

MEETING OF THE SOUTH ESSEX PARKING PARTNERSHIP JOINT COMMITTEE

10 OCTOBER 2024
MARCONI ROOM, CIVIC CENTRE, CHELMSFORD CITY COUNCIL
COMMENCING AT 2PM

AGENDA

1. Welcome from Chairman
2. Apologies for absence and substitutions
3. Minutes of the Joint Committee meeting held on 8 August 2024
4. Public Question Time
5. Operational and Performance Report (Verbal update - Russell Panter)
6. Financial Report (Michael Packham)
7. Progress on Business Plan 2024/25 (Nick Binder)
8. Review of SEPP operational policies (Nick Binder)
 - Civil Parking Enforcement Discretion Policy.
 - Parking Policy Framework including the Partnership Enforcement Policy
 - Parking Partnership Operational Protocols

Date and time of next meeting
12 December 2024 at 2pm in the Council Chamber

MINUTES
of the
SOUTH ESSEX PARKING PARTNERSHIP JOINT COMMITTEE
held on 8 August 2024 at 2pm

Members present:

Councillor Alan Ball – Basildon Borough Council
Councillor Andrew Cross – Rochford District Council
Councillor Mike Fuller – Castle Point Borough Council
Councillor Hugh Gorton – Brentwood Borough Council
Councillor Laureen Shaw – Essex County Council
Councillor Terry Sherlock – Chelmsford City Council
Councillor Emma Stephens – Maldon District Council

Officers present:

Nick Binder - Chelmsford City Council
Heather Binns – Chelmsford City Council
Sharon Braney – Rochford District Council
William Butcher – Chelmsford City Council
Carole Carr – Brentwood Borough Council
Jan Decena - Chelmsford City Council
Jo Heynes – Essex County Council
Mike Packham – Chelmsford City Council
Russell Panter – Chelmsford City Council
Jack Sharp – Chelmsford City Council

1. Welcome and Introductions

Nick Binder welcomed those present to the meeting. Members of the Joint Committee and officers then introduced themselves.

2. Apologies for Absence

Apologies for absence were received from Councillor S Morgan – Maldon District Council, and Councillor D Sankey – Brentwood Borough Council. Councillor H Gorton – Brentwood Borough Council was the substitute for Councillor Sankey, and Councillor E Stephens – Maldon District Council was the substitute for Councillor Morgan. Apologies were also received from Stuart Jarvis – Castle Point Borough Council, Matt Harwood-White – Rochford District Council Council, Alex Underdown – Basildon Borough Council, and Nicola Syder – Maldon District Council.

3. Election of Chairman for the ensuing Municipal year

One nomination was made by members by the Joint Committee and seconded, for Councillor Shaw.

AGREED that the Chairman for the ensuing Municipal year would be Councillor Shaw.

4. Election of Vice Chairman for the ensuing Municipal year

One nomination was made by members by the Joint Committee and seconded, for Councillor Sherlock.

AGREED that the Vice Chairman for the ensuing Municipal year would be Councillor Sherlock.

5. Minutes of the Joint Committee Meeting 14 March 2024

The minutes of the meeting 14 March 2024 were confirmed as a correct record as per officers' recommendation. The minutes of the TRO Sub-Committee meetings on 14 February 2024 were also confirmed as correct records.

6. Public Question Time

Councillor A Sosin, from Chelmsford City Council, asked regarding four traffic regulation orders which had been approved by SEPP and awaiting funding. Officers advised for Councillor Sosin to contact them as the funding for these TROs were in different stages. It was also advised that SEPP, in consultation with the chair, would make the decision on the TROs. These would also be reported back to the Joint Committee.

7. Enforcement Operations Update (Verbal Update)

The Joint Committee received a verbal update on enforcement operational matters.

Regarding staffing, members was advised that there had been new staff which were three CEOs at Brentwood, due to retirement and people leaving. The recruitment had been successful, and the three CEOs were currently overseeing probation. Formal training would also be provided. It was also advised that there were three vacancies at Chelmsford, Basildon, and Maldon. The team would be interviewing for a position soon. Members were also advised that they had been successful with the agency staff in the last six months.

The Joint Committee were advised that all the PPE and equipment were provided by Chelmsford City Council, and that new items that came into the market would be investigated. Members was advised of the upgrades to certain equipment such as phones and body cameras. There would also be a transition from half-hybrid to full hybrid vehicles. All funding for the equipment were allocated from the previous years.

