. The Penalty exceeded the relevant amount (currently £60)
3. The Traffic Order was invalid
4. I was not the owner/keeper of the vehicle at the time.
5. The vehicle had been taken without my consent
6. We are a hire firm and have supplied the name of the hirer.

## **FUNERALS & WEDDINGS**

Vehicles actively involved in a funeral or a wedding will be given due reasonable consideration and respect and PCNs will not be issued.

Vehicles belonging to mourners or wedding guests that are not actively involved in the funeral will not be able to park in contravention of any yellow line restriction. However they will be allowed to park within residents-only parking area, without displaying a valid permit, provided the Council's parking office are notified in advance of the time, date and anticipated duration of the funeral or wedding and have granted approval.

Any PCN issued to vehicles associated with a funeral or wedding should be considered with due respect and PCNs would only be enforced when blatant disregard to restrictions has been confirmed.

## **GARAGES – VEHICLES LEFT UNATTENDED**

When a garage employee parks a vehicle on a highway, in contravention of a parking restriction, whilst maintenance of the vehicle is being carried out (i.e. to facilitate vehicle movement within the workshop) any PCN issued should be paid by the driver responsible. However, the ultimate responsibility for the PCN rests with the registered keeper of the vehicle.

Garages have no right to utilise the highway in such a manner and PCNs should always be enforced in such cases.

## **GLAZIERS**

Claims from glazier companies that a vehicle needed to be parked close to the location of an emergency repair should be treated leniently providing it is confirmed, from the attendant's notes, that such activity was taking place at the time of the issue of the PCN.

PCNs will not be cancelled when issued to vehicles that are not actively involved in the work.

## **GOVERNMENT DEPARTMENT VEHICLES**

Unless the reason for parking the vehicle was under exceptional circumstances PCNs issued to vehicles owned or operated by Government Departments should be enforced. They are not exempt purely by virtue of the fact that they are operated by a Government Department.

If the vehicles are involved in exceptional activities such as surveillance by Customs & Excise or the Benefits Agency evidence to support this, in the form of a written statement from a senior manager on headed notepaper must be supplied.

Wherever possible Government Agencies involved in such activities should be encouraged to give the Council advance notice and details if the vehicle(s) involved.

## **HACKNEY CARRIAGES / PRIVATE HIRE VEHICLES**

1. Hackney Carriages and Private Hire Vehicles operating within the Uttlesford District are licensed by Uttlesford District Council and carry a numbered license plate that must be displayed on the rear of the vehicle.
2. There is a distinct difference between Hackney Carriages and Private Hire Vehicles (PHV). PHVs are not allowed to ply for hire on the street or display a "TAXI" sign.
3. Hackney Carriages licensed by other local authorities are not allowed to ply for hire within Uttlesford. The converse is also true.
4. Hackney Carriages and PHVs, like all vehicles, may stop to allow passengers to board or alight for as long as is reasonably necessary for the purpose (defined as 2 minutes in a recent judgement). It is not an exempted activity to assist passengers into premises and to leave the carriage unattended. If a licensed Hackney Carriage or PHV is left unattended it is liable to receive a PCN.
5. Each case, especially those involving elderly, infirm or disabled passengers should be treated on its merits and due allowance should be made in such incidences.

6. It should be borne in mind that when a Hackney Carriage or PHV is called to an address to pick up passengers the driver must be allowed time to announce his/her arrival.

## **HAZARDOUS CHEMICALS / SUBSTANCES**

Claims by companies that toxic or dangerous substances were being delivered or collected from a premises and, as a result, a PCN was incorrectly issued to the vehicle being used should be given careful consideration.

If the PCN was issued for contravention of a no waiting restriction it can be established from the attendants notes whether the activity of loading was taking place. If so the PCN should be cancelled. If no loading activity was taking place the PCN should be enforced. There is no reason, in this case, to differentiate between toxic and non-toxic deliveries as it is the driver's responsibility to ensure that the vehicle is moved immediately the loading / unloading activity is complete. (See definition of Loading / Unloading).

If the PCN was issued for contravention of a no loading restriction then, once again, the attendant's notes should be viewed to establish whether the loading activity was taking place. If so then serious consideration should be given to the cancellation of the PCN in view of the Health & Safety of the public.

Any such representation should be accompanied by documentary evidence showing the nature of the goods being delivered.

## **HEALTH EMERGENCY BADGE SCHEME**

Uttlesford District Council does not, at this moment, operate a Health Emergency Badge (HEB) scheme but will review this should the need for such a scheme arise. The following, therefore is for reference only:

The Council may issue Health Emergency Badges (HEB's) to doctors etc., who may be called upon to attend medical emergencies. These badges must be clearly displayed and will incorporate a dry wipe area in which the location of the emergency should be written.

## **HIRING AGREEMENT**

It is within the legislation that, in the case of a hired vehicle, responsibility for a PCN is that of the hirer of the vehicle at the time.

Consequently, in this case, the responsibility does not rest with the registered keeper (the Hire company) providing they make formal representation to the Council once the Notice to Owner is received. This representation must be accompanied by a copy of the relative hire agreement.

