

**WILTSHIRE CC DECRIMINALISED PARKING
ENFORCEMENT POLICY**

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

The contents of the policy are derived from:

- Current Wiltshire County Council practices,
- Accepted best practice,
- NPAS recommendations with regard to mitigation;
- Ombudsman Advice

In formulating this policy due regard was paid to:

- The Council's Equality Policy,
- The Council's Local Transport Plan,
- The Council Health and Safety Policy
- The Human Rights Act.

This information can be obtained in different formats. If you want a translated version in ethnic minority languages please contact:

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D R A F T

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POLICY:

1 INTRODUCTION

This policy is primarily concerned with:

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

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

1.2 This Policy will be subject to regular Review by the Wiltshire Parking Board and will reflect current best practice.

**Policy Statement of Wiltshire Councils for
Decriminalised Parking Enforcement.**

Dated: 27th June 2006

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

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

The adoption of Decriminalised Parking Enforcement within the County of Wiltshire by the Councils will:

- Maintain and, where possible, improve the flow of traffic thereby making the County a more pleasant and environmentally safe place to live and visit.
- Take into account the needs of local residents, shops and businesses, thereby sustaining the County and District Council's economic growth.
- Actively support the needs of disabled people bearing in mind that, in some cases, they are unable to use public transport and are entirely dependent upon the use of a car. This will ensure that people with disabilities are able to have equal access to all facilities within the districts.
- Actively discourage indiscriminate parking that causes obstruction to other motorists, public transport, pedestrians, cyclists and people with disabilities. This will ensure that the Districts remain accessible to all equally and safely.

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

- a) Existing and predicted levels of demand for parking.
- b) The availability and pricing of both on and off -street parking.
- c) The nature and extent of on-street parking restrictions.
- d) The accuracy and quality of existing signs and plates.
- e) The levels of compliance that Wiltshire County Council considers to be acceptable and the level of enforcement necessary to achieve them.
- f) The views of the public who shall be actively consulted on all matters relating to the extension of parking restrictions.
- g) The views of the Wiltshire Police.
- h) The provision of suitable parking facilities for disabled people.
- i) The provision of suitable parking facilities for cyclists and motorcyclists.

j) Consideration of the Council’s overall aims with regard to the environment, fear of crime within the County and the sustained economic growth of the County and District Councils.

Signed:..... Date:.....

??, Portfolio Holder, Development Services, Wiltshire County Council.

Signed:..... Date:.....

??, Portfolio Holder, Development Services, Kennet District Council.

Signed:..... Date:.....

??, Portfolio Holder, Development Services, North Wiltshire District Council.

Signed:..... Date:.....

??, Portfolio Holder, Development Services, West Wiltshire District Council.

Signed:..... Date:.....

SPECIFIC POLICIES:

2 ABANDONED VEHICLES:

- 2.1 Where a vehicle remains parked, in a restricted area, for a period during which multiple PCNs are issued (multiple = 3) for the same contravention. The attendant will report the vehicle as potentially abandoned and it will be dealt with by the District Council's abandoned vehicle section under the provisions of Refuse Disposal (Amenity) Act 1978.
- 2.2 Criteria used in identifying Abandoned Vehicles:
1. Untaxed or showing out of date tax disc.
 2. General poor condition.
 3. No evidence of movement.
 4. Multiple PCNs attached to vehicle.
- 2.3 Whilst the vehicle is being dealt with as potentially abandoned no further PCNs will be issued.
- 2.4 Issued PCNs will be enforced against the registered keeper of the vehicle in the normal way.
- 2.5 The District Council and Wiltshire Police abandoned vehicles protocols shall continue to apply and the Parking Attendants and Police Officers will fulfill their agreed specified actions in respect thereof.

3 BAILIFFS:

- 3.1 Bailiffs, as agents of the court, are court officers. Of the many functions they perform, executing warrants is one that is likely to concern us most. These are court orders for the collection of money and/or goods of sufficient value to produce the required amount. For this purpose the bailiff will always have an appropriate vehicle nearby.
- 3.2 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.
- 3.3 When they are taking goods or high values in cash, we can exercise discretion where it appears reasonable to do so. Bailiffs are not exempt from legislation, however, and an official badge or permit should be displayed on the vehicle and, further, the act of loading/unloading should be observed as taking place. Once goods have been seized the bailiff is required to list them prior to leaving the premises and this could legitimately take some time. In such circumstances we should ask for a warrant number, identification and

confirmation of the nature of goods being seized before the PCN is either issued or subsequently cancelled.

4 BANK HOLIDAYS – RESTRICTIONS APPLICABLE:

- 4.1 Waiting and loading restrictions, as indicated by yellow lines / markings on the carriageway and/or kerbs may be in force throughout the year.
- 4.2 It is only in designated parking bays (limited waiting, loading, shared use bays, pay & display etc.), that restrictions may be lifted on Bank Holidays. Reference should be made to the relative Traffic Regulation Order.
- 4.3 Motorists cannot assume that restrictions do not apply to Bank Holidays unless this is specifically stated in the relative signage. Enforcement on Bank Holidays should take particular attention to known problem areas such as Car Boot sales etc.

5 BANK VISITS:

- 5.1 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.
- 5.2 It is appreciated that difficulty may be experienced when visiting banks but the exemption that may apply is in relation to bullion vehicles whilst loading / unloading large quantities of coin and cash boxes.

6 BLOCKED ACCESS:

- 6.1 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.
- 6.2 Where access to a property is being blocked and no parking restriction is in place the matter should be referred to the Police as the offence of Obstruction is only enforceable by them.
- 6.3 Where a restriction is in place a PCN may be issued to the vehicle providing it is parked in contravention of the restriction.

