

**Appendix 13**

**Deciding on PCN challenges**

**OXFORDSHIRE  
CIVIL PARKING ENFORCEMENT PROCEDURES**

## Oxfordshire Councils

### Civil Parking Enforcement Procedures

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## 1. INTRODUCTION

Civil Parking Enforcement (CPE) means that the responsibility for enforcing the majority of on-street parking restrictions is the responsibility of the local traffic authority rather than the police. The project is being carried out by the Oxfordshire Councils in conjunction with Thames Valley Police. These procedures apply to all on-street parking restrictions where CPE powers have been adopted, with the exception of certain excluded roads, and to the Councils' off-street car parks where Orders apply.

This document aims to:

1. Remind people how to park carefully and considerately within the law
2. Indicate the steps involved once a Penalty Charge Notice (PCN) has been issued
3. Outline the standard parking contraventions and observation times
4. Offer guidance on the enforcement of specific parking contraventions and specific circumstances
5. Offer guidance on the cancellation of PCNs
6. Give definitions of some commonly used terms
7. Explain the commonly used abbreviations

The contents of the document are derived from:

- Legal requirements
- Current practices
- Accepted best practice
- Traffic Penalties Tribunal recommendations with regard to mitigation
- Ombudsman Advice

It is impossible to qualify every case and Civil Enforcement Officers (CEOs) will be instructed to issue PCNs to all vehicles parked in contravention of a parking regulation (unless specified in this document) following the expiry of any observation period allowed. Only authorised personnel will be allowed to cancel a Penalty Charge Notice. Cancellation may only occur after written representations against the issue of the PCN are received.

Every representation against the issue of a PCN will be considered on its individual merits against the guidelines given in this document.

This document will be subject to regular review and will reflect current best practice. *Please note that these procedures do not come into operation until powers have been granted by the Department for Transport to the County Council and delegated to District Council under the terms of Agency Agreements. Until such time on street enforcement remains the responsibility of the police.*

## 2. HOW TO PARK

Parking incorrectly, such as on double and single yellow lines, in a bus lane, across cycle lanes or in residents' parking bays, even for a few minutes, can cause inconvenience and even danger to other road users and pedestrians.

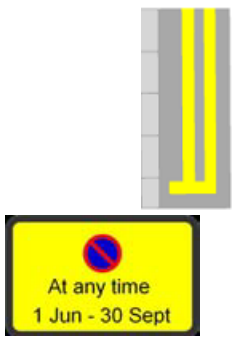


The Oxfordshire Councils wish that by enforcing parking regulations motorists will be more inclined to park safely and legally. This will therefore reduce the inconvenience and danger placed upon safe parkers and road users every day.

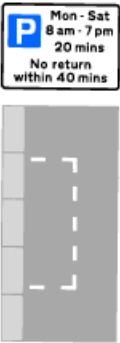
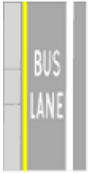

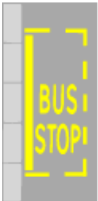
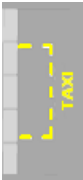
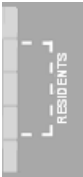
Following these simple rules will help you to park in a way that doesn't cause inconvenience to other members of the public:

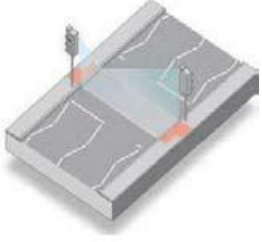
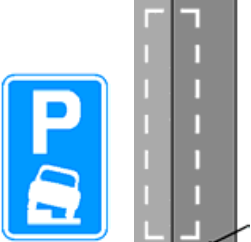
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- Always check the lines on the road and, where applicable, the signs by the side of the road.
- Always make sure you have parked within the bay markings.
- Make sure that none of your vehicles wheels are resting on the yellow line(s).
- Do not assume that by parking behind yellow lines you are not parking in contravention of a traffic regulation order. Areas where you think you may be legally allowed to park will in fact be part of the highway and will be enforced as such.
- In pay and display car parks always make sure you read the signage.
- In car parks always make sure you purchase the appropriate pay and display ticket in accordance with the instructions on the signage.
- In car parks always make sure you clearly display your pay and display ticket.
- Do not stay longer than is permitted by the signs or by the ticket you have purchased.
- Do not block entrances to private properties – dropped kerbs.
- Do not double park.
- Do not park on footways.
- Do not park on pedestrian crossings or the white zig-zag markings near to the crossing.
- Do not park on ‘School Keep Clear’ markings or the yellow zig-zag markings near to schools.

The following are some of the common restrictions you will see and a reminder of what they mean:

	<p><b>Double yellow lines</b> along the edge of the road mean no waiting at any time. However, you may stop while passengers get into or out of the vehicle and to load and unload, <b>unless</b> there are also loading restrictions. There is no requirement to erect a sign for a permanent double yellow line restriction. However, some double yellow line restrictions in Oxfordshire operate on a seasonal basis, meaning that they will only be enforced during the times specified on the adjoining sign. An example sign can be seen on the left.</p>
	<p><b>Single Yellow Lines</b> along the edge of the road mean you can't wait during the times shown on the adjacent sign. However, you may stop while passengers get into or out of the vehicle and to load and unload, <b>unless</b> there are also loading restrictions</p>
	<p><b>Loading Restrictions</b> are shown by yellow lines on the kerb or at the edge of the carriageway. They indicate that loading or unloading is prohibited during the times shown on the signs. Double yellow lines on the kerb mean no loading or unloading at any time.</p>

	<p><b>Limited Waiting Bays</b>          are shown by bay markings and signs that indicate the maximum amount of time that you may park in the bay. Please take note of the 'No Return' information displayed on the sign. This means that you are not permitted to return to the limited waiting bay within the time specified. CEOs will log all vehicles parked in limited waiting bays to ensure that they do not return to the bay within the specified timescale. Vehicles returning to the bay within the specified timescale will be issued with a PCN.</p>
	<p><b>Bus Lanes</b>          You must not drive or stop in a bus lane during its period of operation. Taxis and cyclists are usually allowed to use bus lanes.</p>
	<p><b>Loading Bays</b>          Are white 'bays' marked with the words 'Loading only' and a sign with the white on blue 'trolley' symbol. A sign will show the times when the bay can be used and whether loading and unloading is restricted to certain types of vehicles. Vehicles may not park here if they are not loading or unloading.</p>
	<p><b>Bus Stop Clearways</b>          You must not park in a bus stop clearway during its period of operation. The period of operation will be shown on the adjoining signage. There are also Bus stands on the highway. Again, you must not park on Bus Stands during the period of operation.</p>
	<p><b>Taxi Ranks</b>          You must not park in a Taxi Rank during its period of operation. The period of operation will be shown on the adjoining signage.</p>
	<p><b>Parking Bays for Specific Use</b>          You must not park in parking spaces reserved for specific users such as Doctors, Blue badge holders or residents, unless you are entitled to do so. Signs will indicate who is allowed to park and when the restrictions are in operation.</p>
	<p><b>Pedestrian Crossing Zig-Zags</b>          You must not park on a pedestrian crossing or in the area</p>

	<p>covered by the zig-zag markings. These markings are installed specifically to maintain pedestrian safety.</p>
	<p><b>Parking on the Footway where permitted</b></p> <p>In some locations it is permitted to park partly or wholly on the footway. There will be bay markings to show how the vehicle should be parked. To ensure that pedestrians are not obstructed vehicles parked even slightly farther onto the footway than shown by the bay markings may be issued with a penalty charge notice.</p>

Always use the current version of the Highway Code.

### 3. PCN RECOVERY SYSTEM FLOW CHART

The Councils will follow the guidance contained in the flow chart published by the Joint Committee of England and Wales for the civil enforcement of Parking and Traffic Regulations Outside London (PATROL).

### 4. OBSERVATION TIMES

In the case of contravention codes where there loading and unloading is permitted there will be an observation period before a penalty charge may be issued. This is to see if any loading or unloading is taking place and will be longer for a commercial vehicle than for a private car. However, if the CEO has evidence to suggest that no loading or unloading is taking place either by conversation with the driver or observation (such as the driver going into a betting shop, for example) an immediate penalty charge notice may be issued.

Drivers should not take this observation period as permission to park for short periods.

In pay and display areas there will be a grace period allowed between the time of expiry on the ticket and the issue of a penalty charge notice for staying beyond the time purchased. This is to allow for minor delays and discrepancies between clock and watches.

#### Discretion

The following list of contraventions details the level of penalty charge that will apply to each type of contravention. Following this list are details of various circumstances that may result in the issue of a penalty charge notice.