In all cases this agreement must clearly state: The name and address of the hirer, the start and finish dates for the hire period and the hirer's signature. It must also include a statement regarding the hirer's liability for any PCNs incurred during the

hire period. Should any of the foregoing be unclear, absent or in contradiction of the date / time of issue of the PCN then the PCN will be enforced against the Hire Company and a notice of rejection of the representation sent to them with the reasons clearly stated therein.

## **HOLIDAYS**

Vehicles are often left parked in one place whilst the keeper is away on holiday. In such cases a PCN could be issued for being parked in a suspended parking place or for failing to display a valid permit in a residents-only parking area:

1. Suspended Bay:
  - a. The Council has the power to suspend parking within a designated parking bay to allow access by a specific vehicle or highway / bay maintenance to be carried out. In such cases advance notice is placed alongside the bay and is distributed to nearby properties giving the date, times and length of the suspension.
  - b. If these notices are posted and distributed after the keeper departed on holiday then any PCN issued should be cancelled. Evidence must be provided showing departure date and time (i.e. Flight tickets etc). This should be compared with records relative to the display and distribution of the notices. In essence the Suspension cannot operate retrospectively.
2. Residents-only Parking Area Parking using a Visitor Permit.
  - a. It is sometimes the case that friends, holidaying together, will use one vehicle and the second vehicle is parked for the duration of the holiday. This occasionally results in a vehicle, belonging to a non-resident, being left in a residents-only parking area displaying a visitor permit.
  - b. Visitor permits are designed for genuine visitors to a resident's property. Display of permits completed in advance is considered to be invalid and PCNs will be issued for this reason.
  - c. The Council considers these vehicles belong to people who are not genuinely visiting the residential property and, therefore, the PCNs will be enforced.

## **HOSPITAL CAR SERVICE**

The display of a "Hospital Car Service" badge does not automatically exempt the holder from parking restrictions. However all representations or challenges against the issue of a PCN should given due consideration bearing in mind that this is a voluntary service provided for the elderly and sick so that they can be transported to and from hospitals.



Generally such consideration should extend to:

1. Allowing sufficient time to enable the driver to make his/her presence known to the passenger(s).
2. Allow sufficient time to assist the passenger(s) between the vehicle and their home(s), bearing in mind that they may be elderly, infirm, disabled or unwell. This may well involve sufficient time to ensure that the passenger is comfortably settled within his or her own home prior to departure by the driver.

Representations / challenges should be accompanied by documentary evidence giving the date, time, the pick-up and drop-off locations for the trip and, wherever possible, a description of the passenger (i.e. Elderly, Disabled, Post-Operative etc.).

### **INTERVENTION IN CHALLENGE & REPRESENTATION PROCESSES BY MEMBERS AND OTHER OFFICERS**

The process of dealing with challenges and representations against the issue of PCNs is well documented and will be carried out in a fair, unbiased and equal manner. These procedures include the ultimate right of all appellants to refer the matter to an independent arbitrator (NPAS).

To preserve the integrity of these procedures they will be managed and carried out by the Management of Parking Operations and no undue external pressure shall be brought, by either Members of the Council or other senior officers, designed to unduly influence the decisions by virtue of their position alone.

### **LEGISLATION**

The statutory acts governing parking enforcement are: The Road Traffic Act (1991) and The Road Traffic Regulation Act (1984).

If a driver is querying the legislation it should be explained to him/her in simple terms. There is no need to supply specific reference unless especially requested.

When such a request is made the Council will make reference to specific, relevant paragraphs and will quote them verbatim within any correspondence. The Council will not supply full copies of the relevant Acts, which can be obtained from HMSO or, in the case of the 1991 Act, accessed via the internet.

If the keeper is specifically querying the authority behind a specific restriction then reference should be made to the relevant Traffic Regulation Order. Prior to any correspondence with the keeper this Order should be checked to ensure the validity of the PCN. If any doubt exists then the PCN should be cancelled and the decision communicated to the keeper.

## **LOADING / UNLOADING**

Vehicles will be permitted to park in contravention of waiting restrictions, including residents-only parking areas, whilst carrying out the legitimate activity of Loading or Unloading provided:

1. Activity, involving the vehicle, is observed by the attendant whilst the vehicle is parked. The observation period shall be for at least five minutes and a PCN shall only be issued if no activity is seen during this period.
2. Generally a maximum of 15 minutes will be allowed to enable loading/unloading to take place. Exceptions will be made when the nature of the goods being loaded/unloaded require more time, i.e. House moving or very heavy goods being handled.
3. The goods being delivered or collected comply with the definition (see later) of permitted goods.
4. Due consideration will be given to elderly or disabled people regarding the definition of "permitted goods".
5. Due allowance will be given to allow the driver to complete delivery paperwork.
6. Where a PCN is issued a challenge will be considered if supported by evidence confirming that the driver was delayed or was involved in moving heavy goods.

## **LOCATION – INCORRECT**

When a PCN is issued the location of the vehicle is stated on the PCN itself. If this is recorded incorrectly then this is deemed to be a material error and the PCN should be cancelled.

## **LOST KEYS**

Where it is claimed that car keys have been lost, stolen or locked in a car thus preventing removal of the car from a parking area which in turn resulted in the issue of a PCN, then due consideration should be given to its cancellation. When considering this the representation should be accompanied by any supporting evidence from the police, motoring organisations or relatives.