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

- 7.1 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:
 - Garage Receipt, on headed paper, properly completed and indicating repair of the alleged fault within a reasonable time of the contravention.
 - Till receipt for purchase of seemingly relevant spare parts purchased on or soon after the date of contravention.

- Confirmatory letter from the RAC, AA or other similar motoring organisation.
- Confirmation from the PA 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.

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

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

7.3.1 FLAT BATTERY:

- 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.
- 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).
- 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 parked in contravention of a restriction before the breakdown occurred?

7.3.2 FLAT TYRE:

- 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.
- If the wheel could not be changed because of a mechanical difficulty evidence must be produced from the attending breakdown service supporting this.
- Failure to carry a spare wheel is not sufficient reason to cancel a PCN.

7.3.3 OVERHEATING:

- 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.

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

7.3.4 RUNNING OUT OF PETROL:

- Unless this is due to a mechanical / electrical fault evidenced by repair all PCNs are to be enforced.
- NB. If it is apparent from previous records that the same driver is continuously trying to avoid liability for PCNs by claiming that his/her vehicle is broken down, this should be considered when deciding on whether or not to accept their representations
- Where representations are accepted on the second or subsequent occasion the keeper should be informed, in writing, that due consideration to previous incidents will be taken into account should another contravention be committed for the same reason.

8

BUILDERS / TRADESMEN

- **Residential Parking Zones:** All trade vehicles parked within a controlled resident zone must display either a valid Visitor's Parking Permit (obtainable from the resident) or a Business Parking Permit (if applicable obtainable from the appropriate District Council).
- **Yellow Line restrictions:** Parking will only be allowed whilst loading / unloading of tools and materials is taking place. At all other times the vehicle must be moved to a permitted parking area.

9

BUS STOPS:

9.1

Bus stops can either be restricted or unrestricted:

- **Restricted:** A restricted bus stop will show yellow lines and a time plate showing the hours of operation.
- **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 .

9.2

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

10

CARE ORGANISATIONS:

10.1

Numerous care organisations are now operating within Wiltshire County as a result of contract arrangements with Social Services 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 Wiltshire County Council as valid authorities to park.

10.2

Parking in Residential Parking Zones: Each District Council will issue its own permits allowing genuine carers to park within Residential Parking Zones to enable them to care for residents.

Permits are issued upon application, which must be supported by an official letter from the care organisation or, in the case of a private carer (relative etc) confirmation from the resident's GP that he/she is in need of regular, permanent care within their home. Any abuse of such permits will result in them being withdrawn immediately.

10.3 **Parking in District Council Car Parks:** It is not felt that there is a need for carer's to park within Council car parks free of charge. Consequently permits are not issued for this purpose.

10.4 **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 will be cancelled after consideration of the evidence available.

11 **CHALLENGE AGAINST ISSUE OF PCN:**

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

11.2 The District Council must respond, in writing, within 10 working 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.

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

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

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

12 **CHALLENGES / REPRESENTATIONS ACCOMPANIED BY PAYMENT:**

12.1 To avoid the loss of the discount period or to avoid County Court action keepers may opt to enclose settlement of the PCN with a challenge or formal representation. In such circumstances The District Council must act in good faith and deal with the challenge/representation in a fair and equitable manner. At the same time the Council must comply with its own financial regulation regarding the banking of cheques. As agreed with the Council's Internal Audit Department. It is suggested that:

- 12.1.1 Challenges and Representations accompanied by a payment will be separately logged, will be dealt with as a priority and responded to within a maximum of two working days. If the challenge/representation is successful the payment will be returned to the keeper with the letter of acceptance. If the challenge is unsuccessful the payment will be immediately banked and the keeper duly notified that we have accepted it in full or part settlement as part of the rejection notice.
- 12.1.2 Where an investigation is required that will take more than two days a letter should be sent to the keeper stating this and informing him/her that "In accordance with the Council's Financial Procedures" the payment has been banked pending the outcome of the investigation. Should the challenge/representation be upheld the Council would immediately make arrangements for a refund to be issued to the keeper. Any letter of acceptance or rejection sent to the keeper must make specific reference to the fate of the payment.

13 CLAMPING & REMOVAL:

- 13.1 The District Councils have the power to clamp and subsequently remove vehicles parking in contravention of parking restrictions. However this power can NOT be used until agreed by the County Council and the relevant charges for clamping and removal have been properly advertised.
- 13.2 This power is incorporated within the relative Traffic Regulation Orders.
- 13.3 However, it is not the intention to carry out Clamping & Removal in Wiltshire at this time although this decision may be reviewed in the future.

14 COMPLAINTS AGAINST PARKING ATTENDANTS:

- 14.1 Allegations that an attendant has made an error whilst issuing a PCN will be investigated under the normal Representations or Challenge procedures and a formal written notice of acceptance or rejection will be sent within the stipulated timescale.
- 14.2 Any allegation of misconduct or rudeness made against a member of the enforcement staff will be investigated and dealt with by the District Councils Parking Services Manager, in accordance with the 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 Council's Formal Complaints Procedure will be given.
- 14.3 The CNO of the County Council should be informed of the number of complaints being handled, the basis of the complaint and their current status or outcome on an annual basis. Actions taken against individual Parking Attendants, in accordance with the Council's Disciplinary

Policy, will not be communicated.