**It is important to note that these are detailed for guidance only. Each individual case turns on its own facts and, when considering challenges and representations against penalty charge notices, councils may not fetter their decision making process by sticking rigidly to a cancellation policy.**



<b>On-Street Contraventions</b>		
<b>Code</b>	<b>Contravention</b>	<b>Charge Level</b>
<b>01</b>	<b><i>Parked in a restricted street during prescribed hours.</i></b>  <b><i>The contravention occurs when a vehicle waits / is parked on single or double yellow lines during the rescribed hours of enforcement.</i></b>	<b><i>Higher</i></b>
<b>02</b>	<b><i>Parking or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force.</i></b>  <b><i>The contravention occurs when a vehicle waits / is parked on single or double yellow lines accompanied by a no loading ban signified by yellow kerb/carrageway markings during the prescribed hours of enforcement.</i></b>	<b><i>Higher</i></b>
<b>05</b>	<b><i>Parked after the expiry of paid for time.</i></b>  <b><i>The contravention occurs when a vehicle waits / is parked for longer than the period for which payment has been made.</i></b>	<b><i>Lower</i></b>
<b>06</b>	<b><i>Parked without clearly displaying a valid pay and display ticket or voucher.</i></b>  <b><i>The contravention occurs if there is no clearly visible and readable valid pay and display ticket or voucher.</i></b>	<b><i>Lower</i></b>
<b>07</b>	<b><i>Parked with payment made to extend the stay beyond the initial time.</i></b>  <b><i>The contravention occurs when a second or subsequent payment is made to extend the parking period beyond that originally purchased.</i></b>	<b><i>Lower</i></b>
<b>15</b>	<b><i>Parked in residents' parking space or zone without clearly displaying a valid resident's parking permit.</i></b>  <b><i>The contravention occurs when a vehicle waits / is parked within the confines of a residents parking bay/space without a residents parking permit being on display within the vehicle.</i></b>	<b><i>Lower</i></b>
<b>16</b>	<b><i>Parked in a permit space without displaying a valid permit.</i></b>  <b><i>The contravention occurs when a vehicle waits / is parked within the confines of a permit bay/space, such as a doctors bay/space, without a valid parking permit being on display within the vehicle.</i></b>	<b><i>Higher</i></b>
<b>20</b>	<b><i>Parked in a loading gap marked by a yellow line.</i></b>  <b><i>The contravention occurs when a vehicle waits / is parked</i></b>	<b><i>Higher</i></b>

	<p><i>in a loading gap which is marked by a yellow line. The yellow line will run between two marked bays such as residents or doctors permit bays. The two marked bays will only have single white markings to signify the end of each bay. If the end of the marked bays is signified by double white markings the yellow line between the bays is classed as a restricted street and a PCN will be issued for a 01 contravention.</i></p>	
21	<p><i>Parked in a suspended bay/space or part of bay/space.</i></p> <p><i>The contravention occurs when a vehicle waits / is parked in any part of a suspended bay or parking space. The suspension will be signified by suspension signage such as a placard and/or cones, post and flags. The signage will be placed within the bay / space to be suspended if at all possible. If this is not possible the signage will be placed as close as is reasonably practicable to the bays / spaces to be suspended.</i></p>	<i>Higher</i>
22	<p><i>Re-parked in the same parking place or zone within one hour (or other specified time) of leaving.</i></p> <p><i>The contravention occurs when a vehicle returns to the same parking space within the specified time of leaving the space. This contravention can only be enforced when signage relating to the parking space clearly states that returning within the specified time is not permitted.</i></p>	<i>Lower</i>
23	<p><i>Parked in a parking place or area not designated for that class of vehicle.</i></p> <p><i>The contravention occurs when a vehicle of a prohibited class is parked in a parking place or area.</i></p>	<i>Higher</i>
24	<p><i>Not parked correctly within the markings of the bay or space.</i></p> <p><i>The contravention occurs when one or more wheels of a vehicle are seen to be parked outside of the markings of a parking bay / space. The fact that the wheels of the vehicle are parked outside of the markings of the parking bay/space means that other parts of the vehicle will be encroaching on the available room in adjacent bays/spaces or causing an obstruction. In some locations it is permitted to park partly or wholly on the footway. There will be bay markings to show how the vehicle should be parked. To ensure that pedestrians are not obstructed vehicles parked even slightly farther onto the footway than shown by the bay markings may be issued with a penalty charge notice.</i></p>	<i>Lower</i>
25	<p><i>Parked in a loading place during restricted hours without loading.</i></p> <p><i>The contravention occurs when a vehicle waits/is parked within an area / marked bay designated as a loading place</i></p>	<i>Higher</i>

	<i>without any loading/unloading activity being observed by the CEO.</i>	
26	<p><i>Vehicle parked more than 50 cm (or other specified distance) from the kerb and not within a designated parking space.</i></p> <p><i>The contravention occurs when a vehicle waits/is parked more than 50cm from the kerbside and not within a designated parking space. This contravention is more commonly known as double parking.</i></p>	<i>Higher</i>
27	<p><i>Parked adjacent to a dropped footway.</i></p> <p><i>The contravention occurs when a vehicle waits/is parked adjacent to a dropped footway. Drivers are not permitted to park their vehicles in a manner that will obstruct a dropped footway. A dropped footway often enables easier access to premises and also enables members of the public such as parents with pushchairs or prams, and wheelchair users to cross the carriageway more easily.</i></p>	<i>Higher</i>
30	<p><i>Parked for longer than permitted.</i></p> <p><i>The contravention occurs when a vehicle waits/is parked within a free parking bay/space for longer than is permitted. Adjacent signage to the bay/space informs the driver of the vehicle exactly how long they may park for free.</i></p>	<i>Lower</i>
34	<p><i>Being in a bus lane.</i></p> <p><i>The contravention occurs when an unauthorised vehicle is in a bus lane</i></p>	<i>n/a</i>
40	<p><i>Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge.</i></p> <p><i>The contravention occurs when a vehicle waits/is parked within a designated disabled person's parking bay/space without clearly displaying a valid disabled person's badge. A PCN may be issued for this contravention for the following reasons:</i></p> <ul style="list-style-type: none"> <li><i>• No valid disabled person's badge is observed in the vehicle</i></li> <li><i>• If the disabled person's badge is illegible/obscured.</i></li> <li><i>• The disabled person's badge has expired.</i></li> <li><i>• If the clock that accompanies a disabled person badge is not displayed along with the badge (where there is a limit on the amount of time that the badge holder may park).</i></li> </ul>	<i>Higher</i>
42	<i>Parked in parking place designated for police vehicles.</i>	<i>Higher</i>

	<i>The contravention occurs when a vehicle waits / is parked within any part of the markings of a designated police bay.</i>	
45	<i>Parked on a taxi rank.</i>  <i>The contravention occurs when a vehicle waits/is parked within any part of a taxi rank. Taxi ranks are clearly distinguished by the yellow carriageway markings surrounding the rank and the word 'taxi'. Adjacent signage will state the maximum number of taxis that may wait on the rank.</i>	<i>Higher</i>
46	<i>Stopped where prohibited (on a red route or clearway).</i>  <i>The contravention occurs when a vehicle waits/is parked on any part of a clearway. Distinguished by signage visible when entering the clearway.</i>	<i>Higher</i>
47	<i>Parked on a restricted bus stop/stand.</i>  <i>The contravention occurs when a vehicle waits/is parked within any part of a restricted bus stop/stand. Bus stops/stands are clearly distinguished by the yellow carriageway markings surrounding the stop/stand and sometimes the words 'bus stop' or 'bus stand' within the markings. Signage adjacent to the bus stop/stand will display the prescribed hours of enforcement.</i>	<i>Higher</i>
48	<i>Stopped in a restricted area outside a school when prohibited.</i>  <i>The contravention occurs when a vehicle stops in an area outside a school where the markings are supported by a traffic regulation order.</i>	<i>Higher</i>
49	<i>Parked wholly or partly on a cycle track or lane.</i>  <i>The contravention occurs when a vehicle is parked obstructing a cycle track or lane.</i>	<i>Higher</i>
61	<i>A heavy commercial vehicle wholly or partly on a footway, verge or land between two carriageways.</i>  <i>The contravention occurs when one or more wheels of a vehicle over 7.5 tonnes waits/is parked on a footway, verge or land between two carriageways. Heavy commercial vehicles parked on the footway can endanger members of the public by forcing them to walk in the carriageway. The weight of these vehicles also results in damage to the footway occurring.</i>	<i>Higher</i>
62	<i>Parked with one or more wheels on any part of an urban road other than a carriageway (footway parking)</i>  <i>The contravention occurs when a vehicle waits/is parked on an urban road with one or more wheels resting on a footway, land between two carriageways, grass verge or</i>	<i>Higher</i>

	<i>space.</i>	
99	<p><b>Stopped on a pedestrian crossing and/or crossing area marked by zig-zags.</b></p> <p><i>The contravention occurs when a vehicle waits/is parked on a pedestrian crossing and/or crossing area that is marked by zig-zag markings. Parking near to or on pedestrian crossings endangers the lives of pedestrians by obstructing their view and the view of approaching vehicles.</i></p>	<b>Higher</b>
<p><b>Off-Street Contraventions</b>  <i>The following off-street contravention details are for information only. The City and District Councils operate their car parks using Parking Places Orders. Oxfordshire County Council is not involved in this part of Civil Parking Enforcement.</i></p>		
73	<p><b>Parked without payment of the parking charge.</b></p> <p><i>The contravention occurs when a vehicle waits/is parked without payment of the relevant parking charge. The parking charge will be clearly displayed on signage within the Car Park.</i></p>	<b>Lower</b>
74	<p><b>Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited.</b></p> <p><i>The contravention occurs when a vehicle waits / is parked in a parking place within a car park and the vehicle is being used in connection with the sale or offering or exposing for sale of goods. This contravention can only be enforced when signage relating to the parking place clearly states that using the vehicle for this purpose is not permitted.</i></p>	<b>Higher</b>
80	<p><b>Parked for longer than maximum period permitted.</b></p> <p><i>The contravention occurs when a vehicle waits / is parked within a free parking bay/space for longer than is permitted. Adjacent signage to the bay/space informs the driver of the vehicle exactly how long they may park for free.</i></p>	<b>Lower</b>
81	<p><b>Parked in a restricted area in a car park.</b></p> <p><i>The contravention occurs when a vehicle waits / is parked in a clearly marked restricted area within a car park. There will be surface markings and adjacent signage to signify the restricted area.</i></p>	<b>Higher</b>
82	<p><b>Parked after the expiry of time paid for in a pay &amp; display car park.</b></p> <p><i>The contravention occurs when the pay and display ticket</i></p>	<b>Lower</b>