Members heard that three staff had passed the accreditation from Essex Police. The new round of police accreditation would be in Brentwood Borough Council as there was a community hub in there with the local police. They also heard of the new website design to

streamline the reporting of parking issues. The web design also ensured that users would be sign-posted to the appropriate services for some issues and that it would be further educational and engaging.

It was advised that the team were looking further into school streets and red routes as well as looking into solutions where applicable and where there was a reasonable need as data led enforcement could be expensive. Regarding footway parking, it was advised they were waiting to hear on a government decision and the next DFT meeting should have a bit more information.

The Joint Committee then heard a forecast update on PCNs from each of the Partner authorities. It was heard that Basildon was on target but dropped a little due to sickness and staff leaving. There had been a decrease in Rochford as well however it was advised that there would be a collaboration with Brentwood and thus, there would be opportunity there to offer resources. Caste Point was reported to be on target however this was a small team thus there would be an impact if there was leave or sickness. Chelmsford was above the forecast as there were consistent levels of staffing and enforcement whilst Maldon had decreased due to sickness and leave as well as being a small team. Brentwood was down had a team of five which was reduced to two however they moved very quickly on recruitment. Overall, SEPP was down on PCN's.

In response to comments and statements from members, it was advised that;

- In relation to enforcement surrounding pavement parking, there were two authorities looking at this. It was advised that the local authority could only look at this if it involved contravention of the yellow lines. If it was a matter of obstruction and no restriction placed on the road, then this would be a police matter however these would only be for significant cases. In terms of funding, this would need to be referred to the PFCC.
- It was advised that the new website design was an upgrade to the existing platform to be enhanced and made user-friendly, ensuring the issues were filtered to the right officers. It was also aimed to be a bit more educational and to give more information to user. Users would have a reference number and an email advising that the team received the report however it was not meant to operate as a response service. Officers advised that expectations would need to be managed.
- Regarding whether boroughs were able to be provided data, it was advised these would be from the back office database and depending on how formal or informal the enquiry. It was also advised that officers out in the streets tend to find the parking issues themselves.
- It was advised that third party retrospective evidence could not be used and they must be taken or obtained at the point of contravention by a trained civil enforcement officer. The evidence could only be taken by an approved device, and these were bound by legislation and audit control.
- Data retrieved by community speed watch groups also could not be used as evidence as they were under a different legislation.

RESOLVED that the update be noted.

(2.13pm to 2.44pm)

8. Financial Outturn 2023/24

The Joint Committee received a financial outturn detailing the financial position of the South Essex Parking Partnership for the period covering 1st April 2023 to 31st March 2024. The report also provided the details of the actual costs incurred and income received.

Members were advised of the closing positions for the account, including the TRO account, in the last financial year for the Partnership. They heard that by 31st March 2024, there was a surplus of £344,870 for SEPP and a deficit of £311,237 for the TRO account. This resulted in an overall surplus position of £33,634. The closing position for the Partnership on 2022/23 was a surplus of £129,714, including the TRO account. The difference was due to rising expenditure with direct expenditure as a whole totalling £2,225,937 for 2023/24 compared to £2,055,429 in 2022/23.

The Joint Committee heard that the income levels from PCN remained broadly unchanged between 2022/23 and 2023/24, receiving £1,616,229 in 2023/24. They also heard that the income from residential parking permits have increased from last year with £682,213 in comparison to £610,473 on 2022/23. Regarding the reserves, it was advised that the operational fund allocations to Basildon, Brentwood, and Maldon Councils, plus an amount for out of hours enforcement in Brentwood, resulted in total of £591,820. The net position for the Partnership, including the TRO account, after use of reserves, was a deficit of £558,186. The Partnership currently have a cumulative cashable position of £1,597,600 which did not include £401,809 of outstanding fines that were yet to be collected.

RESOLVED that the financial outturn for 2023/24 be noted.

(2.09pm to 2.11pm)

9. Financial Report 2024/25

The Joint Committee received a financial report regarding the financial position of South Essex Parking Partnership for the period covering 1st April 2024 to 30th July 2024. The report also provided details of the actual costs and income received in this period.

Members were advised that the SEPP account showed a surplus of £33,231 but also a deficit of £91,833 for the TRO account. The overall deficit position for the SEPP, including the TRO account, was therefore £58,602. The deficit position for SEPP in the same period last year was £56,460.