15 **COUNCIL OFFICERS & MEMBERS ON DUTY:**

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

- **Parking in Residential Parking Zones and / or Council car parks:** Staff or Members using their own cars to carry out their official council duties must display a staff parking permit whilst parked. At all other times staff and members must comply with the restrictions by purchasing a pay & display ticket or displaying a valid resident's or visitor's permit. Failure to comply with any of the foregoing will result in a PCN being issued.
- **Parking on Yellow Lines:** No dispensation will be given to allow staff or Members to park on yellow lines. In such cases PCNs will be issued and pursued.
- **Request for Cancellation of PCN:** This will only be considered in case of emergency and must be supported by written confirmation from the relative Corporate Director.

16 **COURT ATTENDANCE – DEFENDANTS:**

16.1 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 Council car park. In such instances the 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 PCN issued will not be enforced providing supporting evidence is supplied by the defendant's legal representative.

17 **COURT ATTENDANCE – JURY SERVICE OR WITNESS:**

17.1 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. This often leads to overstay and to PCNs being issued. To counter the Courts issue clear instructions to all Jury members and witnesses advising them as to how and where they should park.

17.2 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.

17.3 In such circumstances the Council will enforce PCNs against the keeper unless evidence is produced to support the fact that they were delayed to an extent that could not have been reasonably foreseen. i.e. Moved to a hotel overnight.

18 **DENTAL / DOCTORS APPOINTMENTS:**

18.1 If the claim is made that, due to a delay in the appointment time or

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

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

19 **DESCRIPTION OF VEHICLE – ON PCN:**

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

- 19.2 **Incorrect colour:** If the colour is incorrectly recorded consideration should be given to cancellation of the PCN as follows:

- **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.
- **Widely differing Colours:** A blue car recorded as red can, obviously, not be explained by the above and serious consideration should be given to cancellation of the PCN. This error may, however, indicate a re-spray not advised to DVLA.

- 19.3 **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. In such cases serious consideration must be given to canceling the PCN.

- 19.4 **Tax Disc Number:** The one thing that is unique to the vehicle is the tax disc number, which is recorded by the attendant at the time of the PCN issue. If these match then the Council have good grounds to pursue the PCN irrespective of any other error regarding colour or make.

20 **DIPLOMATIC VEHICLES:**

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

- **'D' PLATES:** PCNs issued to 'D' plate vehicles should automatically be cancelled upon input to the processing system although, should the driver subsequently decide to make payment,

it will be accepted. Details of these PCNs will be taken up with the Foreign & Commonwealth Office and payment may be obtained later.

- **'X' PLATES:** In effect these PCNs should be cancelled upon input. If correspondence is received from the driver and enforcement seems appropriate a request for payment should be made.

21 **DISABLED DRIVERS/PASSENGERS:**

21.1 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.

21.2 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.

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

21.4 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.
- **Council Car Parks:** For an unlimited time (wherever possible the driver should park in designated disabled bays).

21.5 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, Bus Stops or Goods vehicle loading bays etc.

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

22 **DISPENSATIONS & SUSPENSIONS**

22.1 Dispensations: The following vehicles will receive automatic

dispensation from waiting restrictions:

- 22.1.1 Police, Fire and Rescue Service or Ambulances only whilst attending emergency situations.
- 22.1.2 Vehicles involved in contracted Highway Maintenance where there is a need for them to be parked adjacent to the work site.
- 22.1.3 Liveried Council vehicles carrying out statutory duties such as Refuse Collection, Street Cleansing and verge maintenance.
- 22.1.4 Vehicles displaying valid disabled permits. (see appropriate section on Blue Badges).
- 22.1.5 Dispensations may be granted for the following:
 - Funerals – For the hearse and cortege vehicles.
 - Weddings – Bridal Vehicles.
 - Maintenance to adjacent buildings.
 - Furniture Removals.
 - Any other similar reason accepted by the Council.
- 22.1.6 Applications for dispensations must be received at least 10 working days prior to the required date and must be made to the District Council's Parking Operations section. The Council's decision is final.
- 22.1.7 If granted, dispensations will be issued to the applicant by way of written authority, which must be clearly displayed on the vehicle whilst parked. A copy will be held by the patrolling attendant and a further copy kept, with the application, by Parking Operations section.
- 22.1.8 A charge, per vehicle per day, may be made except in the cases of Wedding and Funeral vehicles.
- 22.2 Suspensions:
 - 22.3 Designated parking bays, on or off-street, may be suspended for the following reasons:
 - To allow maintenance of adjacent property where highway access is required for deliveries, essential vehicles, skips etc. (Cars will not be considered as "essential vehicles" and will be expected to park in accordance with parking restrictions).
 - Maintenance to highway trees.
 - At the request of the Police.
 - For security reasons.
 - Any other similar reason accepted by the Council.
 - 22.4 Applications for suspensions must be received at least 10 working days prior to the required date and must be made to the Council's Parking Operations section. The Council's decision is final.
 - 22.5 If granted suspensions of parking bays / spaces will be clearly

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

22.6 Vehicles parked in contravention of a suspension will receive PCNs.

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

23 **DRINK DRIVING OR OTHER ARREST:**

23.1 If the driver of a vehicle has been arrested and, as a direct result, has been forced to leave the vehicle in contravention of a parking restriction any resultant PCN should be enforced.

23.2 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.

24 **DROPPING OFF - PICKING UP PASSENGERS.**

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

25 **EMERGENCY DUTIES:**

25.1 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.

25.2 Regular or programmed visits will not be considered an emergency.

26 **ESTATE AGENTS:**

26.1 Estate agents visiting a client's property within a residential parking zone should either display a valid Visitors or Business Permit if available.