The following should also be considered: If the vehicle was parked in a pay & display car park, did the loss of the keys prevent purchase of additional parking time? If the vehicle was parked on a yellow line, should it have been parked there in the first place?

## **METER/PAY & DISPLAY MACHINES – DID NOT REALISE THERE WAS ONE THERE**

Claims from keepers that they did not see or realise that they had to use a pay & display machine should be dismissed as they are always clearly signposted.

## **METER/PAY & DISPLAY MACHINES – NOT WORKING**

Where it is claimed that a machine is not working then reference must be made to both the maintenance records, the attendant's notes and machine test records (machines are tested before every patrol). If it is confirmed that the machine was not working at the time then consideration should be given to cancelling the PCN.

If there was an alternative machine, in working order and in close vicinity then it is reasonable to expect that the drivers would use this machine.

## **MIS-SPELLING OF KEEPER'S NAME**

The mis-spelling of the keeper's name and/or address on the Notice to Owner does not invalidate it or discharge the liability of the person receiving it. The onus is still on the genuine keeper to deal with the matter.

Such names and addresses are, in most cases, obtained from the DVLC and are supplied by the keepers themselves. It is also incumbent upon the keeper to ensure that these are correct.

If any mis-spelling is discovered then alterations must be made immediately to ensure that future notices are sent out correctly.

When the mis-spelling is severe and is radically different from the correct spelling consideration should be given to the cancellation of the PCN.

## **MITIGATING CIRCUMSTANCES**

Each case will be treated on its individual merits and particular circumstances are referred to elsewhere within this document. However, the following are few guidelines:

1. **DELAYS:** Delays due to queues at shops, banks etc., meetings taking longer than expected, caught up in crowds etc., are not considered as valid reasons to cancel a PCN. Allowance should be made for such delays when purchasing parking time as they are a regular occurrence and part of normal life. (see emergencies below).
2. **CHILDREN / ELDERLY PEOPLE:**
  - a. Claims are often made by people, accompanied by young children or elderly people, that they were delayed because of them. Again this should not be considered as a reason to cancel a PCN because

allowance should be made for this when purchasing parking time. (See emergencies below).

- b.** Claims that PCNs issued whilst children were being dropped-off or collected from schools etc., should not be cancelled unless a reasonable amount of time was not allowed by the attendant. The normal 5-minute observation period should be enough time in such circumstances.
- 3. EMERGENCIES:** An emergency is an unforeseen situation that prevented the driver from moving his/her vehicle. They are usually of a medical nature and leniency should be exercised where it can be seen that the driver could not have foreseen the situation. Wherever possible such claims should be supported by independent evidence.

### **MOTORCYCLE BAYS**

These are not mandatory bays but are exemptions to the normal restrictions either on street or in car parks. Consequently any vehicle, other than a motorcycle, parked in such a bay is parked in contravention of the surrounding restriction, not for being parked in a motorcycle bay. These bays are indicated by white lines and, it would appear, that there should be a yellow line marking when it is an on street bay. There is, however, a legal argument surrounding this and generally yellow lines are not present.

### **NOTICE OF REJECTION OR ACCEPTANCE OF FORMAL REPRESENTATION**

Within 8 working days of receipt of a formal representation from the keeper of the vehicle a written Notice of Acceptance or Rejection will be sent by the Council:

1. Notice of Acceptance: This will confirm that the representation has been accepted and that the person's liability for the PCN has been cancelled.
2. Notice of Rejection: This formally rejects the representation and gives detailed reasons why the Council have come to this conclusion. The rejection is also accompanied with the necessary forms and instruction on how a further representation can be made to the independent National Parking Adjudication Service (NPAS). – This representation must be made within 28 days of receipt of the notice of rejection.

### **OBSERVATION PERIOD – PRIOR TO ISSUE OF PCN**

Prior to the issue of a PCN the attendants will allow a period of at least five minutes to elapse between first observing the contravention and the issue of the PCN.

The details of the vehicle will be entered into the attendant's Hand Held Computer (HHC) when first seen and the computer will prevent issue of the PCN within 5 minutes of that time.

The attendants will be able to continue with their patrols and then return to the contravening vehicle. The observation time and the PCN issue time will appear on the face of the PCN itself and will be recorded by the enforcement software system.

### **PARKING ATTENDANTS' POCKET BOOK / NOTEBOOK**

The Parking Attendants shall maintain a separate pocket book in which they shall note daily details of their patrols, PCNs issued, conversations with the public, etc. These books shall be kept in addition to any details entered into their handheld computers. They will be made available to the adjudicators in the event of a PCN being challenged through the independent adjudication process and will assist the investigation of any challenge or representation received by Uttlesford District Council.

Each Pocket Book will be uniquely numbered. All completed pocket books will be retained in the office. Each completed pocket book should have the PA's name written on the front cover.

### **PAY & DISPLAY TICKETS**

Most of Uttlesford District Council's car parks operate as pay & display, the only exceptions being those reserved for season ticket holders only or those where no fee is charged. The Council also allows pay & display parking in some of its residents-only parking areas.

Pay & Display requires the purchase of a ticket at the time of parking for the amount of time required. All tickets display the expiry date and time on them along with the fee paid and car park identification code. The car park fee tariff is clearly displayed adjacent to each machine.