The Joint Committee also heard that the Partnership received an income totalling of £487,830 in 2024/25 compared to £532,060 which was received in 2023/24. It was advised that there were fluctuations during the year and from one year to the next, with PCN income being stable between 2022/23 and 2023/24, thus it was expected to be broadly similar for 2024/25. There was also no reserve spend to date in 2024/25.

AGREED that the financial report be noted.

(2.11pm to 2.13pm)

10. Annual Report of the South Essex Parking Partnership 2023/24

The Joint Committee received the 2023/24 Annual Report of the South Essex Parking Partnership as per required on Section 14.1.9 and 28.3 of the Joint Committee Agreement. It was also advised that the annual report was produced in line with the Traffic Management Act which placed a duty on enforcement authorities to produce and publish an annual report. The report detailed the financial position and reserves of the Partnership, team performance data, and PCN issue and recovery rates.

It was advised that one of the biggest issues was that PCN fines could not be increased which meant that the level of income stayed flat. It was also observed that 65% of motorists pay the discounted amount rather than the full amount. It was acknowledged that the expenditure was getting higher and thus there was more pressure on the services. There had also been an increase in operational expenditure, and it was advised that the surplus was starting to diminish which would be factored into the next business plan. Members were also advised that 80% of the PCNs were paid and allocations were made for new schemes requiring a TRO as well as essential maintenance of signs and lines. Members also heard regarding the 3PR and the School Parking Initiative.

Members were advised that the PCNs issued were compliant with the Traffic Management Act. Only 1% of the PCNs were written off due to a CEO error and only 6% were challenged due to a challenge or representation. Then, there were only 0.09% of motorists who appealed to the independent adjudicator. In relation to operational fund, it was understood that the fund position was at £1.5 million, and these would be allocated for launching the 3PR scheme, maintenance of signs and lines, parking scheme by the Beaulieu Station, handheld devices, and a pilot CCTV enforcement. Members were also briefed on the annual performance figures for each Partnership area.

In response to comments and statements from members, it was advised that;

- It was advised that Section 55 of the Road Traffic Regulations Act 1984 would be circulated to all members;
- It was advised that any income received should be dispensed accordingly either on off-street parking or on highway improvements.
- Officers also advised that there was a broad definition under the Act regarding highway and car parking improvements.

RESOLVED that for the Annual Report 2023/24 to be approved.

(2.44pm to 3.05pm)

11. Update on the School Parking Initiative

The Joint Committee received a verbal update on the School Parking Initiative. Members were informed that the 3PR scheme was set up in 2016 and it involved education on parking around schools. The scheme aimed to educate schoolchildren around the three parking rules which were care, consideration, and caution.

The Joint Committee heard that 51 schools had signed up to the 3PR scheme and there were a couple that were in the process of signing up. It was advised that there were three

packages available to schools: gold, silver, and bronze. The gold package includes patrol uniforms and 3PR zones (which zones were agreed with schools) and tokens which could be collected to win a 3PR trophy.

Members were also informed of the park and stride scheme and that one was recently launched at Barns Farm Primary School in Chelmsford. The scheme involved identifying the safest route to schools which would be a 5-minute walk. Leaflets had been given out and ensured that each child would get one. Members also heard what would happen on a launch day of the 3PR scheme in a school, including social media posts and being included as a case study on the website. It was also advised that schools with the 3PR scheme would get preferential treatment surrounding enforcement patrols around schools.

In response to statements and questions from the Joint Committee, it was advised that;

- Members would receive a PDF of the 3PR introduction along with a briefing document.
- There was no matrix on measuring the success of the 3PR schemes, however there had been positive feedback noted from the schools.
- It was noted that there were still problems with parents parking by the school and the success of a 3PR scheme also needed commitment from the schools themselves.
- There had been schemes to include car parks in park and stride schemes whereby there were either free or discounted slots in the morning and afternoon for school runs. These would be on a first come, first served basis and parents would be able to book the slots via MiPermit.
- A car park was not strictly needed for park and stride schemes as long as there was an area where vehicles could be safely parked and not inconvenience others.

RESOLVED that the report be noted.

(3.05pm to 3.24pm)

12. Essex County Council proposal for the allocation of the agreed share of operational fund

The Joint Committee received a report regarding a proposal from Essex County Council on how they intend to use the £186,000 allocation from SEPP operational fund in accordance with Section 55 of the Road Traffic Regulation Act 1984. It was heard that on 28 July 2022, the Joint Committee approved to equally share the £1,302,000 surplus at the end of the previous Joint Committee Agreement between the seven Partner Authorities.