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

27 **EXEMPT VEHICLES:**

27.1 The following vehicles are considered to be exempt from parking restrictions whilst attending emergencies:

- Fire and Rescue Service Vehicles
- Marked Police Vehicles
- Ambulances.

27.2 The following vehicles are exempt in the circumstances described:

- Local Authority Vehicles (or those of their contractual agents), whilst being used to carry out statutory duties (i.e. Refuse Collection, Street Cleansing, Highway Maintenance), or whilst carrying out duties that require the vehicle to be in close proximity (i.e. Verge Grass Cutting), including Parking Attendant Vehicles.
- Post Office and other vehicles engaged in the delivery of postal packets (i.e. Courier companies such as UPS). – This does not include private vehicles used by
- postmen/women whilst carrying out letter deliveries. The Council will expect such vehicles to be parked in compliance with any parking restriction.
- Electricity Board, Gas Board, Water Authority, British Telecom or other telecommunications (and/or their appointed contractors), whilst actively laying or undertaking repairs to pipes, cables or other apparatus.
- Furniture vans whilst moving furniture to and from a dwelling, office or depository. Wherever possible these vehicles should not be parked in contravention of a loading restriction.
- Public Service Vehicles and other company vehicles whilst waiting at an authorised stopping place, terminus or turning point.
- Vehicles involved in building, excavating and demolition work whilst lawfully and actively engaged on those duties.

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

28 **FOOTWAY PARKING:**

28.1 It is not generally an offence for a vehicle to be parked on a footway. The exceptions to this are;

- HGV's (Sect.19, RTA 1988).
- Cycle Tracks (Sect.21, RTA 1988).
- Where a Traffic Regulation Order (TRO) exists.

28.2 Driving on the footway and obstruction of the footway remain endorsable offences and may be enforced by the Police

28.3 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 road works.

28.4 Most waiting and loading restrictions cover the whole highway – boundary to boundary and this includes all footways and verges. A PCN can only be issued to a vehicle parked in such a manner if the restriction is specifically incorporated in the relevant TRO or the road is subject to a waiting / loading restriction, in which case the PCN should be issued for contravention of the restriction.

29 **FORMAL REPRESENTATION AGAINST ISSUE OF PCN:**

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

29.2 Formal Representation can only be made on the following grounds:

- The Contravention did not occur
- The Penalty exceeded the relevant amount (currently £60)
- The Traffic Order was invalid
- I was not the owner/keeper of the vehicle at the time.
- The vehicle had been taken without my consent
- We are a hire firm and have supplied the name of the hirer.
- Other reason – where supporting information is required.

30 **FUNERALS & WEDDINGS:**

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

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

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

31 **GARAGES – VEHICLES LEFT UNATTENDED:**

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

31.2 However, the ultimate responsibility for the PCN rests with the registered keeper of the vehicle.

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

32

GLAZIERS:

- 32.1 Claims from glazier companies that a vehicle needed to be parked close to the location of an emergency repair should be treated leniently providing it is confirmed, from the attendant's notes, that such activity was taking place at the time of the issue of the PCN.
- 32.2 PCNs will not be cancelled when issued to vehicles that are not actively involved in the work.

33

GOVERNMENT DEPARTMENT VEHICLES:

- 33.1 Unless the reason for parking the vehicle was under exceptional circumstances PCNs issued to vehicles owned or operated by Government Departments should be enforced.
- 33.2 They are not exempt purely by virtue of the fact that they are operated by a Government Department.
- 33.3 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.
- 33.4 Wherever possible Government Agencies involved in such activities should be encouraged to give the Council advance notice and details if the vehicle(s) involved.

34

HACKNEY CARRIAGES / PRIVATE HIRE VEHICLES:

- 34.1 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.
- 34.2 There is a distinct difference between Hackney Carriages and Private Hire Vehicles (PHV). PHV's are not allowed to ply for hire on the street or display a "TAXI" sign.
- 34.3 Hackney Carriages licensed by local authorities are not allowed to ply for hire within another local authority area.
- 34.4 Hackney Carriages and PHV's, 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 it is liable to receive a PCN.
- 34.5 Each case, especially those involving elderly, infirm or disabled passengers should be treated on its merits and due allowance should be made in such incidences.
- 34.6 It should be borne in mind that when a Hackney Carriage or PHV is called to an address to pick up passengers the driver must be allowed time to announce his/her arrival.

35

HAZARDOUS CHEMICALS / SUBSTANCES:

- 35.1 Claims by companies that toxic or dangerous substances were being delivered or collected from a premise and, as a result, a PCN was incorrectly issued to the vehicle being used should be given careful consideration.
- 35.2 If the PCN was issued for contravention of a no waiting restriction it can be established from the attendants notes whether the activity of loading was taking place. If so the PCN should be cancelled. If no loading activity was taking place the PCN should be enforced. There is no reason, in this case, to differentiate between toxic and non-toxic deliveries as it is the driver's responsibility to ensure that the vehicle is moved immediately the loading / unloading activity is complete. (See definition of Loading / Unloading).
- 35.3 If the PCN was issued for contravention of a no loading restriction then, once again, the attendants notes should be viewed to establish whether the loading activity was taking place.
- 35.4 If so then serious consideration should be given to the cancellation of the PCN in view of the Health & Safety of the public.
- 35.5 Any such representation should be accompanied by documentary evidence showing the nature of the goods being delivered.

36 **HEALTH EMERGENCY BADGE SCHEME:**

- 36.1 Wiltshire County Council does not, at this moment, operate a Health Emergency Badge (HEB) scheme but will review this should the need for such a scheme arise. The following, therefore is for reference only:
- 36.2 The Council may issue Health Emergency Badges (HEB's) to doctors etc., who may be called upon to attend medical emergencies. These badges must be clearly displayed and will incorporate a dry wipe area in which the location of the emergency should be written.