Pay & Display Tickets must be:

1. Clearly displayed whilst the vehicle is parked. (The tickets are designed to adhere to the windscreen of the car using a peel off, adhesive backing).
2. For the date shown.
3. Un-expired.
4. For the car park indicated.

PCNs will be issued for:

1. Failing to display a valid ticket.
2. Displaying a ticket that has expired.

Representations made because the driver failed to correctly display a valid ticket even though one was held will not be allowed as it is incumbent upon the driver to

ensure that the ticket is clearly displayed throughout the time that the vehicle is parked.

Representations made because the driver did not have change will not be upheld.

Representations made because of delays returning to the car park will be dealt with in accordance with 'mitigating circumstances' above.

### **PENALTY CHARGE NOTICE – DISCOUNT PERIOD**

The PCN rate in Uttlesford is set at £60 as it is throughout Essex. This is subject to regular review. If the PCN is paid within 14 days of issue a discounted amount of £30 (50%) will be accepted in full settlement of the matter.

If a challenge is received from the keeper within 14 days of issue of the PCN the discounted period will be frozen pending the Council's decision. Should the challenge be rejected the discount period will restart from the date of the notice of rejection. This fact should be included within the notice itself.

If the challenge is received more than 14 days from issue of the PCN the discount period will not be frozen and the full amount of £60 payable in the event of the challenge being rejected.

If a Notice to Owner (NtO) is sent to the keeper who subsequently states that the PCN was not received at the time of the contravention the discounted amount will be accepted if paid within 14 days. This should be communicated in writing to the keeper with the restarted discount period starting from the date of the letter.

Care! When it is claimed that the PCN was not received the computer system will be interrogated to ensure that previous such claims have been made by the same person. If there is a history of such claims the discounted period should not be restarted and the full amount paid.

### **PENALTY CHARGE NOTICE, EARLY ISSUE OF**

Claims that a PCN was issued before the time that a contravention is deemed to have occurred require careful investigation.

The issue of PCNs is controlled by handheld computers carried by each attendant. These computers have in built clocks, which are calibrated each morning prior to commencement of the patrols. They will always impose a five-minute observation period prior to allowing a PCN to be issued. These times will appear on the PCN itself as "Time First Seen" and "Time of Issue". The computer system will prevent any subsequent alteration to these times.

The normal procedure is for an attendant to enter the observation details into the computer, then to continue with his/her patrol before returning to the vehicle to complete the issue of the PCN. In all cases a minimum of five minutes must be allowed between observation and issue.

## **PENALTY CHARGE NOTICES – TIME TO PAY/INSTALMENT PAYMENTS**

Uttlesford District Council will neither offer extensive time in which to pay PCNs nor will it enter into instalment payment arrangements.

## **PENALTY CHARGE RATE**

The PCN rate has been set at £60 for Essex. Any increase will have to be approved by members of the Council and endorsed by Central Government.

If paid within 14 days of issue the PCN rate is discounted by 50% and £30 will be accepted in full settlement.

## **PERMITS**

### **1. RESIDENT'S PERMITS:**

- a. A Resident's Permit is issued to a vehicle that is "kept" (registered to an address) within a named street and is accompanied by a holder and full instructions that it must be clearly displayed on the windscreen of the vehicle. Permits are only valid in the street stated, for the registration number and until the expiry date officially indicated on its face.
- b. Failure to display a permit is a contravention and will result in a PCN being issued which should not be cancelled unless there are mitigating reasons why the permit was not displayed.
- c. Use of a permit within another street, on another vehicle or after its expiry date is also a contravention for which a PCN will be issued. Again the PCN should not be cancelled unless there are mitigating circumstances that account fully for the contravention.

### **2. VISITOR PERMITS:**

- a. Visitor Permits are obtained by residents and issued to genuine visitors to their homes. Full instructions on how to use and display them are printed on the permits.
- b. Failure to display a visitor permit is a contravention and will result in a PCN being issued, which should not be cancelled unless there are mitigating reasons why the permit was not displayed.
- c. Use of a permit on a vehicle other than that indicated on the permit and on a date other than that indicated on the permit is also a contravention for which a PCN will be issued. Again the PCN should not be cancelled unless there are mitigating circumstances that account fully for the contravention.

- d. Use of a permit on which details, e.g. the date or time at which the vehicle was parked, have been subsequently altered is a contravention for which a PCN will be issued.

**3. CAR PARK SEASON TICKETS:**

- a. These are issued in the same manner as resident's permits and are valid only in the car park, for the vehicle and before the expiry date officially noted on the face of the season ticket.
- b. Failure to display a season ticket is a contravention and will result in a PCN being issued which should not be cancelled unless there are mitigating reasons why the ticket was not displayed.
- c. Use of a season ticket within a car park for which it is not valid, on another vehicle or after its expiry date is also a contravention for which a PCN will be issued. Again the PCN should not be cancelled unless there are mitigating circumstances that account fully for the contravention.

**PLUMBERS, ELECTRICIANS, GAS FITTERS**

**Emergency call out:**

An emergency is considered to last as long as it takes to make the premises safe i.e. turn off the main supply. After which any vehicle should be moved to a permitted parking place before any subsequent repairs are undertaken.