	<i>seen inside a vehicle shows that the time paid for has expired.</i>	
83	<p><i>Parked in a pay &amp; display car park without clearly displaying a valid pay &amp; display ticket**.</i></p> <p><i>The contravention occurs when a clearly displayed pay and display ticket cannot be seen inside a vehicle parked in a pay and display car park.</i>  <i>A PCN may be issued for this contravention for the following reasons:</i></p> <ul style="list-style-type: none"> <li><i>• No pay and display ticket can be seen inside the vehicle.</i></li> <li><i>• The details on the pay and display ticket are illegible/obscured.</i></li> <li><i>• The pay and display ticket on display is face down resulting in no details being visible to the CEO.</i></li> <li><i>• The pay and display ticket has fallen onto the floor of the vehicle resulting in no details being visible to the CEO.</i></li> </ul>	Lower
84	<p><i>Parked with additional payment made to extend the stay beyond time first purchased.</i></p> <p><i>The contravention occurs when another pay and display ticket has been purchased and subsequently displayed in the vehicle resulting in the vehicle being parked in the same parking bay / space after the expiry time of the first pay and display ticket purchased. This contravention can only be enforced when signage relating to the parking bay/space clearly states that making additional payment to extend the stay beyond that initially purchased is not permitted.</i></p>	Lower
85	<p><i>Parked in a permit bay without clearly displaying a valid permit.</i></p> <p><i>The contravention occurs when a vehicle waits / is parked within the confines of a permit bay/space within a car park without a parking permit being on display within the vehicle.</i></p>	Higher
86	<p><i>Parked beyond the bay markings.</i></p> <p><i>The contravention occurs when one or more wheels of a vehicle are seen to be parked outside of the markings of a parking bay/space within a car park. The fact that the wheels of the vehicle are parked outside of the markings of the parking bay / space means that other parts of the vehicle will be encroaching on the available room in adjacent bays/spaces.</i></p>	Lower
87	<p><i>Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge.</i></p> <p><i>The contravention occurs when a vehicle waits/is parked within a designated disabled person's parking bay/space</i></p>	Higher

	<p><b>within a car park without clearly displaying a valid disabled person's badge. A PCN may be issued for this contravention for the following reasons:</b></p> <ul style="list-style-type: none"> <li>• <b>No valid disabled person's badge is observed in the vehicle.</b></li> <li>• <b>If the disabled person's badge is illegible / obscured.</b></li> <li>• <b>The disabled person's badge has expired.</b></li> <li>• <b>If the clock that accompanies a disabled person badge is not displayed along with the badge (where there is a limit on the amount of time that the badge holder may park).</b></li> </ul>	
89	<p><b>Vehicle parked exceeds maximum weight and/or height permitted in the area.</b></p> <p><b>The contravention occurs when a vehicle that is either too heavy or too high is seen to be waiting / parked within a car park. The height and weight restrictions for the car park will be clearly displayed on the entry signage to the car park.</b></p>	<b>Higher</b>
90	<p><b>Re-parked within the specified time of leaving a bay or space in a car park.</b></p> <p><b>The contravention occurs when a vehicle returns to the same parking bay / space in a car park within the specified time of leaving the parking bay / space. This contravention can only be enforced when signage relating to the parking space clearly states that returning within the specified time is not permitted.</b></p>	<b>Lower</b>
91	<p><b>Parked in an area not designated for that class of vehicle.</b></p> <p><b>The contravention occurs when a vehicle is parked in an area of a car park that is not designated for that class of vehicle. An example of this would be where a car is parked in a motorcycle bay, or a motorcycle is parked within a cycle area.</b></p>	<b>Higher</b>
92	<p><b>Parked causing an obstruction.</b></p> <p><b>The contravention occurs when a vehicle waits/is parked within a car park in a manner that is causing obstruction to other users of the car park.</b></p>	<b>Higher</b>
93	<p><b>Parked in a car park when closed.</b></p> <p><b>The contravention occurs when a vehicle waits/is parked in a car park outside of the car parks normal hours of operation.</b></p>	<b>Lower</b>
94	<p><b>Parked in a pay and display car park without clearly displaying two valid pay and display tickets when required.</b></p> <p><b>The contravention occurs when a vehicle waits/is parked</b></p>	<b>Lower</b>

	<i>in a car park without two valid pay and display tickets being displayed in the vehicle. An example of this may be where a driver has to purchase two pay and display tickets at the same time - one pay and display ticket to park during the day, and a second pay and display ticket to park overnight.</i>	
95	<i>Parked in a parking place for a purpose other than the designated purpose for the parking place.</i>  <i>The contravention occurs when a vehicle waits/is parked in a parking place within a car park for a purpose other than that designated for the parking place. An example of this may be where a parking place within a car park is designated for the purpose of charging electronic vehicles yet a vehicle is parked in the designated space selling goods.</i>	Lower
96	<i>Parked with engine running where prohibited.</i>  <i>The contravention occurs when a vehicle waits/is parked with the engine of the vehicle running within a car park where leaving the engine running is prohibited. Signage adjacent to the parking place will signify the restriction.</i>	Lower

## 5. SPECIFIC PROCEDURES

It is important to note that these are detailed for guidance only. Each individual case turns on its own facts and, when considering challenges and representations against penalty charge notices, councils may not fetter their decision making process by sticking rigidly to a cancellation policy.

### 5.1. 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 and the PCNs are not removed from the vehicle. The CEO will report the vehicle as potentially abandoned and it will be dealt with by the District Council's abandoned vehicle section under the provisions of Refuse Disposal (Amenity) Act1978.

We will use the following criteria to help us identify Abandoned Vehicles:

- Untaxed or showing out of date tax disc\*.
- General poor condition.
- No evidence of movement.
- Multiple PCNs attached to vehicle.

\*The vehicle must be untaxed or showing an out of date tax disc to enable removal by the District Council.

Whilst the vehicle is being dealt with as potentially abandoned no further PCNs will be issued. Issued PCNs will be enforced against the registered owner of the vehicle in the normal way. The District Council and Police abandoned vehicles protocols shall apply



and the CEOs and Police Officers will fulfil their agreed specified actions in respect thereof.

### **5.2. 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 relevant signs and lines on the highway and kerbside.

Motorists cannot assume that restrictions do not apply on Bank Holidays unless this is specifically stated in the relative signage. Enforcement on Bank Holidays should pay particular attention to known problem areas.

### **5.3. 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 will apply is in relation to bullion vehicles whilst loading/unloading large quantities of coin and cash boxes.

### **5.4. 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 in most circumstances.

Where access to a property is being blocked and a parking restriction is in place a PCN may be issued to the vehicle providing it is parked in contravention of the restriction. **See also “Dropped Footway”**

At present cases of obstruction should be referred to the police as a CEO will not be able to issue a PCN.

### **5.5. Blocked Exit from a Parking Place:**

Drivers who claim that they were unable to exit a parking place because another vehicle was blocking their exit should not leave their vehicle unattended. Drivers should wait with their vehicle until such times as they can advise the CEO of their predicament.

If the driver of the vehicle is seen, the CEO will not issue a PCN but will make full notes of the vehicle in their pocket book; they may take a photograph of the vehicle's position, and also advise any other CEOs in the immediate vicinity of the situation.

If the vehicle is left unattended, the CEO will issue a PCN but will make full notes of the vehicle in their pocket book and may take a photograph of the vehicle's position.

Where a representation against the issue of a PCN is received claiming that a vehicle could not be moved due to another parked vehicle, then due consideration should be given to its cancellation. When considering this, the representation should be accompanied by any supporting evidence provided by the vehicle owner and due consideration will also be taken of the CEOs pocket book notes and any photographs.

## **5.6. Blue Badges – See “Disabled Drivers/Passengers”**

## **5.7. Breakdown Organisations**

Vehicles being used in conjunction with the repair or recovery of broken down vehicles will be exempt from the regulations as long as they can be seen to be actively involved in such.

Vehicles parked for long periods with no activity observed are subject to the same restrictions as ordinary motorists.

## **5.8. 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 CEO that the vehicle was obviously broken down.

Each case should ultimately be considered upon its own merits although previous cases where breakdowns have been accepted as mitigating circumstances should also be considered.

A note left in the windscreen, stating that “the vehicle has broken down”, will not be accepted, by the CEO, 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.

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 it 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.

**5.9. Builders / Tradesmen:**

1. Waiting restrictions: Parking will only be allowed whilst loading / unloading of tools or materials are taking place. At all other times the vehicle must be moved to a permitted parking area or a dispensation obtained if appropriate.