37 **HIRING AGREEMENT:**

- 37.1 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.
- 37.2 Consequently, in this case, the responsibility does not rest with the registered keeper, the Hire company, providing they make formal representation to the Council once the Notice to Owner is received. This representation must be accompanied by a copy of the relative hire agreement .
- 37.3 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.

38 **HOLIDAYS:**

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

38.1.1 Suspended Bay:

- The Council has the power to suspend parking within a designated parking bay to allow access by a specific vehicle or highway / bay maintenance to be carried out. In such cases advance notice is placed alongside the bay and is distributed to nearby properties giving the date, times and length of the suspension.
- If these notice are posted and distributed after the keeper departed on holiday then any PCN issued should be cancelled. Evidence must be provided showing departure date and time (i.e. Flight tickets etc.). This should be compared with records relative to the display and distribution of the notices. In essence the Suspension cannot operate retrospectively.

38.1.2 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 Council considers these vehicles belong to people who are not genuinely visiting the residential property and, therefore, the PCNs will be enforced.

39 **HOSPITAL CAR SERVICE:**

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

39.2 Generally such consideration should extend to:

- Allowing sufficient time to enable the driver to make his/her presence known to the passenger(s).
- 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.

39.3 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.).

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

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

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

41 **LEGISLATION:**

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

41.2 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.

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

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

42 **LOADING / UNLOADING:**

42.1 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:

- Activity, involving the vehicle, is observed by the attendant whilst the vehicle is parked. The observation period shall be for at least five minutes and a PCN shall only be issued if no activity is seen during this period.
- Generally a maximum of 20 minutes will be allowed to enable loading / unloading to take place. Exceptions will be made when the nature of the goods being loaded / unloaded require more time, i.e. House moving or very heavy goods being handled.
- Due allowance will be given to allow the driver to complete delivery paperwork.

- Where a PCN is issued a challenge will be considered if supported by evidence confirming that the driver was delayed or was involved in moving heavy goods.

43 **LOCATION – INCORRECT:**

- 43.1 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.

44 **LOST KEYS:**

- 44.1 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.

- 44.2 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?

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

- 45.1 Claims from keepers 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 .

46 **METER / PAY & DISPLAY MACHINES – NOT WORKING.**

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

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

47 **MISSPELLING OF KEEPER'S NAME:**

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

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

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

- 47.4 When the miss-spelling is severe and is radically different from the

correct spelling consideration should be given to the cancellation of the PCN.

48 **MITIGATING CIRCUMSTANCES:**

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

48.1.1 **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).

48.1.2 CHILDREN / ELDER PEOPLE:

48.1.3 Claims are often made by people, accompanied by young children or elder 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).

48.1.4 Claims that PCNs issued whilst children were being dropped-off or collected from schools etc., should not be cancelled unless a reasonable amount of time was not allowed by the attendant. The normal 5-minute observation period should be enough time in such circumstances.

48.1.5 **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.

49 **MOTORCYCLE BAYS:**

49.1 These are not mandatory bays but are exemptions to the normal restrictions either on street or in car parks. Consequently any vehicle, other than a motorcycle, parked in such a bay is parked in contravention of the surrounding restriction, not for being parked in a motorcycle bay.

50 **NOTICE OF REJECTION OR ACCEPTANCE OF FORMAL REPRESENTATION:**

50.1 Within 10 working days of receipt of a formal representation from the keeper of the vehicle a written Notice of Acceptance or Rejection will be sent by the Council:

50.2 Notice of Acceptance: This will confirm that the representation has been accepted and that the person's liability for the PCN has been cancelled.

50.3 Notice of Rejection: This formally rejects the representation and gives

detailed reasons why the Council have come to this conclusion. The rejection is also accompanied with the necessary forms and instruction on how a further representation can be made to the independent National Parking Adjudication Service (NPAS). – This representation must be made within 28 days of receipt of the notice of rejection.

51 **OBSERVATION PERIOD – PRIOR TO ISSUE OF PCN:**

51.1 Prior to the issue of a PCN the attendants will, for most contraventions, allow a period of at least five minutes to elapse and between first observing the vehicle illegally parked and the issue of the PCN.

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

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

52 **PARKING ATTENDANTS' POCKET BOOK / NOTEBOOK:**

52.1 The Parking Attendants 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 Wiltshire County Council.

52.2 Each Pocket Book will be numbered and when issued to the PA the number of the previous book used by that PA entered on its cover along with the PA's name. Similarly when a pocket book is completed the serial number of the new book issued will be entered on the cover.

52.3 All completed pocket books will be retained in the office in numerical order. Each completed pocket book should have the PA's name, the serial number of the previous book and the serial number of the next book written on the front cover.

53 **PAY & DISPLAY TICKETS.**

53.1 Most of the District Council's car parks operate as pay & display.

53.2 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 (In some car parks the driver is required to enter the vehicle's registration numbers into the machine. These will also appear on the ticket and are designed to prevent illegal transfer of the ticket from one vehicle to another). The car park fee tariff is clearly displayed adjacent to each machine.

53.3 Pay & Display Tickets must be:

- Clearly displayed whilst the vehicle is parked.
- For the date shown.
- Un-expired.
- For the car park indicated
- For the vehicle indicated – where applicable.

53.4 PCNs will be issued for:

- Failing to display a valid ticket.
- Displaying a ticket that has expired.