**Heavy Equipment:**

Dealt with as loading/unloading.

**POLICE OFFICERS ON DUTY**

PCNs should not be issued to marked police vehicles when on official duty.

Requests for cancellation of any PCN issued to an unmarked police vehicle must be made by the officer's area superintendent or equivalent. They should contain confirmation that the officer was on official business and that it was inappropriate for the vehicle to be parked elsewhere.

PCNs issued to unmarked police vehicles regularly parked outside of a police station should not automatically be cancelled as this can be deemed to be parking at a place of work and therefore, no different from any other employed person.

**POLICE OFFICER OR PARKING ATTENDANT GAVE PERMISSION TO PARK**

Where details of the officer concerned are given, confirmation should be sought prior to cancellation of the PCN.



Where these details are not given then the PCN should be enforced unless they are supplied subsequently.

### **PRE-DEBT REGISTRATION LETTER**

There is no requirement for a Local Authority to send a further reminder once a Charge Certificate has been issued. Uttlesford District Council, however, will send a Pre-Debt Registration Letter 17 days after the issue of the Charge Certificate to inform the debtor that unless the matter is settled within 14 days the debt will be formally registered at the Transport Enforcement Centre (TEC) and the matter placed into the hands of the Council's bailiffs who will have the right to recover the debt by seizing goods to the value thereof.

Past experience has demonstrated that such letters do generate responses in the majority of cases and will lead to a good proportion being settled.

### **PREGNANCY- MOTHERS WITH YOUNG CHILDREN**

Generally pregnancy is not considered to be a disability and delays caused by young children should not normally lead to the cancellation of a PCN.

However, this is a sensitive area and each case should be treated on its merits, i.e. if the delay was short (up to 10 minutes) or was caused by a minor medical emergency, child being sick or mother feeling unwell, leniency should be shown.

If the delay was caused by the mother not allowing additional time enough to deal with young children or her own condition, both of which she is fully aware of, then the PCN should be enforced.

### **PRIVATE PROPERTY**

Parking restrictions placed on private property are not the concern of Uttlesford District Council and are outside the scope of its enforcement operation.

Private landlords, residents, etc., can impose any reasonable restriction on their own property i.e. the need for permits, clamping etc. Enforcement of such restrictions, however, is also their responsibility although it may be subcontracted to other companies. Uttlesford District Council would not act as a subcontractor in such a case.

Any person querying such an area should be referred to the relevant landlord or resident.

### **PUBLIC UTILITY VEHICLES**

These vehicles will be exempt from restrictions if necessary if the following criteria apply:

1. The vehicle is on an emergency call and is actually involved in the emergency work.

2. The vehicle is involved in non-emergency maintenance of apparatus.
3. A board or note showing the address and nature of the emergency is clearly displayed in the vehicle.
4. The activity should normally be seen to be taking place.

If abuse is suspected a PCN should be issued and the parking attendant should note the reason why in his/her notebook, i.e. 'Vehicle parked, no activity observed, no indication of location of any emergency'.

In such cases the PCN should be enforced unless supporting evidence of the emergency/maintenance is supplied by the utility company.

Public Utility Vehicle is any vehicle involved in the mains supply of Gas, Electricity, Water or Telephone.

### **REGISTERED KEEPER'S LIABILITY**

Under the Road Traffic Act 1991 the responsibility for any PCN rests with the Registered Keeper of the vehicle as recorded at the Driver & Vehicle Licensing Centre (DVLC).

If the keeper was not the driver at the time of the contravention it remains his/her responsibility to pay the PCN and any recompense from the driver should be obtained by the Keeper. (See 'Notice to Owner').

### **RESTRICTED HOURS**

The hours during which restrictions are in force may vary and, if there is any doubt, the relative Traffic Regulation Order should be consulted. Generally, restrictions are as follows:

1. **Permitted Parking Bays:** As per signage.
2. **Yellow Lines:**
  - a. Single: No waiting during times shown on adjacent sign.
  - b. Double: No waiting at any time except where adjacent signs indicate otherwise.
3. **Loading Restrictions – Yellow Kerb Markings:**
  - a. Two Lines: No loading at any time.
  - b. One Line: During the working day or as specified by adjacent signs.
4. **Designated Loading Bays:** Indicated on adjacent sign.
5. **Doctor's Bays:** Usually 8.00am to 8.00pm unless indicated differently on the adjacent sign.

6. **Disabled Bays – Mandatory:** Indicated on adjacent sign.
7. **Bus Stops** – Usually 7.00am to 7.00pm any day but can vary – see adjacent sign.

## **ROAD SIGNS / MARKINGS – MISSING, OBSCURED OR BROKEN**

### **1. YELLOW LINES:**

- a. Where it is claimed that a yellow line(s) is worn away or has been covered by a highway repair the area should be immediately inspected and a report made to Essex County Council Highways area office.
- b. Where weather conditions (i.e. snow) have obscured the lines then immediate remedial action to clear them should be taken, although it is still the responsibility of the motorist to check whether a restriction is present.
- c. If it is confirmed that the claim is valid the PCN should be cancelled. Where the lines can be clearly seen, even though they may be partially worn, the PCN should be enforced but remedial action to renew the lines should be undertaken.