2. On-Street Residential Parking Zones: Trade vehicles can only park if they are loading/unloading, have a valid visitor's permit (only available in some zones), have a business parking permit (only available in some zones) or where limited waiting is allowed without a permit – there will be a need to check the signs to determine how long the vehicle can be parked for. If a visitor permit is not available for any reason the tradesman may apply to the appropriate Council for a dispensation.

**5.10. 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.

A bus stop restriction cannot be transferred to a temporary bus stop unless the Temporary bus stop is fully signed in accordance with the regulations.

PCNs issued to any vehicle, other than buses, waiting in a restricted bus stop should be enforced.

**5.11. Care Organisations:**

Numerous care organisations are now operating within Oxfordshire as a result of contract arrangements with Social and Health Care and the Local Health Authority as well as privately arranged care. Each will often display badges issued by the various organisations but, due to the variety of badges in circulation none are recognised by the Oxfordshire Councils as valid authorities to park.

1. Parking in District Council Car Parks: It is not felt that there is a need for carers to park within District Council car parks free of charge. Consequently permits are not issued for this purpose.
2. 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 the PCN may be cancelled after consideration of the evidence available.

**5.12. Cars for Sale/Hire:**

Vehicles parked on the highway for the purpose of being sold, or for hire, will be subject to the same restrictions as any other vehicle. CEOs will deal with vehicles for sale in the same way as any other vehicle parked in contravention of the TRO and will issue a relevant PCN. Any challenge against the issue of a PCN to a vehicle parked in contravention of a TRO for the purpose of the vehicle being sold or hired will be rejected.

**5.13. Challenge against Issue of PCN:**

The owner of the vehicle may make an informal written challenge against the PCN at any time prior to the issue of a Notice to Owner.. Within this challenge the owner can mention any mitigating circumstances as well as challenging the validity of the PCN.

District Councils will respond, in writing, within 28 days of receipt of the challenge and must either give notification of acceptance of the challenge and cancellation of the PCN or rejection of the challenge.

If a challenge is received within the discount period of 14 days and is rejected the written notification from the District Council must give precise reasons why this decision has been reached. The discounted rate will be restarted and last for 14 days from the date of the representation rejection letter.

The making of an informal challenge in no way detracts from the ability of the owner to make a subsequent formal representation against the issue of the PCN to the District Council or to the Traffic Penalties Tribunal.

**5.14. Challenges / Representations Accompanied by Payment:**

Where members of the public submit a payment and enclose a letter challenging the Penalty Charge Notice and seeking redress prior to the issue of a Notice to Owner, the authority will always consider the challenge.

If the challenge is unsuccessful the payment will be returned with a statement explaining why the challenge is unsuccessful. After the issue of an NtO there are two options available to the owner- either make the payment or make a formal representation.

**5.15. CEOs' Pocket Book / Notebook:**

The CEOs shall maintain a separate pocket book in which they shall note daily details of their patrols, PCNs issued 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 the Council.

Each pocket book will be numbered and when issued to the CEO the number of the previous book used by that CEO entered on its cover along with the CEO's name. Similarly when a pocket book is completed the serial number of the new book issued will be entered on the cover. All completed pocket books will be retained in the office in numerical order. Each completed pocket book should have the CEO's name, the serial number of the previous book and the serial number of the next book written on the front cover.

**5.16. Clamping & Removal:**

The Councils have the power to clamp and subsequently remove vehicles parking in contravention of parking restrictions. However, it is not the intention to carry out clamping within Oxfordshire.

#### **5.17. Complaints against CEOs:**

Allegations that a CEO 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 in accordance with the employing Council's Disciplinary Policy. The findings of the investigation will be communicated to the complainant, in writing, within the stipulated timescale. Should the findings not be acceptable to the complainant advice of how to invoke the employing Council's Formal Complaints Procedure will be given.

The number of complaints being handled, the basis of the complaint and their current status or outcome will be reported to senior officers on an annual basis.

#### **5.18. Contracted Out Enforcement**

Where a council has chosen to contract out the enforcement duties, complaints against CEOs will be referred to the contract manager for investigation. If the complaint is made to the council it will be the council that responds to the complaint after the matter has been fully investigated. If there is a need for this matter to be investigated within a disciplinary process the contractor will follow their own internal procedure and advise the council of the outcome.

A contractor must have in place a fair disciplinary procedure in line with current employment and equal opportunities legislation.

#### **5.19. Council Officers on Duty & Members:**

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

1. Staff or Members carrying out their official council duties will be expected to comply with any relevant parking regulations. Failure to comply will result in a PCN being issued.
2. Parking on Yellow Lines: No special dispensation will be given to allow staff or Members to park on yellow lines. In such cases PCNs will be issued and pursued.
3. Request for Cancellation of PCN: This will only be considered in case of emergency and must be supported by written confirmation from the relevant Corporate Director.

#### **5.20. Court Attendance – Defendants:**

The conditions applying to Jury Members and Witnesses equally apply to defendants. However, there have been instances when a defendant has unexpectedly been given a custodial sentence and, as a direct result, is unable to remove his/her vehicle from a District Council car park or limited parking bay.

In such instances the District Council will expect that the vehicle will be removed, as soon as is reasonably possible, by the defendant's family, friends or legal representatives. Any Penalty Charge Notice issued will not be enforced providing supporting evidence is supplied by the defendant's legal representative.

### 5.21. Court Attendance – Jury Service or Witness:

The length or timing of any court hearing or trial cannot be guaranteed and often Jury members and/or witnesses find that they are unable to leave court to purchase further pay & display time in a car park or to move their car. This often leads to overstay and to PCNs being issued. To counter this Courts issue clear instructions to all Jury members and witnesses advising them as to how and where they should park. The courts will not pay any PCN issued to a witness or Jury member whilst carrying out their legal duties even if they are delayed by the court.

In such circumstances the Councils will enforce PCNs against the owner unless evidence is produced to support the fact that they were delayed to an extent that could not have been reasonably foreseen e.g. moved to a hotel overnight.

### 5.22. 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 allowed, 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 driver allowed long enough when deciding where to park or when purchasing a ticket for normal delays experienced whilst attending such appointments.

### 5.23. Description of Vehicle – On PCN:

When issuing a PCN the CEO 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. **Tax Disc Number:** The one thing that is unique to the vehicle is the tax disc number, which is recorded by the CEO 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.
2. **Incorrect colour:** If the colour is incorrectly recorded consideration should be given to cancellation of the PCN as follows:
  - a) Widely differing Colours: A blue car recorded as red car can obviously not be explained, and consideration should be given to cancellation of the PCN. This error may, however, indicate a re-spray not advised to DVLA. If the colour recorded by the CEO is backed up by photographic evidence taken at the time of the alleged contravention, we will proceed with enforcement, even if DVLA records show a different colour for the vehicle.
  - b) 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.
3. **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. The CEO will check the tax disc of the vehicle

before issuing a PCN. This should show the correct make of vehicle. If a subsequent tax disc check is irreconcilable we may consider cancelling the PCN.

**5.24. 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. PCNs issued to 'D' and 'X' 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.

**5.25. 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 to carry out the shopping. Blue badges must be clearly and properly displayed whilst the vehicle is parked. The Blue badge must be on the dashboard or the fascia of the vehicle where it can be seen through the windscreen. The front of the badge must be displayed, with the wheelchair symbol visible. If there is no fascia or dashboard in the vehicle, the badge must be displayed in a prominent position. The Blue badge should always be displayed along with the disabled badge time clock.

Failure to do so will result in a PCN being issued for the contravention of the relative parking restriction. When considering the matter the Councils 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.
- Yellow Lines: For a period not exceeding 3 hours.
- Resident Parking Zones: For an unlimited time.
- Car Parks in the area for up to 3 hours free of charge (providing the vehicle is displaying a Blue Badge & time clock, or a disabled exempt tax disc). 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.
- Any area specifically reserved for other vehicles or purpose. i.e. Taxi Ranks, reserved spaces in car parks, Bus Stops or Goods vehicle loading bays etc.

Parking with a Blue Badge must always be in accordance with the current Blue Badge Scheme guidance.

Disabled visitors from the European Union can enjoy the parking concessions provided in the UK by displaying the badge issued under their own national scheme. Where their national scheme does not include a parking disc (time clock) as required in England and Wales for parking on double yellow lines, the DfT suggests that, when parking in areas that would normally require a parking disc, the disabled badge holder should simply write the time of arrival on a piece of card and display it prominently on the dashboard or fascia

panel of their vehicle. This concession will be extended to disabled badge holders from all other countries.

The Department for Transport is keen to ensure that the Blue Badge Scheme provides the intended benefits to badge holders while seeking to prevent improper use. By virtue of Section 94 of the Traffic Management Act 2004 police officers, traffic wardens, local authority parking attendants and civil enforcement officers (as defined in Section 76 of the Traffic Management Act 2004) have the power to inspect badges. It is an offence to fail to produce a badge when requested to do so by any of these authorised persons. CEOs employed by the Councils will receive specific training on how the inspection of Blue Badges should take place.