53.5 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.

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

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

54 **PENALTY CHARGE NOTICE – DISCOUNT PERIOD.**

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

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

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

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

54.5 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 paid.

55 **PENALTY CHARGE NOTICE, EARLY ISSUE OF:**

55.1 Claims that a PCN was issued before the time that an offence is deemed to be committed requires careful investigation.

55.2 The issue of PCNs is controlled by Handheld Computers carried by

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

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

56 **PENALTY CHARGE NOTICES. – TIME TO PAY / INSTALMENT PAYMENTS:**

56.1 As a general rule the Councils will neither offer extensive time in which to pay PCNs nor will it enter into instalment payment arrangements.

56.2 Exceptions to this are only made in cases of demonstrated, genuine financial hardship.

56.3 The Council will not consider such arrangements if Bailiff warrant(s) has been issued for recovery of the amount due although the bailiff 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 Council's response will signify acceptance or rejection of the proposal.
- A rejection will be accompanied by the Council's counter proposal which will be the final offer based on:
 - Where the debt involves multiple PCNs the Council will expect the settlement of at least one per month.
 - Payments will be applied to the oldest PCN first thereby preventing the payment of discounted PCNs first.
 - Otherwise a minimum payment of £10 per week.
 - Wherever possible payment to be made by post-dated cheques to be held by the Council for presentation on the due dates.
 - 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.
 - Where payment by cheque is not available, payments by cheque, postal order or credit card will only be accepted at the Council's Parking Section.

- The Council will maintain a separate active file for each arrangement reached which, will be reviewed by a senior manager each month.

57 **PENALTY CHARGE RATE:**

57.1 The PCN rate has been set at £60 for Wiltshire. Any increase will only be possible by guidance from Central Government and will require proper advertisement prior to introduction.

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

58 **PERMITS:**

58.1 **RESIDENT'S PERMITS:**

- A resident's permit is issued in the form of a tax disc to a vehicle that is "kept" (registered to an address) within the parking zone and is accompanied by a disc holder and full instructions that it must be clearly displayed on the windscreen of the vehicle. Permits are only valid in the zone, for the registration number and until the expiry date printed on its face.
- Failure to display a permit is an offence 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 another zone, on another vehicle or after its expiry date is also an offence 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.

58.2 **VISITORS PERMITS:**

- Visitors permits are obtained by residents and issue 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 printed on its face.
- Failure to display a visitors permit is an offence 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 another zone, on a vehicle other than that indicated on the permit and on a date other than that indicated on the permit is also an offence 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.

59 **CAR PARK SEASON TICKETS:**

- These may be issued in the same manner as Resident permits and are valid only in the specified car park, for the vehicle and before the expiry date printed on the face of the season ticket.
- Failure to display a season ticket is an offence 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 season ticket within another car park, on another vehicle or after its expiry date is also an offence 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.

60 **BUSINESS PERMITS:**

- These may be issued to companies/traders that are actively involved in, genuinely, carrying out their businesses within the Residential Parking Zones.
- They are subject to the same terms and condition of use as Resident's permits.

61 **PLUMBERS, ELECTRICIANS, GAS FITTERS:**

61.1 Emergency call out:

- 61.1.1 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.

61.2 Heavy Equipment:

- 61.2.1 Dealt with as loading / unloading.

62 **POLICE OFFICERS ON DUTY:**

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

62.2 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.

62.3 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.

63 **POLICE OFFICER GAVE PERMISSION TO PARK:**

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

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

64 **PRE-DEBT REGISTRATION LETTER:**

64.1 There is no requirement for a Local Authority to send a further reminder once a Charge Certificate has been issued. The Wiltshire District Councils, however, will send a Pre-Debt Registration Letter 17 days after the issue of the Charge Certificate to inform the debtor that unless the matter is settled within 14 days the debt will be formally

registered at the Transport Enforcement Centre (TEC) and the matter placed into the hands of the Council's bailiffs who will have the right to recover the debt by seizing goods to the value thereof.

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

65 **PREGNANCY- MOTHERS WITH YOUNG CHILDREN:**

65.1 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.

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

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

66 **PRIVATE PROPERTY:**

66.1 Parking restrictions placed on private property are not the concern of Wiltshire County Council or the District Councils and are outside the scope of its enforcement operation.

66.2 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 including the local authorities.

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

67 **PUBLIC UTILITY VEHICLES:**

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

- The vehicle is on an emergency call and is actually involved in the emergency work.
- The vehicle is involved in non-emergency maintenance of apparatus.
- A board or note showing the address and nature of the emergency is clearly displayed in the vehicle.
- The activity should normally be seen to be taking place.

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

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

company.

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

68 **REGISTERED KEEPER'S LIABILITY:**

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

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

69 **RESTRICTED HOURS:**

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

69.1.1 Permitted Parking Bays: As per signing.

69.1.2 Yellow Lines:

- Single: No waiting during times shown on adjacent sign
- Double: No waiting at any time except where adjacent signs indicate otherwise.

69.1.3 Loading Restrictions – Yellow Kerb Markings:

- Two Lines: No loading at any time.
- One Line: During the working day or as specified by adjacent signs.

69.1.4 Designated Loading Bays: Indicated on adjacent sign.

69.1.5 Doctor's Bays: Usually 8.00am – 8.00pm unless indicated differently on the adjacent sign

69.1.6 Disabled Bays – Mandatory: Indicated on adjacent sign.

69.1.7 Bus Stops – Usually 7.00am – 7.00pm any day but can vary – see adjacent sign.

70 **ROAD SIGNS / MARKINGS – MISSING, OBSCURED OR BROKEN.**

70.1 **YELLOW LINES:**

- 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.
- Where weather conditions (i.e. snow) have obscured the lines then remedial action to clear them will be taken as soon as practicable.