### **2. KERB MARKINGS: (LOADING RESTRICTIONS)**

- a. As per yellow lines above.

### **3. OBSCURED SIGNS:**

- a. Information signs accompanying waiting and loading restrictions must be clearly visible at all times. If it is claimed that a sign was obscured and could not be read (graffiti, weather or overhanging trees etc.) the sign should be immediately inspected and remedial action taken. If the claim is proved to be correct the PCN should be cancelled.
- b. If the sign can be easily read then the PCN should be enforced but the sign should be returned to pristine condition immediately if required.

### **4. MISSING SIGNS:**

- a. If a sign is claimed to be missing it should be inspected immediately and, if confirmed, arrangements made for its immediate replacement. Where a sign is missing the PCN should be cancelled.

## **ROYAL MAIL VEHICLES**

Royal Mail vehicles being used for the collection or delivery of postal packets are exempt from the regulations as long as they can be seen to be actively involved in such.

Royal Mail vehicles parked for long periods with no activity observed are subject to the same restrictions as ordinary motorists and a PCN should be issued.

Cancellation of a PCN will only be considered if written confirmation is received from the area manager that the vehicle was actively involved in the collection / delivery of mail.

## **SCHOOL BAYS**

Zigzag markings outside of schools can be either restricted or unrestricted and are installed for the protection of the children. Any markings that are restricted are governed by the relative Traffic Regulation Order and have yellow lines and a time plate showing hours of operation. (An unrestricted bay will not have a time plate and will show advisory road markings, usually in white).

Any vehicle parked in a restricted bay, during the times shown on the plate, will be issued with a PCN which will not be cancelled under any circumstances including the claim that the driver was picking-up or dropping-off children.

## **SECURITY**

The Chief Constable of Essex can, at any time, give notice to suspend the use of a parking space for up to 28 days where he/she considers such suspension as necessary for maintaining security in adjacent premises. PCNs issued for contravention of such suspensions should always be enforced.

## **SECURITY VANS**

Secure cash vans are occasionally required to park in close proximity to premises in order to effect safe delivery or collection of cash. PCNs issued under such circumstances should be cancelled upon receipt of a representation from the Security company confirming such an activity at the time, unless it can be clearly shown that the vehicle was parked for longer than was necessary.

Security vans involved in the delivery of mail or other such low value items are expected to comply with parking restrictions.

## **SUSPENDED BAYS**

### **PARKING BAYS – RESIDENTS, SHARED USE, DOCTORS, ETC:**

Where a representation is received claiming that a vehicle was parked at the location without having received notice of the suspension being received and, upon investigation the claim is found to be valid the PCN should be cancelled, providing that a valid permit was displayed.

It is normally the case that the responsibility for ensuring a vehicle is parked in accordance with any possible suspension rests with the driver. However, when a vehicle is parked legally within a designated bay, which is subsequently suspended, it is deemed to be legally parked as it cannot be made illegal retrospectively by the suspension.

The keeper will have to demonstrate however that, if the vehicle remains parked in contravention of the suspension for a considerable time, (s)he remained unaware of the suspension (i.e. on holiday etc).

### **TARIFFS/CHARGING LEVELS FOR PARKING – ON & OFF STREET**

Uttlesford District Council will, annually, review its charging levels for parking both on and off street. Officers will conduct this review and any recommendations for change will be placed before Members for their approval or otherwise.

The review will take into account the following:

- The need to maintain and, where possible, improve the flow of traffic.
- The need to improve safety and environmental conditions.
- Improving the quality and accessibility of public transport by discouraging the use of cars where road conditions and public transport facilities justify it.
- The needs of the local community including residents, shops and businesses.
- The particular needs of people with disabilities bearing in mind that some of these people are unable to use public transport.
- Existing and projected levels of demand for parking places.

## **TAXI RANKS**

Uttlesford District Council operates a number of Hackney Carriage Ranks. A notice is displayed at each rank showing its limits, how many Hackney Carriages may stand on it and any special regulations applicable.

Vehicles, other than Hackney Carriages, (including Private Hire Vehicles) parked in such ranks will be issued with a PCN. Any vehicle, including a Hackney Carriage, parked outside of the rank and in contravention of a parking restriction will be issued with a PCN.

## **TIME/DATE CALIBRATION OF HANDHELD COMPUTERS AND PAY & DISPLAY MACHINES**

Prior to commencement of each shift the attendants shall calibrate their hand held computers to ensure that they reflect the correct time and date. The time will be checked against a master clock, which is calibrated weekly against the BT talking clock.

Pay & Display machines are tested at the outset of each patrol to ensure that they are showing the correct time and date. This is done by obtaining a “test” ticket from the machines, which are kept as part of a weekly report function.

## **UNAUTHORISED MOVEMENT OF A VEHICLE**

Movement of any vehicle by the police is considered to be authorised. Unless there is clear evidence that a vehicle has been moved by an unauthorised person then all PCNs should be enforced.

1. Stolen Vehicle: Confirmation from the police that the vehicle was reported stolen including the relative crime report number.
2. Unauthorised use of a vehicle by another family member or a friend is difficult to substantiate and under these circumstances the PCN should be enforced unless it can be demonstrated that the matter was reported to the police prior to or just after the issue of the PCN. Subsequent report will not lead to the cancellation of the PCN.