The Joint Committee heard Essex County Council's proposals on how to spend the £186,000 allocation including maintenance of bus gates and lanes, as well as to be used for funding for Parkmap maintenance. It was advised that the proposals met the criteria of the subsection 2 of section 55 of the Road Traffic Regulation Act 1984 whereby "any deficit in the account shall be made good out of the general fund."

AGREED that;

- The proposed schemes totalling £186,000 are in accordance with Section 55 of the Road Traffic Regulation Act 1985 and;
- To authorise the South Essex Parking Partnership Manager to release these funds to Essex County Council from the SEPP parking account.

(3.24pm to 3.31pm)

13. Rochford proposal for the remaining allocation of the agreed share of operational fund

The Joint Committee received a report regarding a proposal from Rochford District Council on how they intend to use the remaining £26,000 allocation of the agreed £186,000 from SEPP operational fund in accordance with Section 55 of the Road Traffic Regulation Act 1984. It was heard that on 28 July 2022, the Joint Committee approved to equally share the £1,302,000 surplus at the end of the previous Joint Committee Agreement between the seven Partner Authorities. On 15th December 2022, the Joint Committee had approved a proposal from Rochford setting out schemes totalling of £160,000.

The Joint Committee heard Rochford District Council's proposal on how to spend the remaining £26,000 which would contribute to works on Approach Road car parks. This would include lighting works, reconstruction, resurfacing, and relining. It was advised that the proposals met the criteria of subsection 4(b) and met all or part of the cost of the provision and maintenance by the local authority of off-street parking accommodation whether in the open or under cover.

AGREED that;

- The proposed schemes were in accordance with Section 55 of the Road Traffic Regulation Act 1985, and;
- To authorise the South Essex Parking Partnership Manager to release the remaining £26,000 of the allocated funds to Rochford District Council from the SEPP parking account.

(3.31pm to 3.35pm)

14. Date and time of next meeting:

AGREED that the next meeting of the Joint Committee be on 10th October 2024 at 2pm.

The meeting closed at 3.35pm

Chairman

SOUTH ESSEX PARKING PARTNERSHIP JOINT COMMITTEE

10th October 2024

AGENDA ITEM 6

Subject	Financial Report
Report by	Revenue Management Team Leader, Chelmsford City Council

Enquiries contact: Michael Packham, Revenue Management Team Leader, 01245 606682, michael.packham@chelmsford.gov.uk

Purpose

To report on the financial position of the South Essex Parking Partnership up to 2nd October 2024

Options

Recommendation(s)

That the report be noted.

Consultees	Revenue Management Team Leader South Essex Parking Partnership Manager
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1. Introduction

- 1.1 This report sets out the summary of the financial position for the South Essex Parking Partnership for the period covering 1st April 2024 to 2nd October 2024.

2. Financial summary

- 2.1 Appendix 1 provides details of the actual costs incurred and income received, and is currently showing a surplus of £168,417 for SEPP and a deficit of £153,543 for the TRO account, on a cash basis for the financial year to the 2nd October 2024 before taking into account items funded from the Reserve. This results in an overall surplus position for the Partnership including the TRO account of £14,874. This is an improvement of £73,476 since last reported in August.

It is worth noting that the pay award arrangements for 24/25 have now been agreed, but are not yet included in the figures above or Appendix 1, and so this surplus position will worsen slightly when the pay award is backdated in October. The figures will include the impact of the 24/25 pay award for staff in the next report.

Looking at a comparison between this year and last year (April to September), and PCN income in particular, the Partnership received a total of £734,160 in 24/25, whereas in 23/24 the Partnership over the same period (April to September) received £812,580. Given the variation in income to date compared to last year, there is a risk that PCN income levels will not reach the levels received in 23/24.

- 2.2 There has been no reserve spend to date in 24/25.

Whilst most costs reflect actual spend, where this is not specifically identifiable against an individual authority, the figures have been allocated based on the previously agreed method of allocation within the Annual Business Plan, and show the position for each Partner over the 1st April 2024 to 2nd October 2024 period. For example, central support is not allocated across the Partnership until the end of the financial year, and so a pro-rata up to the date mentioned above has been included.