- If it is confirmed that the claim is valid the PCN should be cancelled. Where the lines can be clearly seen, even though they may be partially worn, the PCN should be enforced but remedial action to renew the lines should be undertaken.

70.2 KERB MARKINGS: (LOADING RESTRICTIONS).

- As per yellow lines above.

70.3 OBSCURED SIGNS:

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

70.4 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. Where a sign is missing the PCN should be cancelled.

71 **ROYAL MAIL AND UNIVERSAL SERVICE PROVIDER VEHICLES:**

71.1 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.

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

71.3 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.

72 **SCHOOL BAYS:**

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

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

73 **SECURITY:**

73.1 The Chief Constable 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.

74 **SECURITY VANS:**

- 74.1 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.
- 74.2 Security vans involved in the delivery of mail or other such low value items are expected to comply with parking restrictions.

75 **SUSPENDED BAYS:**

- 75.1 **PARKING BAYS – RESIDENTS, BUSINESS, SHARED USE, DOCTORS, ETC:**
- 75.1.1 Where a representation is received claiming that a vehicle was parked at the location without having received notice of the suspension being received and, upon investigation the claim is found to be valid the PCN should be cancelled, providing that a valid permit was displayed.
- 75.1.2 It is normally the case that the responsibility for ensuring a vehicle is parked in accordance with any possible suspension rests with the driver. However, when a vehicle is parked legally within a designated bay, which is subsequently suspended, it is deemed to be legally parked as it cannot be made illegal retrospectively by the suspension. Vehicles parked when the suspension was placed should be recorded at that time.
- 75.1.3 The keeper will have to demonstrate however that, if the vehicle remains parked in contravention of the suspension for a considerable time, (s)he remained unaware of the suspension (i.e. on holiday etc.).

76 **TARIFFS / CHARGING LEVELS FOR PARKING ON-STREET**

- 76.1 The Joint Parking Committee will, annually, review its charging levels for parking on street. Officers will conduct this review and any recommendations for change will be placed before members of the Wiltshire Parking Board for their approval or otherwise.
- 76.2 The review will take into account the following:
- The need to maintain and, where possible, improve the flow of traffic.
 - The need to improve safety and environmental conditions.
 - Improving the quality and accessibility of public transport by discouraging the use of cars where road conditions and public transport facilities justify it.
 - The needs of the local community including residents, shops and businesses.
 - The particular needs of people with disabilities bearing in mind that some of these people are unable to use public transport.

- Existing and projected levels of demand for parking places.
- The financial viability of the enforcement scheme

77

TAXI RANKS:

- 77.1 Wiltshire County Council shall 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.
- 77.2 Vehicles, other than Hackney Carriages, (including Private Hire Vehicles) parked in such ranks will be issued with a PCN. Any vehicle, including a Hackney Carriage, parked outside of the rank and in contravention of a parking restriction will be issued with a PCN
- 77.3 Taxi ranks made by the District Councils under miscellaneous provisions are not enforceable under the 1991 act.

78

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

- 78.1 Prior to commencement of each shift the attendants shall calibrate their hand held computers to ensure that they reflect the correct time and date. The time will be checked against a master clock, which is calibrated weekly against the BT talking clock.
- 78.2 Pay & Display machines are tested at the outset of each patrol to ensure that they are showing the correct time and date. This is done by obtaining a “test” ticket from the machines, which are kept as part of a daily report function.

79

UNAUTHORISED MOVEMENT OF A VEHICLE:

- 79.1 Movement of any vehicle by the police is considered to be authorised.
- 79.2 Unless there is clear evidence that a vehicle has been moved by an unauthorised person then all PCNs should be enforced.
- Stolen Vehicle: Confirmation from the police that the vehicle was reported stolen including the relative crime report number.
 - Unauthorised use of a vehicle by another family member or a friend is difficult to substantiate and under these circumstances the PCN should be enforced unless it can be demonstrated that the matter was reported to the police prior to or just after the issue of the PCN. Subsequent report will not lead to the cancellation of the PCN.

80

UNIFORMS – PARKING ATTENDANTS:

- 80.1 The RTRA 1984 (Sect63A[4]) states: “Parking Attendants in Greater London shall wear such uniform as the Secretary of State may determine when exercising prescribed functions, and shall not exercise any of those functions when not in uniform”
- 80.2 The Secretary of State has determined that: “London Parking Attendants’ uniforms must be readily distinguishable from those worn by the police and Traffic Warden Services and must include the

following”:

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

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

80.4 Wiltshire's District Council attendants will wear a uniform consistent with the attendants in the other Wiltshire Districts, this uniform will consist of:

- Yellow Reflective Vest and/or Coat showing "Parking Attendant" on the back.
- Hat – Peaked for men, bowler style for women. Showing Council badge and corporate colour on hatband.
- Transferable epaulettes showing Council Identifying letters and attendant's number. To be worn on "top" clothing – Shirt, jumper or coat.
- Epaulettes will show the appropriate Council PCN prefix Code and the Attendants number.
- All attendants will carry Council ID cards, which will not carry their names for personal security reasons.

81 **VANDALISED VEHICLE.**

81.1 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.

81.2 This evidence should be from either:

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

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

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

82 **VEHICLES LEFT UNATTENDED TO GAIN ACCESS:**

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

82.2 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.