## **UNIFORMS – PARKING ATTENDANTS**

The RTRA 1984 (Section 63A[4]) states:

”Parking attendants in Greater London shall wear such uniform as the Secretary of State may determine when exercising prescribed functions, and shall not exercise any of those functions when not in uniform”

The Secretary of State has determined that: “London Parking Attendants’ uniforms must be readily distinguishable from those worn by the police and Traffic Warden Services and must include the following”:

1. Clear identification that the wearer is a Parking Attendant
2. Clear identification of the Local Authority on whose behalf the PA is acting
3. A Personalised number to identify the parking attendant which may contain letters as well as numbers.

The Secretary of State believes that “the corresponding requirements concerning the wearing of uniforms by parking attendants outside of London should apply and statutory backing to this will be given”.

Experience in London has demonstrated that Parking Attendants' uniforms should include suitable headgear.

In a recent appeal heard by NPAS it was argued that the PCN was issued by a PA who was not wearing a hat as part of his/her uniform. NPAS upheld the appeal on the grounds that the PCN "was not properly issued".

Uttlesford District Council's attendants will wear a uniform consistent with the attendants in the other Essex Local Authorities (except for the 2 Unitary Authorities, Southend and Thurrock). This uniform will consist of:

1. Black Shoes.
2. Navy Blue Trousers / Skirt.
3. White Shirts / Blouses with Epaulettes and Council logo.
4. Navy Blue Jumper with Epaulettes and Council Logo.
5. Navy Blue hat – Showing the wording "Parking Attendant".
6. Navy blue transferable epaulettes showing Council Identifying letters and attendant's number. To be worn on "top" clothing – Shirt, jumper or coat.
7. Navy Blue Jackets will be available if required.
8. Epaulettes will show the Council Code (UF for Uttlesford) and the attendant's number.
9. All attendants will carry Council ID cards.

## **VANDALISED VEHICLE**

When a vehicle has been vandalised to an extent that prevents it from being safely moved any PCN issued will be cancelled providing acceptable supporting evidence is provided.

This evidence should be from either:

1. The Police – quoting the recorded crime number.
2. Motoring Organisation / Garage Service who removed the vehicle from site.

Attendant observation from his/her pocket book must also be considered providing that it clearly states the extent of the damage.

Failure to provide supporting evidence or the absence of Attendant observation will lead to the PCN being enforced.

## **VEHICLES LEFT UNATTENDED TO GAIN ACCESS**

When a driver has to collect a key to gain access to a property this should take no longer than 5 minutes and will be covered by the 5 minutes attendant's observation time.

In such circumstances vehicles should not be left for longer periods or in contravention of a total 'no waiting' or loading restriction. However, each case should be considered on its merits and extenuating circumstances taken into account.

## **VEHICLE NOT AT SCENE**

Where a keeper receives a Notice to Owner and claims that his/her vehicle was not parked in the area at the time a written request should be made to the keeper to confirm the make, colour and tax disc serial number relative to the vehicle.

If these match the records of the Council the PCN should be enforced. If they do not then the PCN should be cancelled. The key element is the tax disc number, which is unique to the vehicle.

Should the keeper refuse to supply the required information written application should be made to DVLC to supply the number of the last tax disc issued to the vehicle. A reference for this can be obtained from the VQ5 document received when they supplied the keeper's details.

## **VISITOR TO BRITAIN**

If a PCN is issued to a vehicle displaying foreign registration plates it should automatically be recognised by the processing system as the registration number will not be in DVLA format. Consideration should be given to cancellation of the PCN but, should payment be made then it should be accepted in the normal way. Equally all correspondence and representations should be dealt with in the normal way.

If a PCN is issued to a UK registered vehicle, which has been borrowed or driven by a foreign resident, the PCN should be enforced against the registered keeper(s) as they remain liable for it.



## **DEFINITIONS**

The following are definitions of terms commonly used in conjunction with parking enforcement.

### **CHARGE CERTIFICATE**

A Charge Certificate is issued:

1. 31 days after a Notice to Owner (NtO) is issued and no Formal Representation received.
2. 31 days after a Notice of Rejection to a Formal Representation is sent where no appeal has been made to NPAS.
3. 18 days after any appeal to NPAS is withdrawn (i.e. withdrawn before hearing)
4. 31 days after rejection of appeal by NPAS.

When a Charge Certificate is issued the amount of the penalty is increased by 50% (currently from £60 to £90).

The Charge Certificate is sent to the debtor requiring payment within 28 days of the full increased amount (of £90).

### **CONTROLLED PARKING ZONE (CPZ)**

A Controlled Parking Zone is one in which all on-street parking is controlled by way of bays in which parking is permitted under certain conditions (i.e. for valid permit holders only), and/or yellow line restrictions in respect of waiting and/or loading.

Every entrance road into a controlled zone will carry a sign, which explains that a driver is entering a zone, and give details of the times that the restrictions are in force. There is no need for additional signs on additional roads unless the restrictions differ from this, e.g. individual waiting / loading restrictions that apply for longer or even shorter periods. The local sign will always take precedence over the sign controlling the entrance to the zone.