#### **5.26. Dispensations & Suspensions:**

DISPENSATIONS: The following vehicles will receive automatic dispensation from waiting restrictions:

- the vehicle is a police vehicle and being used for police purposes;
- the vehicle is an ambulance being used for ambulance purposes in an emergency;
- the vehicle is in the service of the fire brigade being used for fire brigade purposes in an emergency;
- the vehicle is setting down or picking up a passenger and for the avoidance of doubt this includes a Public Service Vehicle setting down or picking up any passenger;
- the vehicle is waiting for the purpose of loading or unloading Goods at premises situated at or adjoining that road;
- the vehicle is waiting for the collection of waste from premises situated at or adjoining that road;
- the vehicle is in the service of or employed by a Universal Service Provider while being used for the purpose of loading, unloading, delivering or collecting Postal Packets at premises or post boxes at or adjoining that road;
- the vehicle is waiting while any gate or other barrier at the entrance to premises to which the vehicle requires access or from which it has emerged is being opened or closed, if it is not reasonably practicable for the vehicle to wait otherwise than in that road while such gate or other barrier is being opened or closed;
- the vehicle is waiting because the person in control of the vehicle is required by law to stop, or is obliged to do so in order to avoid an accident or is prevented from proceeding by circumstances outside his control;
- the vehicle is being used in connection with any of the following and cannot conveniently be so used without waiting in that road:
  - removing any obstruction to traffic at or adjoining that road;
  - undertaking works (including inspection) in relation to that road or to a traffic sign, road lighting or street furniture at or adjoining that road;
  - undertaking works (including inspection) in relation to a sewer or water main, or in relation to the supply of gas, electricity, water or communication services in or adjoining that road;
  - a funeral associated with premises at or adjoining that road and is a hearse or other official vehicle of an undertaker
- the vehicle is displaying a valid Disabled Person's Badge and is waiting for a period not exceeding three hours subject to the conditions that:-
  - the period of exempted waiting does not begin less than 1 hour after a previous period of exempted waiting by the same vehicle in the same road on the same day; and
  - a Parking Disc is displayed in the Relevant Position on the vehicle marked to show the quarter hour period during which the period of exempted waiting began



Provided that the person in control of the vehicle must move it on the instruction of a police constable in uniform, wherever that police constable considers this necessary for the purpose of preventing obstruction.

Dispensations may be granted for other reasons.

**SUSPENSIONS:** Designated parking bays, on or off-street, may be suspended. Suspension of bays in off-street car parks need to be discussed with the appropriate District Council and a charge for the suspension will be made on a commercial basis.

#### **5.27. Double Parking:**

Drivers are not permitted to park their vehicles more than 50 centimetres away from a kerb when the vehicle is not within the markings of a designated parking space. This contravention is more commonly known as double parking. Vehicles parked in this manner cause inconvenience and unnecessary danger to other road users by obstructing the carriageway. Vehicles parked in such a manner may be issued with a PCN using the 26 contravention code by the CEO. The current County Council policy on double parking is contained in Appendix 9.

#### **5.28. 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 an on-street 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.

#### **5.29. Dropping Off - Picking Up Passengers:**

Except on designated clearways and zig-zag pedestrian crossing markings, any vehicle will be allowed a reasonable amount of time to drop-off or pick up passengers irrespective of any on-street waiting or loading restriction in force.

As long as the CEO witnesses dropping off or picking up activities a PCN will not be issued. After 5 minutes of inactivity a PCN will be issued.

When considering the cancellation of PCNs special consideration will be given to Hackney Carriages or Private Hire Vehicles who will need additional time to announce their arrival and accept payment.

#### **5.30. Emergency Duties:**

**1. Local Authority and Contractors working on behalf of the Local Authority Livered Vehicles** will be exempt from parking restrictions when actively dealing with an emergency on the highway. However, these vehicles should not be parked in a way that will cause an obstruction to other road users and pedestrians wherever possible.

**2. Medical Emergency:** 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.

**3. Non-Livered Vehicles** such as private vehicles being used by the Councils' staff.

Such vehicles 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.

**5.31. Enforcement Agents (formerly known as Bailiffs):**

Enforcement Agents, 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 Enforcement Agent 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. Enforcement Agents 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 Enforcement Agent 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 cancelled.

**5.32. Estate Agents:**

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

**5.33. Exempt Vehicles:**

Vehicles with automatic dispensation from waiting restrictions are identified in Section 5.26.

**5.34. Fire-fighters on Call:**

'Fire-fighter on Call' placards are issued to Fire-fighters to display in their own private vehicles. The placard is meant to be a way of informing members of the public that the vehicle belongs to a fire-fighter and that the vehicle should not be obstructed in case the driver needs to report on duty at a nearby fire station. This however, does not allow the vehicle to park in contravention of any parking regulations, and any PCNs issued to vehicles displaying these placards will be enforced.

**5.35. Footway Parking:**

Note: A PCN may only be issued where a Traffic Regulation Order is in place.

1. Parking partially or wholly on a footway should not take place unless signs permit it.
2. Driving on the footway and obstruction of the footway are endorsable offences and may be enforced by the Police.
3. Most waiting and loading restrictions cover the relevant half of the highway – Centre line to boundary and this includes all footways and verges. A PCN will be issued for contravention of the restriction even if the vehicle is parked wholly behind the yellow line(s).

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

- Marked Vehicles used by Police, Fire and Rescue Service and Ambulance services whilst carrying out emergency duties.
- Vehicles used for Street / Street Light cleaning and Refuse Collection providing that they are actively involved in the function.
- Vehicles actively involved in works or maintenance of highway or public utilities.

5. PCNs may also be issued as follows:

- HGVs parked on the footway.
- Where a Traffic Regulation Order (TRO) specifically restricting parking on a footway exists.

#### **5.36. Formal Representation against Issue of PCN:**

The owner 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 enforcing Council. This representation must be made within the period of 28 days beginning with the date of service of the NtO. Formal Representation may be made on the basis that either one or more of the regulatory grounds apply or that there were compelling reasons why in the particular circumstances of the case the PCN should be cancelled.

#### **5.37. Funerals:**

PCNs will not be issued in the case of:

- Funerals – For the hearse and cortege vehicles.

However, vehicles belonging to mourners that are not actively involved in the funeral will not be able to park in contravention of any parking restriction. Any PCN issued to vehicles associated with a funeral, however, should be considered with due respect.

#### **5.38. 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 will be the responsibility of the vehicle owner. Garages have no right to utilise the highway in such a manner and PCNs should always be enforced in such cases.

#### **5.39. 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 CEO'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.

#### **5.40. 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 appropriate Council advance notice and details of the vehicle(s) involved.

#### **5.41. Hackney Carriages / Private Hire Vehicles (PHVs):**

Hackney Carriages and Private Hire Vehicles operating within the County are licensed by the relevant District Council and carry a numbered license plate that must be displayed on the rear of the vehicle. 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.

Hackney Carriages licensed by local authorities are not allowed to ply for hire within another local authority area. 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. 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 for more than 10 minutes it is liable to receive a PCN. When considering representations it should be borne in mind that when a Hackney Carriage or PHV is called to an address to pick up passengers the driver should be allowed time to announce his/her arrival.

**(See also Taxi Ranks)**

#### **5.42. Hatched Markings in Car Parks**

Hatched markings are placed on the surface of the car park to indicate an area where parking or waiting is not allowed. Vehicles seen to be parked, or waiting on hatched markings within a car park will be issued with a PCN.

#### **5.43. Hazardous Chemicals/Substances:**

Claims by companies that toxic or dangerous substances were being delivered or collected from premises and, as a result, a PCN was 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 CEO's notes whether the activity of loading was taking place. 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 after the loading / unloading activity is complete (See definition of Loading/Unloading). Ideally if there are serious Health and Safety concerns the authority should be notified prior to the delivery.

If the PCN was issued for contravention of a no loading restriction then, once again, the CEO'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.

#### **5.44. 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 owner, the Hire Company, providing they make formal representation to the enforcing Council once the Notice to Owner is received. It would be helpful if a copy of the relative hire agreement is provided to confirm the identity of the hirer. 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.

#### **5.45. Holidays:**

Vehicles are often left parked in one place whilst the owner is away on holiday. In such cases a PCN could be issued for being parked in a suspended on-street parking place or for failing to display a valid Visitors permit in an on-street residential parking zone:

Suspended Bay:

- The Councils have 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.
- If these notices are posted and distributed after the owner 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.

Residential Zone parking using a Visitors Permit:

- 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 Residential parking zone displaying a visitor's permit.
- Visitor's permits are designed for genuine visitors to a resident's property and are valid for one day only. Display of permits completed in advance is considered to be invalid and PCNs will be issued for this reason.
- The Councils consider these vehicles belong to people who are not genuinely visiting the residential property and, therefore, the PCNs will be enforced.

#### **5.46. Intervention in Challenge & Representation Processes by Members and other Officers:**

The Statutory Guidance states: *“Elected members may wish to review their parking representations policies, particularly in the area of discretion, to ensure consistency with published policies. However, elected members and unauthorised staff should not, under any circumstances, play a part in deciding the outcome of individual challenges or representations. This is to ensure that only fully trained staff make decisions on the facts presented. The authority's standing orders should be specific as to which officers have the authority to cancel PCNs. There should also be a clear audit trail of decisions taken with reasons for those decisions.”*

The process of dealing with challenges and representations against the issue of PCNs will therefore 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 (Traffic Penalties Tribunal). To preserve the integrity of these procedures they will be managed and carried out by a Council Officer not directly connected with the actual enforcement operations and no undue external pressure shall be brought, by either members of the Councils or other senior officers, designed to unduly influence the decisions by virtue of their position alone.