83 **VEHICLE NOT AT SCENE:**

- 83.1 Where a keeper receives a Notice to Owner and claims that his/her vehicle was not parked in the area at the time a written request should be made to the keeper to confirm the make, colour and tax disc serial number relative to the vehicle.
- 83.2 If these match the records of the Council the PCN should be enforced. If they do not then the PCN should be cancelled. The key element is the tax disc number, which is unique to the vehicle.
- 83.3 Should the keeper refuse to supply the required information written application should be made to DVLC to supply the number of the last tax disc issued to the vehicle. A reference for this can be obtained from the VQ5 document received when they supplied the keeper's details.
- 84 **VISITOR TO BRITAIN:**
- 84.1 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.
- 84.2 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.
- 84.3 If a PCN is issued to a UK registered vehicle, which has been borrowed or driven by a foreign resident, the PCN should be enforced against the registered keeper(s) as they remain liable for it.

85 **DEFINITIONS:**

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

85.2 **CHARGE CERTIFICATE:**

- A Charge Certificate is issued:
 - 31 days after a Notice to Owner (NtO) is issued and no Formal Representation received.
 - 31 days after a Notice of Rejection to a Formal Representation is sent where no appeal has been made to NPAS.
 - 18 days after any appeal to NPAS is withdrawn (i.e. withdrawn before hearing)
 - 31 days after rejection of appeal by NPAS.
- When a Charge Certificate is issued the amount of the penalty is increased by 50% (currently from £60 to £90).
- The Charge Certificate is sent to the debtor requiring payment within 14 days of the full increased amount (of £90).

86 **CONTROLLED PARKING ZONE (CPZ):**

- A controlled Parking Zone is one in which all on-street parking is controlled by way of bays in which parking is permitted under certain conditions (i.e. for valid permit holders only), and/or yellow line restrictions in respect of waiting and/or loading.
- Every entrance road into a controlled zone will carry a sign, which explains that a driver is entering a zone, and give details of the times that the restrictions are in force. There is no need for additional signs on additional roads unless the restrictions differ from this, e.g. individual waiting / loading restrictions that apply for longer or even shorter periods. The local sign will always take precedence over the sign controlling the entrance to the zone.

87 **DEBT REGISTRATION:**

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

88 **DEBT REGISTRATION – NOTICE OF:**

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

89 **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.

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

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

91 **GOODS – DEFINITION OF WHEN RELATED TO LOADING / UNLOADING:**

- In claims of loading / unloading permitted ‘goods’ are deemed to be any that are of sufficient bulk and/or weight that requires the vehicle to be parked adjacent to the point of collection or delivery.
- If a delivery is being carried out to a trade or business premises by a commercial vehicle this will be seen as compliant with the above.
- The delivery / collection of small portable items, such as shopping, to or from a private vehicle will not constitute loading / unloading unless an elderly, disabled or infirm person is involved and enforcement of the restriction would cause hardship.
- In all cases the vehicle should never be parked for longer than is necessary but allowance should be made for delivery notes etc., to be signed.

92 **MANDATORY AND ADVISORY PARKING BAYS:**

- Where restrictions apply to a particular bay (e.g. Disabled bay, doctor’s bay etc.), which is covered by a Traffic Regulation Order, it is said to be mandatory (obligatory). In this case there must be a time plate above the bay displaying the restrictions.
- When the bay is not covered by an order then it is deemed to be ‘advisory’ and, therefore, unenforceable.
- If in doubt the relative Traffic Regulation Order should be checked.

93 **NATIONAL PARKING & ADJUDICATION SERVICE (NPAS):**

- An independent body supported by subscriptions from Local Authorities by means of a Levy on each PCN issued (currently 70p) plus an annual fee.
- Once a formal representation against a PCN has been rejected the keeper of the vehicle is given the opportunity to appeal to NPAS within 28 days of the rejection.
- NPAS will review the case and make an independent decision as to the validity of the ticket based purely on its legality. NPAS will not take mitigating circumstances into account but will, realistically, expect a Local Authority to do this prior to the matter being sent to them. If they feel that mitigating circumstances do apply they will not uphold the appeal but will make their view known to the Local Authority.
- NPAS decision is final and binding on both parties.

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

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

- When a PCN remains unpaid for 28days The Councils will make an enquiry to DVLA (VQ4) to ascertain the identity of the keeper of the vehicle. This enquiry is made electronically via the Council's parking enforcement System.
- The response (VQ5) from DVLA is also electronic and is automatically fed into the Council's system. Responses are usually received within 3 days of enquiry.
- DVLA will confirm the response by forwarding a paper copy of the relative VQ5.

95 **NOTICE TO OWNER:**

- If a PCN remains unpaid for 28days the Council will make an enquiry with DVLA to ascertain the identity of the registered keeper. Once this is done a legal Notice to Owner will be sent to the keeper advising him / her that the relative PCN remains unpaid.
- The notice will contain full details of the PCN issued and requests payment within 28 days of receipt, or it gives the keeper the opportunity to make a Formal Representation against the issue of the PCN, which also must be done within 28 days of receipt.

96 **PENALTY CHARGE NOTICE (PCN)**

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

96.2 The PCN will identify :

- The Date & Time of the alleged offence.
- The Make & Colour of the vehicle
- Location of vehicle
- Details of Alleged Offence
- Details of Penalty payable
- Instruction on how and where to pay.
- Instructions on how and when an enquiry and/or a formal representation against the issue of the penalty may be made.

97 **REGISTERED KEEPER:**

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

98 **SUSPENSION OF PARKING BAY:**

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

99 **TRAFFIC ENFORCEMENT CENTRE (TEC):**

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

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