### **DEBT REGISTRATION**

This is done at TEC electronically on or after 18 days from the issue of a Charge Certificate. The Local Authority must confirm issue of the Charge Certificate to the court and there is a fee, from the court, of £5 for each registration. This is added to the amount owed to the Council.

## **DEBT REGISTRATION – NOTICE OF**

Once the debt has been registered at TEC an Order for Recovery and Statutory Declaration Form is sent to the debtor advising him/her that they have 21 days in which to pay the amount owed or swear a Statutory Declaration.

Failure to do either will lead to a Warrant of Execution being applied for by the Council at TEC.

Once issued this will enable the Council to instruct Bailiffs to collect the debt on their behalf.

## **DISPENSATION**

Formal permission given by a Local Authority for a vehicle to park in contravention of a waiting or loading restriction – i.e. to allow maintenance to be carried out to adjacent property.

## **DRIVER & VEHICLE LICENSING CENTRE (DVLC)**

The Government Centre responsible for maintaining records of all vehicles, their registered keepers and Driving Licenses.

## **GOODS – DEFINITION OF WHEN RELATED TO LOADING / UNLOADING**

In claims of loading / unloading permitted 'goods' are deemed to be any that are of sufficient bulk and/or weight that requires the vehicle to be parked adjacent to the point of collection or delivery.

If a delivery is being carried out to a trade or business premises by a commercial vehicle this will be seen as compliant with the above.

The delivery / collection of small portable items, such as shopping, to or from a private vehicle will not constitute loading / unloading unless an elderly, disabled or infirm person is involved and enforcement of the restriction would cause hardship.

In all cases the vehicle should never be parked for longer than is necessary but allowance should be made for delivery notes etc, to be signed.

## **MANDATORY AND ADVISORY PARKING BAYS**

Where restrictions apply to a particular bay (e.g. Disabled bay, doctor's bay etc.), which is covered by a Traffic Regulation Order, it is said to be mandatory (obligatory). In this case there must be a time plate above the bay displaying the restrictions.

When the bay is not covered by an order then it is deemed to be 'advisory' and, therefore, unenforceable.

If in doubt the relative Traffic Regulation Order should be checked.

### **NATIONAL PARKING & ADJUDICATION SERVICE (NPAS)**

An independent body supported by subscriptions from Local Authorities by means of a Levy on each PCN issued (currently 70p) plus an annual fee.

Once a formal representation against a PCN has been rejected the keeper of the vehicle is given the opportunity to appeal to NPAS within 28 days of the rejection.

NPAS will review the case and make an independent decision as to the validity of the ticket based purely on its legality. NPAS will not take mitigating circumstances into account but will, realistically, expect a Local Authority to do this prior to the matter being sent to them. If they feel that mitigating circumstances do apply they will not uphold the appeal but will make their view known to the Local Authority.

NPAS decision is final and binding on both parties.

To ensure that appeals are not upheld Local Authorities must have watertight cases as any element of doubt will be given to the appellant and the PCN cancelled.

### **NON-FEE PAYING ENQUIRY & RESPONSE TO DVLA – VQ4 & VQ5**

When a PCN remains unpaid for 28 days, Uttlesford District Council will make a non-fee paying enquiry to DVLA (VQ4) to ascertain the identity of the keeper of the vehicle. This enquiry is made electronically via the Council's parking enforcement System.

The response (VQ5) from DVLA is also electronic and is automatically fed into the Council's system. Responses are usually received within 3 days of enquiry.

DVLA will confirm the response by forwarding a paper copy of the relative VQ5.

### **NOTICE TO OWNER**

If a PCN remains unpaid for 28 days, Uttlesford District Council will make an enquiry with DVLA to ascertain the identity of the registered keeper. Once this is done a legal Notice to Owner will be sent to the keeper advising him / her that the relative PCN remains unpaid.

The notice will contain full details of the PCN issued and requests payment within 28 days of receipt or it gives the keeper the opportunity to make a Formal Representation against the issue of the PCN, which also must be done within 28 days of receipt.

## **PENALTY CHARGE NOTICE (PCN)**

Issued at the time of the alleged contravention and must be affixed to the vehicle within a sealed plastic carrier or handed to the driver – failure to do either will invalidate the PCN.

The PCN will identify:

1. The Date & Time of the alleged contravention.
2. The Make & Colour of the vehicle.
3. Location of vehicle.
4. Details of Alleged Contravention.
5. Details of Penalty payable.
6. Instruction on how and where to pay.
7. Instructions on how and when an enquiry and/or a formal representation against the issue of the penalty may be made.

## **REGISTERED KEEPER**

The Person(s) or organisation who are registered at DVLC as being legally responsible for the vehicle – The Registered Keeper is not necessarily the Owner or the Driver.

## **SUSPENSION OF PARKING BAY**

Suspension of parking within a designated parking bay(s). Notified by display of adjacent signs and notices sent, in advance, to nearby properties.

## **TRANSPORT ENFORCEMENT CENTRE (TEC)**

The TEC is located in Northampton and is a branch of the County Court, which specifically deals with motoring offences.

All communication with TEC is carried out electronically either by fax or on line modem link via a Parking Enforcement computer system.