List of Appendices

Appendix 1 - Financial summary @ 02/10/2024

SOUTH ESSEX PARKING PARTNERSHIP JOINT COMMITTEE

10 OCTOBER 2024

AGENDA ITEM 7

Subject	Update on Business Plan for 2024/25
Report by	Parking Partnership Manager

Enquiries contact: Nick Binder Parking Partnership Manager, Chelmsford. 01245 606303, nick.binder@chelmsford.gov.uk

Purpose

This report updates the Joint Committee on progress against the Business Plan approved for 2024/25.

Options

This report is for information.

Recommendation(s)

1. That the Joint Committee notes this report

Consultees

Lead officers from each of the Partner Authorities as set out in Appendix B of the Joint Committee Agreement 2022.

1. Introduction

1.1 At its meeting on 14 December 2023, the Joint Committee approved the South Essex Parking Partnership's Business Plan for 2024/25.

1.2 This Business Plan provided an estimated annual budget based on the operational data and financial outturns from the previous years of operation and considered the reduction in income during the Covid-19 pandemic and the future forecasts on the business recovery.

1.3 This report provides the current progress to date against the approved Business Plan.

2 Current position against projected outturn.

2.1 The Business Plan 2024/25 estimated that the enforcement account could expect a final surplus position of £357,900 to contribute to the operational costs of Traffic Regulation Order (TRO) function, the maintenance of signs and lines and the implementation of new traffic management schemes which require a traffic Regulation. The £400,000 reserve currently held in the reserve account would also be maintained. These projected outturns would be dependent on operating the function to the agreed expenditure costs and the amount of income received, in particular, PCN income which equates to 65% of the overall projected income.

2.2 The amount of PCNs issued across the Partnership is currently 8% down against the 2022/23 outturn and down by 13% against the estimated figure in the 2024/25 Business Plan.

2.3 Operating costs and expenditure are currently as expected but the overall income received from Penalty Charge Notices is currently down by 9.7% compared to the same period last year.

3 Business objectives for 2024/25

3.1 The Business Plan sets out the objectives the Partnership wishes to achieve in 2024/25. Appendix A, section 1, provides an update against each objective. Section 2 provides a comparison of the overall Parking Partnership PCN issue rates and Section 3 provides the PCN issue data for each individual partnership area.

4 Appendix A, Section 4, provides the current recovery rates for the overall Parking Partnership and the individual areas.

The overall recovery rate for PCNs paid is currently 74% of the PCNs issued. The expected outturn for the Partnership is in the region of 75% to 77%. In 2023/24 the outturn recovery rate was 80%. Considering that a high volume of PCNs issued are still within the initial recovery stage, the current recovery level is very good.

The rate of PCN cancellation (11%) remains within the expected level. The outturn position for cancellation rates in 2023/24 was 11%

5 Conclusion

The estimated level of PCN income is currently down against the estimate in the Business Plan with recent turn over of staff being a factor in the reduction of the number of PCNs issued. This position will improve as the vacant posts have been filled and training is completed. All other expenditure and income are currently as expected and the account will remain in a positive position to cover the costs of Traffic Regulation Order (TRO) function, the necessary maintenance of signs and lines and the implementation of new traffic management schemes which require a traffic Regulation Order, whilst also in a position to retain the agreed reserve of £400,000.

List of Appendices

Appendix A: Performance and update on the Business Plan objectives for 2024/25

Background Papers

South Essex Parking Partnership Business Plan 2024/25

The South Essex Parking Partnership Joint Committee Agreement 2022

APPENDIX A



Performance and update on Business Plan objectives for 2024/25

(April 2024 to August 2024)

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1 Business Plan aims and objectives update