#### **5.47. Legislation:**

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The statutory acts governing parking enforcement are: The Traffic Management Act (2004) 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 Councils will make reference to specific, relevant paragraphs and will quote them verbatim within any correspondence. The Councils will not supply full copies of the relevant acts, which can be obtained from the HMSO or accessed via the internet.

If the owner is querying the authority behind a specific restriction then reference should be made to the relevant Traffic Regulation Order, held by the enforcing Council. Prior to any correspondence with the owner 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 owner. The Councils are not able to provide any legal advice.

### **5.48. Loading/Unloading:**

Vehicles will be permitted to park in contravention of waiting restrictions, including Resident Parking Zones, whilst carrying out the legitimate activity of loading or unloading provided:

1. Loading / Unloading involving the vehicle, is observed by the CEO whilst the vehicle is parked. The observation period shall be for at least five minutes for a private vehicle and 10 minutes for a commercial vehicle, and a PCN shall only be issued if no activity is seen during this period.
2. The goods being delivered or collected comply with the definition of goods (please see 'Definitions' below).
3. 10 minutes will be allowed for the driver of a goods vehicle to complete delivery paperwork.
4. Where a PCN is issued, a representation will be considered if supported by evidence confirming that the driver was delayed or was involved in moving heavy goods.

**See also Goods Definition of When Related to Loading/Unloading**

### **5.49. 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.

### **5.50. 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?

### **5.51. Medical Emergencies:**

If the motorist provides proof of a medical emergency, that is consistent with the conditions described or, if the CEO has made notes to support the motorist's representation, we may accept the representation and cancel the PCN. If the motorist cannot provide some proof of a medical emergency, consistent with the conditions described or, where other evidence contradicts the motorist's claim we may reject the representation. Each case will be treated on its individual merits and will take any previous PCNs issued to the same vehicle owner into account.

#### **5.52. Misspelling Of Owner's Name:**

The misspelling of the owner'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 owner to deal with the matter. Such names and addresses are, in most cases, obtained from the DVLA and are supplied by the owners themselves. It is also incumbent upon the owner to ensure that these are correct. If any misspelling is discovered then alterations must be made immediately to ensure that future notices are sent out correctly. When the misspelling is severe and is radically different from the correct spelling consideration should be given to the cancellation of the PCN.

#### **5.53. 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 a 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:** 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). 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 CEO. 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.

#### **5.54. Mobile Phones:**

The driver of a vehicle that is parked in contravention of any parking regulation whilst using a mobile telephone will only be allowed the relevant observation period in order to complete their call prior to the issue of a PCN. The relevant observation period is dependent on the parking contravention being committed, and the type of vehicle – whether it is a private or commercial vehicle. **See 'Standard Contravention Codes and Observation Times' above.**

#### **5.55. Motorcycle Bays:**

On-street motorcycle bays that are correctly marked and included in a Traffic Regulation Order will be enforced under CPE using the correct contravention code and suffix. If a car

or goods vehicle is parked in a motorcycle bay and the relevant exemptions do not apply the PCN will be enforced.

Motorcycle parking provision in car parks is a District Council responsibility. Enforcement action can be taken under CPE provided that the Parking Places Orders specify that areas are reserved for motorcycle use and that the spaces are clearly signed.

**5.56. Motorist Claims of Feeling Unwell:**

If the motorist provides proof of a medical condition, temporary or permanent, that is consistent with the conditions described or, if the CEO has made notes to support the motorist's representation, we may accept the representation and cancel the PCN. If the motorist cannot provide some proof of a medical condition, temporary or permanent, consistent with the conditions described or, where other evidence contradicts the motorist's claim we may reject the representation. Each case will be treated on its individual merits and we will take any previous PCNs issued to the same vehicle owner into account.

**See also Medical Emergencies**

**5.57. Motorist Not the Owner/Keeper, or Had Sold the Vehicle at the Time of the Contravention:**

We may accept representations made against the issue of a PCN if:

- The current registered owner is able to provide proof that the vehicle was disposed of before the contravention, i.e. a bill of sale, registration documents, insurance documents or a letter from the DVLA; and/or
- If the current registered owner is able to provide the full name and address of the person to whom they disposed of the vehicle along with the date of disposal.
- If the current registered owner is able to provide proof that the vehicle was purchased after the contravention, i.e. an invoice, registration documents, insurance documents or a letter from the DVLA; and/or
- If the current registered owner is able to provide the full name and address of the person from whom they purchased the vehicle along with the date of purchase.

**5.58. Notice of Rejection or Acceptance of Formal Representation:**

Within 10 working days of receipt of a formal representation from the owner of the vehicle the enforcing Council will endeavour to send out a written Notice of Acceptance or Rejection:

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 has come to this conclusion. The rejection is also accompanied with the necessary forms and instruction on how a further appeal can be made to the independent Traffic Penalties Tribunal; this appeal must be made within 28 days beginning with the date of service of the Notice of Rejection (subject to extension as provided in the Regulations).

**5.59. Observation Period – Prior To Issue Of PCN:**

Prior to the issue of a PCN the CEOs will, for most contraventions, allow a period of at least 5 minutes for a private vehicle, 10 minutes for a commercial vehicle, to elapse between first observing the vehicle illegally parked and the issue of the PCN. The details of the vehicle will be entered into the CEO's Hand Held Computer (HHC) when first seen



and the computer will prevent issue of the PCN within 5 minutes of that time. However, if the CEO has evidence to suggest that no loading or unloading is taking place either by conversation with the driver or observation (such as the driver going into a betting shop, for example) an immediate penalty charge notice may be issued.

The CEOs will be able to continue with their patrols, as long as the contravening vehicle is kept in view, and then return to the contravening vehicle. The observation time and the Penalty Charge Notice issue time will appear on the face of the PCN itself and will be recorded by the enforcement software system.

**5.60. Pay & Display Ticket Machines – Did Not Realise There Was One There:**

Claims from owners that they did not see or realise that they had to use a meter or pay & display machine should be dismissed providing that they are clearly sign posted.

**5.61. Pay & Display Ticket Machines – Not Working:**

Where it is claimed that a machine is not working then reference must be made to both the maintenance records, the CEO'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 will be given to cancelling the PCN. If there was an alternative machine in working order, and in close proximity, then it is reasonable to expect the driver to use this machine.

**5.62. Pay & Display Tickets:**

Most of the District Council's car parks operate as pay & display. 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. 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.
2. For the date shown.
3. Valid for that time-period.
4. For the car park indicated
5. For the vehicle indicated – where applicable.

PCNs will be issued for:

1. Failing to display a valid ticket.
2. Displaying a ticket that has expired.
3. Purchasing additional Pay & Display tickets in order to extend the stay beyond that initially purchased (only applicable in some car parks where the contravention is clearly signed).

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.

For the avoidance of doubt correctly displayed means that the pay and display ticket must be displayed face up inside of the windscreen so that all of the information printed on the ticket covering arrival/departure times and amount paid are clearly visible through the front windscreen.

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

**5.63. Penalty Charge Notice – Discount Period:**

The PCN rates in those areas of the County where CPE powers have been adopted are currently set at £70 and £50 depending on the type of parking contravention. If the PCN is paid within 14 days beginning with the date of service of the PCN a discounted amount of £35 or £25 (50% of the original PCN rate) will be accepted in full settlement of the matter. If a representation is received from the owner within 14 days of issue of the PCN the discounted period will still apply.

Following the rejection of an initial representation or, in certain circumstances, of a formal representation, a further 14 days for the payment of the PCN at the discounted rate will be allowed. This information will be included within the Notice of Rejection.

If the challenge is received more than 14 days from date of service of the PCN the discount period will not apply and the full amount of £70/£50 will be payable in the event of the challenge being rejected.

If a Notice to Owner (NtO) is sent to the owner/keeper who subsequently states that they have not received a Penalty Charge Notice they may make a written statement to that effect. If accepted, the discount amount can be paid provided it is paid within 14 days.

When it is claimed that the PCN was not received the computer system will be interrogated:

1. To ensure that previous such claims have not 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.
2. To determine whether the information recorded by the CEO confirms that the Penalty Charge Notice was attached to the vehicle.
3. To determine whether there is corroborating evidence that the PCN may have been removed illegally by third parties or otherwise.

It is an offence for any person other than the owner or person in charge of the vehicle and the enforcement authority to remove or interfere with a PCN attached to a vehicle. A person committing such an offence will be liable to a fine not exceeding level 2 on the standard scale.

**5.64. Penalty Charge Notice - Early Issue Of:**

Claims that a PCN was issued before the time that a contravention is deemed to have been committed, requires careful investigation. The issue of PCNs is controlled by the hand held computers carried by each CEO. These computers have built-in clocks, which are calibrated each morning prior to commencement of the patrols. Where appropriate the CEO will impose a five-minute observation period for private vehicles, and a ten-minute observation period for commercial vehicles, 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 a CEO 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/ten minutes must be allowed between observation and issue.

**5.65. Penalty Charge Notice – Incorrect Vehicle Location:**

Claims from a motorist that their vehicle was not parked in the location at the time and on the date alleged on the PCN requires careful consideration.

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Following consideration of all available evidence we may accept representation against the issue of a PCN if:

- The motorist provides a copy of their vehicle excise licence (tax disc), which was valid at the time of the contravention, and the serial number of which differs from the serial number noted by the attendant.