Objective for 2024/25	Linked to business aim	Action and measure to date
<p>1: Monitor the effects of the business recovery and adjust the business case to ensure service provision meets demand.</p> <p>Continue to gauge the potential long term operational and financial impact of the change of working patterns / environments and parking requirements.</p>	<p>Support the core principles of TMA 2004</p> <p>Achieve an overall financial account to operate parking enforcement and the TRO function at zero deficit</p> <p>Maintain a contingency reserve</p>	<p>The number of PCNs issued, and the amount of PCN, Pay & Display and resident parking income is being compared and monitored against the business plan estimates and the outturn from 2023/24.</p> <p>The level of recovery is being gauged against the Annual Business Plan 2023/24 which contains estimates based on the assumed recovery and performance, based on pre-Covid levels.</p>
<p>2: Continued focus on performance and sickness absence management at a local level to ensure best use of staff resource and improve attendance levels and subsequently maintain expected levels of patrol coverage.</p> <p>Provide a professional service, ensuring full compliance with TMA 2004 and high levels of customer service.</p> <p>Key Performance Indicators:</p> <ul style="list-style-type: none"> • 75% of PCNs issued are successfully recovered • CEOs to achieve an average performance score of 33 • PCNs which have been cancelled due to an CEO error, not to exceed 0.8% 	<p>Support the core principles of TMA 2004</p> <p>Achieve an overall financial account to operate parking enforcement and the TRO function at zero deficit</p> <p>Maintain a contingency reserve</p>	<p>Monthly 1 to1 meetings are taking place between the Area Team Leaders and the Civil Enforcement Officers. These meetings provide an opportunity to discuss individual performance and how the performance is contributing to the overall Business Plan.</p> <p>In addition to these meetings, six monthly operational updates are provided by the Parking Partnership Manager. These inform staff of the progress against the agreed Business Plan. Monthly area performance updates are provided to each area depot on a monthly basis.</p> <p>CEOs are not set any targets regarding the amount of PCNs they should issue. The main focus of this work is to ensure that staff make best use of their time and maintain a sufficient level of patrol coverage throughout the many areas that require parking enforcement.</p> <p>The amount of PCNs issued across the Partnership is currently 8% down against the outturn from 2023/24 and 13% down against the</p>

		<p>estimate in the 2024/25 Business Plan</p> <p>The current level of performance is slightly down on the overall outturn position as set out in the 2024/25 Business Plan</p>
<p>3: Ensure CEO patrol rotas are continually reviewed to ensure best use of staff time in key areas.</p> <p>Continue to provide ad-hoc out of hours enforcement to concentrate enforcement on known problem areas.</p> <p>Review enforcement outside of the core operational hours and review level of resource required to ensure staff have enough support during these periods</p>	<p>Support the core principles of TMA 2004</p> <p>Achieve an overall financial account to operate parking enforcement and the TRO function at zero deficit</p> <p>Maintain a contingency reserve</p>	<p>Area Team Leaders are modifying staff rotas to meet the needs of changing parking habits. The focus of the team is to ensure that the staff are in the right place at the right time providing essential traffic management.</p> <p>The requests for enforcement at school drop off and pick up time is increasing and the teams continue to adjust working patterns to meet these demands.</p> <p>Each area continues to provide out of hours enforcement at known problem areas. The areas are identified from feedback and reports from Councillors, Lead Officers and members of the public.</p> <p>The Parking Partnership has arrangements in place with Maldon and Brentwood for their staff to provide additional patrol coverage at known problem areas outside of the core hours.</p>
<p>3: Partnership CEOs to support Castle Point, and Rochford at key times and to provide holiday cover.</p>	<p>Support the core principles of TMA 2004</p> <p>Achieve an overall financial account to operate parking enforcement and the TRO function at zero deficit</p> <p>Maintain a contingency reserve</p>	<p>When resource permits, the partnership staff are being utilised to cover any staffing shortfalls due to holiday or sickness in these key areas.</p>
<p>4: Maldon to continue additional CEO patrol coverage with the use of the Community Safety Officers outside of normal working hours and during peak summer season.</p>	<p>Support the core principles of TMA 2004</p> <p>Achieve an overall financial account to operate parking</p>	<p>Maldon Community Service Officers continue to provide additional support to the Parking Partnership to provide out of hours parking enforcement in the Resident Parking</p>