The representation may be rejected if:

- The photographic evidence obtained by the CEO at the time of the contravention proves that the vehicle was parked in the location specified on the PCN.
- The motorist does not provide a copy of their tax disc, after being given a further opportunity to submit such a copy.
- The serial number on the copy tax disc provided by the motorist is identical to the serial number noted by the CEO.
- If there is no evidence or if the evidence presented does not support the claim or is inconclusive.
- There have been previous unsubstantiated claims made by the same individual.

### **5.66. Penalty Charge Notices – Removed from Vehicle / Not Received:**

It is an offence under Regulations made, further to the Traffic Management Act 2004 (General Regulation 11), for any unauthorised removal or interference with a Penalty Charge Notice, once it has been affixed to a vehicle.

Claims from the registered owner of the vehicle that a PCN was not received will require careful consideration. This is because the CEOs will gather photographic evidence at the time of the contravention to prove that the PCN was affixed to the vehicle.

If correspondence is received claiming that the PCN was not received, we will examine the evidence recorded by the CEO. If it is accepted that the PCN was not received, we will write to the registered owner of the vehicle to inform them that if, the PCN is paid within 14 days of issue of this letter, the PCN rate will be discounted by 50% and £35 or £25 (depending on the contravention) will be accepted in full settlement. If the PCN remains unpaid after 14 days it will be dealt with via the normal PCN Recovery System.

When it is claimed that the PCN was not received, the notice processing system will be interrogated to ensure that previous such claims have not 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 should be paid.

### **5.67. Penalty Charge Notices – Time to Pay/Instalment Payments:**

As a general rule the enforcing Council will neither offer extensive time in which to pay PCNs, nor will it enter into instalment payment arrangements. Exceptions to this are made only in cases of demonstrated, genuine financial hardship. The enforcing Council will not consider such arrangements if Enforcement Agent warrant(s) has been issued for recovery of the amount due although the Enforcement Agent may enter into such an arrangement.

- Application must be in writing and will be responded to within 8 working days.
- The application must contain proposal for payment and be accompanied by any evidence supporting the claim of financial hardship.
- The enforcing Council's response will signify acceptance or rejection of the proposal.

- A rejection will be accompanied by the enforcing Council's counter proposal which will be the final offer based on:
  - o Where the debt involves multiple PCNs the enforcing Council will expect the settlement of at least one per month.
  - o Payments will be applied to the oldest PCN first thereby preventing the payment of discounted PCNs first.
  - o Otherwise a minimum payment of £10 per week. Wherever possible payment to be made by post-dated cheques to be held by the enforcing Council for presentation on the due dates.
  - o Non-payment of any cheque will result in enforcement action being recommenced and all un-banked cheques being returned to the drawer with a letter stating that the arrangement is cancelled.
  - o Where payment by cheque is not available, payments by postal order or debit card will only be accepted at the enforcing Council's Parking Section.
  - o The enforcing Council will maintain a separate active file for each arrangement reached, which will be reviewed by a senior manager each month.

#### **5.68. Penalty Charge Notice – Vehicle Driven Away Prior to PCN Being Served:**

If the CEO's pocket notebook and computer notes confirm that the vehicle drove away after the issue of the PCN had begun, i.e. whilst details were being noted, but before the Penalty Charge Notice could be served, i.e. handed to the driver or affixed to vehicle, the PCN will be served on the owner of the vehicle by post after obtaining the owner details from the DVLA.

#### **5.69. Penalty Charge Rate:**

The PCN rates have been set at £70 and £50 for Oxfordshire, dependant on the type of parking contravention committed. Any increase will only be possible if authorised by guidelines from Central Government and will require proper advertisement prior to introduction. If paid within 14 days of issue the PCN rate is discounted by 50%, and £35 or £25 (depending on the type of contravention) will be accepted in full settlement. We may accept representations made against the issue of a PCN if the PCN or Notice to Owner showed the incorrect amount of penalty charge, i.e. the wrong penalty charge.

#### **5.70. Permits (or Passes) In District Council Car Parks**

Parking permits are issued by some District Councils for use on their car parks. Details can be obtained from the appropriate District Council.

#### **5.71. 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.

#### **5.72. 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 Inspector 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.

**5.73. Police Officer 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.

A CEO will not be permitted to allow people to park in contravention of any parking restrictions.

**5.74. Pregnancy – Parents 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 pregnant women feeling unwell, leniency should be shown. If the delay was caused by the parent not allowing additional time enough to deal with young children or her own condition, both of which they are fully aware of, then the PCN should be enforced.

**5.75. Previous Records of Parking Contraventions**

All parking contravention records are stored within a computer system. All records of previous parking contraventions committed by vehicle owners will be consulted upon before making any decision on representations received.

**5.76. Private Property:**

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

**5.77. Public Service Vehicles (PSVs):**

1. In-service PSVs may stop anywhere to allow passengers to board the vehicle (unless there are specific exemptions in place).
2. Out-of-Service PSVs are not permitted to park in contravention of any restriction and will be treated the same as any other vehicle.
3. Touring Coaches are permitted to park in order to allow passengers to board/disembark the vehicle. However, they are not permitted to park in contravention of any restriction for any length of time prior to, or after, passengers have boarded/disembarked.

**5.78. Public Utility Vehicles:**

See “Emergencies Duties” & “Exempt Vehicles”

**5.79. Registered Owner Liability:**

The following extract from General Regulation 5 issued further to the Traffic Management Act 2004 outlines the person or persons responsible for paying a penalty charge once issued:

**‘Person by whom a penalty charge is to be paid**

1. Where a parking contravention occurs, the person by whom the penalty charge for the contravention is to be paid shall be determined in accordance with the following provisions of this regulation.
2. In a case not falling within paragraph (3), the penalty charge shall be payable by the person who was the owner of the vehicle involved in the contravention at the material time.
3. Where-
  - a) the vehicle is a mechanically propelled vehicle which was, at the material time, hired from a vehicle-hire firm under a hiring agreement;
  - b) the person hiring it had signed a statement of liability acknowledging his liability in respect of any penalty charge notice served in respect of any parking contravention involving the vehicle during the currency of the hiring agreement; and
  - c) in response to a notice to owner served on him, the owner of the vehicle made representations on the ground specified regulation 4(4)(d) of the Representations and Appeals Regulations and the enforcement authority accepted those representations,the penalty charge shall be payable by the person to whom the vehicle was hired and that person shall be treated as if he were the owner of the vehicle at the material time for the purposes of these Regulations.

In this regulation—

- a) “hiring agreement” and “vehicle-hire firm” have the same meanings as in section 66 of the Road Traffic Offenders Act 1988; and
- b) “the material time” means the time when the contravention giving rise to the penalty charge is said to have occurred.’

**5.80. Residents’ Parking (On-Street):**

**RESIDENTS’ PERMITS:**

- A resident’s permit must be clearly displayed on the windscreen of the vehicle. Permits are only valid in the zones indicated on the permit, for the registration numbers and until the expiry date printed on its face.
- Failure to display a resident’s permit when required 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.
- Use of a permit in a zone other than those specified on the permit, 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.

**VISITORS’ PERMITS:**

- Visitors’ 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. Permits are valid only within the zone(s) printed on its face.
- Failure to display a visitor’s permit when required 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.
- Use of a permit within a zone other than the zone indicated on the permit and on a date other than that indicated on the permit is also a contravention for which a Penalty Charge Notice will be issued. Again the PCN should not be cancelled unless there are mitigating circumstances that account fully for the contravention.

- Visitors' permits are not available in every resident parking zones.

#### LIMITED WAITING

- In some residents' parking zones vehicles can be parked for a limited time. The signs in these areas should be checked for the permitted duration.
- Vehicles exceeding this duration and not displaying a permit will be issued with a PCN.

#### **5.81. 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 remedial work undertaken as soon as practicable.
- b. Where weather conditions have obscured the lines (e.g. snow) then remedial action to clear the problem will be taken as soon as practicable.
- c. If it is confirmed that the claim is valid the PCN should be cancelled. The claim will be considered valid if the motorist could not establish if the restriction considered was in operation. Where the lines can be clearly seen, even though they may be partially worn, the PCN will be enforced but remedial action to renew the lines should be undertaken.

##### 2. Kerb Markings: (Loading Restrictions) as per yellow lines above.

##### 3. Obscured Signs:

- a. Information signs accompanying waiting or loading restrictions must be clearly visible at all times. If it is claimed that a sign was obscured and could not be read (e.g. graffiti, weather, and overhanging trees) the sign should be inspected as soon as practicable and remedial action taken. Photographic records from the CEO will be consulted. 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 reasonable condition as soon as is practicable.

##### 4. Missing Signs: If a sign is claimed to be missing it should be inspected as soon as practicable and, if confirmed, arrangements made for its replacement. A single missing time plate will not normally be considered as the restriction being improperly signed. No Waiting At Any Time restrictions do not require time plates to be erected.

5. Restriction marked after vehicle parked: A PCN may be cancelled if records confirm that signing/lining/placement of cones or suspension notices are likely to have taken place after the vehicle was parked.

#### **5.82. Royal Mail and Universal Service Provider Vehicles:**

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. Vehicles parked for more than 10 minutes 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.

#### **5.83. Security:**

The Chief Constable of Thames Valley Police 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.

**5.84. 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.

**5.85. Street Traders:**

Street trader's vehicles such as mobile kitchens and ice cream vans will not be permitted to park in contravention of any restrictions.

If a street trader's vehicle is seen to be parked in contravention of a TRO the person appearing to be the driver of the vehicle will be advised to move the vehicle by the CEO. If the vehicle is not moved after advice from the CEO, a PCN will be issued.

**5.86. Suspended Bays:**

PARKING BAYS, DOCTORS, RESIDENTS, BUSINESS, SHARED USE.

Where a representation is received claiming that a vehicle was parked at the location without having received notice of the suspension 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, it will be the registered owner of the vehicle who is responsible for paying any penalty charge notice issued to the vehicle.

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. Vehicles parked when the suspension was placed should be recorded at that time. The owner 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 (e.g. on holiday).

**5.87. Tariff – Rises in Parking Charges not Publicised:**

We may accept representations made against the issue of a PCN if the owner of the vehicle can provide proof that statutory notices were not erected in accordance with procedural regulations or, if the revised tariff is not on the tariff board.

**5.88. Taxi Ranks:**

District Councils make orders for 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 Penalty Charge Notice.

**See also "Hackney Carriages / Private Hire Vehicles (PHVs)"**



**5.89. Time/Date Calibration of Handheld:**

Prior to commencement of each shift the CEOs shall calibrate their hand held computers to ensure that they reflect the correct time and date.

**5.90. Trunk Roads**

Trunk roads are the responsibility of the Highways Agency (HA). However, we will be enforcing parking restrictions on major trunk roads such as the A34 after having gained consent from the HA to do so.

**5.91. Unauthorised Movement of a Vehicle:**

1. Stolen Vehicle: Confirmation from the police that the vehicle was reported stolen at the time the PCN was issued including the relative crime report number will result in the PCN being cancelled.
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 reports will not lead to the cancellation of the PCN.

**5.92. Uniforms – CEOs:**

The Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007 (SI 2007/3485) prescribe that when exercising prescribed functions a CEO must wear a uniform. The uniform should be readily distinguishable from those worn by the police and traffic wardens, and clearly show that the wearer is engaged in parking enforcement; the name of the local authority/authorities on whose behalf he/she is acting and a personal identity number.

In Oxfordshire, the Civil Enforcement Officers uniform will consist of the items specified in the Traffic Management Act and will comply with the requirement of BS 471:2003.

The epaulettes must be worn when the CEO is on duty and when PCNs are issued. The epaulettes will clearly display the following:

- The initials of the Local Authority that they are working on behalf of:
  - o CDC = Cherwell District Council
  - o OCC = Oxford City Council
  - o SODC = South Oxfordshire District Council
  - o VWHDC = Vale of White Horse District Council
  - o WODC = West Oxfordshire District Council
- Their individual CEO number.
- The words 'Civil Enforcement Officer (Parking)'.

**5.93. 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.

CEO 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 CEO observation will lead to the PCN being enforced.

**5.94. 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 CEO'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.

**5.95. Vehicle Stolen:**

We will accept representations made against the issue of a PCN if the vehicle had been taken without the owner's consent subject to receiving satisfactory evidence. The registered owner will be asked to provide a valid police crime report including the crime reference number.

**5.96. 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 owner (s) as they remain liable for it.

**5.97. Voluntary Patient Transport Vehicles:**

The display of a "Voluntary Patient Transport" placard does not automatically exempt the holder from parking restrictions. However, all representations or challenges against the issue of a PCN should be 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.).

**6. DEFINITIONS:**

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

**6.1. Charge Certificate:**

A Charge Certificate may be issued:

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- a. 28 days beginning with the date on which the Notice to Owner (NtO) is served and no Formal Representation is made.
- b. 28 days beginning with the date on which the Notice of Rejection to a Formal Representation is served where no appeal has been made to Traffic Penalties Tribunal.
- c. 14 days beginning with the date that any appeal to Traffic Penalties Tribunal is withdrawn i.e. withdrawn before hearing)
- d. 28 days beginning with the date the rejection of an appeal by the TRAFFIC PENALTY TRIBUNAL is served.

When a Charge Certificate is issued the amount of the penalty is increased by 50%. PCNs issued at the £70 rate will increase to £105. PCNs issued at the £50 rate will increase to £75. The Charge Certificate is sent to the debtor requiring payment within 14 days beginning with the date of service of the charge notice.

### **6.2. Debt Registration:**

- This is done at the TEC (Traffic Enforcement Centre) at Northampton County Court electronically on or after 18 days from the issue of a Charge Certificate.
- The enforcing Council must confirm issue of the Charge Certificate to the court and there is a fee, from the court, of £7 for each registration. This is added to the amount owed to the enforcing Council.

### **6.3. Debt Registration – Notice of:**

- Once the debt has been registered at TEC an Order for Recovery and Witness statement Form is sent to the debtor advising him/her that they have 21 days in which to pay the amount owed or swear a witness statement.
- Failure to do either will lead to a Warrant of Execution being applied for by the enforcing Council at TEC.
- Once issued this will enable the enforcing Council to instruct Enforcement Agents to collect the debt on their behalf.

### **6.4. 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.

### **6.5. Driver & Vehicle Licensing Agency (DVLA):**

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

### **6.6. 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 individual portable items 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.

#### **6.7. Non-Fee Paying Enquiry & Response to DVLA – VQ4 & VQ5:**

- When a PCN remains unpaid for 28 days The Councils will make an enquiry to DVLA (VQ4) to ascertain the identity of the owner 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.

#### **6.8. Notice to Owner (NTO):**

- If a PCN remains unpaid for 28 days the Councils will make an enquiry with DVLA to ascertain the identity of the registered owner. Once this is done a legal Notice to Owner will be sent to the owner 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 owner the opportunity to make a Formal Representation against the issue of the PCN, which also must be done within 28 days of receipt.

#### **6.9. Penalty Charge Notice (PCN):**

Issued at the time of the alleged contravention and must be affixed to the vehicle within a sealed plastic carrier, handed to the driver, or issued by post (in the case of a vehicle driven away before the PCN was served, or where the CEO has been prevented from serving the notice to the driver).

The PCN will identify:

- a) The date on which the notice is served;
- b) The name of the enforcement authority;
- c) The registration mark of the vehicle involved in the alleged contravention;
- d) The date & time at which the alleged contravention occurred;
- e) The grounds on which the civil enforcement officer serving the notice believes that a penalty charge is payable;
- f) The amount of the penalty charge;
- g) That the penalty charge must be paid before the end of the 28-day period;
- h) That if the penalty charge is paid before the end of 14 days beginning with the date of service of the notice, the penalty charge will be reduced by the amount of any applicable discount;
- i) The manner in which the penalty charge must be paid;
- j) That if the penalty charge is not paid before the end of the 28-day period, a notice to owner may be served by the enforcement authority on the owner of the vehicle; and
- k) That the person on whom the notice to owner is served will be entitled to make representations to the enforcement authority against the penalty charge and may appeal to an adjudicator if those representations are rejected; and
- l) That, if representations against the penalty charge are received at such address as may be specified for the purpose before a notice to owner is served,-
  - i. those representations will be considered;
  - ii. but that, if a notice to owner is served notwithstanding those representations, representations against the penalty charge must be made in the form and manner and at the time specified in the notice to owner.

#### **6.10. Registered Owner:**

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

**6.11. 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.

**6.12. Traffic Enforcement Centre (TEC):**

The TEC is located in Northampton and is a branch of the County Court, which specifically deals with motoring contraventions. All communication with TEC is carried out electronically either by fax or on line modem link via a Parking Enforcement computer system.

**6.13. Traffic Penalties Tribunal (formally National Parking Adjudication Service):**

- An independent body supported by subscriptions from Local Authorities by means of a levy on each PCN issued.
- Once a formal representation against a PCN has been rejected the owner of the vehicle is given the opportunity to appeal to the Traffic Penalties Tribunal within 28 days of the rejection.
- Traffic Penalties Tribunal will review the case and make an independent decision as to the validity of the ticket based purely on its legality. The Traffic Penalties Tribunal 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.
- The Traffic Penalties Tribunal decision is final and binding on both parties but in certain circumstances a judicial challenge may be undertaken.
- 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.

**7. ABBREVIATIONS**

CEA	Civil Enforcement Area
CEO	Civil Enforcement Officer
CPE	Civil Parking Enforcement
CPZ	Controlled Parking Zone
CV	Commercial Vehicle
DfT	Department for Transport
DVLA	Driver and Vehicle Licensing Agency
DYL	Double Yellow Lines
ECN	Excess Charge Notice
FCO	Foreign and Commonwealth Office
FPN	Fixed Penalty Notice
HA	Highways Agency
HHC	Hand Held Computer
HMSO	Her Majesty's Stationary Office
IHT	Institute of Highways and Transportation
LTP	Local Transport Plan
NoR	Notice of Rejection
NtO	Notice to Owner
NVQ	National Vocational Qualification
NWAAT	No Waiting At Any Time

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P&D	Pay & Display
PCN	Penalty Charge Notice
PCSO	Police Community Support Officer
PMC	Private Motor Car
PNR	Private Non-Residential
PSV	Public Service Vehicle
RTRA 1984	Road Traffic Regulation Act 1984
SEA	Special Enforcement Area
SYL	Single Yellow Line
TEC	Traffic Enforcement Centre (Northampton County Court)
TMA 2004	Traffic Management Act 2004
TPT	Traffic Penalty Tribunal
TRO	Traffic Regulation Order
VED	Vehicle Excise Duty