<p>Maintain communications between the Council and the Partnership passing on intelligence regarding events (such as the Maldon Mud Race. Burnham Carnival etc.) when additional enforcement is required</p> <p>Introduce targeted action days to deal with Hot Spots (schools etc.) allocating Council resources in addition to the Partnership staff</p>	<p>enforcement and the TRO function at zero deficit</p> <p>Maintain a contingency reserve</p> <p>Partnership lead officers take all reasonable steps to ensure individual Partnership areas reduce the level of individual deficit</p>	<p>Zones and in the High Street outside of normal patrol hours. This arrangement is extended to provide additional enforcement during know events in the district.</p>
<p>5: Continue to operate the service level agreement with Brentwood Borough Council to engage the services of the Brentwood Community Safety Officers to provide enforcement patrols to assist with weekend and out of hours coverage.</p>	<p>Support the core principles of TMA 2004</p> <p>Achieve an overall financial account to operate parking enforcement and the TRO function at zero deficit</p> <p>Maintain a contingency reserve</p> <p>Partnership lead officers take all reasonable steps to ensure individual Partnership areas reduce the level of individual deficit</p>	<p>The SEPP enforcement Team and the Brentwood Community Safety team are working well in Partnership to address issues outside of core operational hours. Joint patrols have also been set up with the police to deal with issues of anti-social behaviour and parking contraventions. These patrols have proved to be very successful.</p> <p>A new Service Level Agreement to continue this arrangement has been agreed and signed by both parties.</p>
<p>6: Review current operational expenditure and processes and determine if further efficiencies / improvements can be made</p>	<p>Achieve an overall financial account to operate parking enforcement and the TRO function at zero deficit</p> <p>Maintain a contingency reserve</p>	<p>The operational expenditure is currently as expected and in line with the budget in the Annual Business Plan.</p>
<p>7: Identify the proposed resident parking schemes, which are agreed and approved. Determine the additional income gained from the resident permit charges and adjust each area account to reflect the change.</p>	<p>Support the core principles of TMA 2004</p> <p>Achieve an overall financial account to operate parking</p>	<p>Resident permit schemes have been progressed and approved by the Sub Committee. Several new permit schemes have been introduced into the Partnership areas and the additional income received is reflected in the individual area financial outturn and</p>

	<p>enforcement and the TRO function at zero deficit</p> <p>Maintain a contingency reserve</p> <p>Partnership lead officers take all reasonable steps to ensure individual Partnership areas reduce the level of individual deficit</p>	<p>contributes to the running of these schemes.</p>
<p>8: Identify and prioritise schemes in areas which provide the greatest benefit to the overall aims and objectives of the Parking Partnership</p> <p>Produce and implement a programme of essential maintenance works for signs and lines and TROs requiring attention.</p>	<p>Support the core principles of TMA 2004</p> <p>Achieve an overall financial account to operate parking enforcement and the TRO function at zero deficit</p> <p>Maintain a contingency reserve</p> <p>Partnership lead officers take all reasonable steps to ensure individual Partnership areas reduce the level of individual deficit</p> <p>Maintain signs and lines and TROs to an acceptable level ensuring suitable funding is available</p>	<p>Schemes requiring essential maintenance continue to be identified and agreed by the delegated powers given to the SEPP manager. A significant amount of work has been completed in this area ensuring parking restrictions remain relevant and enforceable.</p>
<p>9: Ensure that new developments requiring parking related restrictions / schemes contribute to the implementation of the scheme via section 106 arrangements or the Community Infrastructure Levy</p>	<p>Maintain signs and lines and TROs to an acceptable level ensuring suitable funding is available</p>	<p>Ongoing: Partnership Lead Officers to maintain local relationships with planning departments and Essex County Council Highways.</p>
<p>10: Continue to develop and roll out the School Parking Initiative across all Partnership areas, to improve</p>	<p>Support the core principles of TMA 2004</p>	<p>The Parking Partnership School Liaison officer continues to promote this scheme and is currently engaged with many schools interested in launching the scheme.</p>

<p>parking behaviours at school drop off and pick up times</p>		
<p>11. Meet with Officers from NEPP and ECC to determine any additional services that can be delivered by the Partnerships on behalf of ECC under separate Service Level Agreements.</p>	<p>Support the core principles of TMA 2004</p> <p>Achieve an overall financial account to operate parking enforcement and the TRO function at zero deficit</p> <p>Partnership lead officers take all reasonable steps to ensure individual Partnership areas reduce the level of individual deficit</p>	<p>Meetings continue to take place with NEPP and ECC officers. No new services have been identified to date.</p>
<p>12. Working in Partnership with Brentwood Council and ECC Consider the feasibility to implement a red route in Brentwood High Street with Camera enforcement</p>	<p>Support the core principles of TMA 2004</p> <p>Achieve an overall financial account to operate parking enforcement and the TRO function at zero deficit</p> <p>Partnership lead officers take all reasonable steps to ensure individual Partnership areas reduce the level of individual deficit</p>	<p>Meetings with officers continue and initial designs and costings have been sourced for consideration.</p>
<p>13. New Beaulieu Train Station – Chelmsford.</p> <p>Consult with residents in surrounding areas that have the potential to be affected by all day commuter parking, with the aim of implementing a suitable scheme prior to the station opening late 2025.</p> <p>Subject to approval of funding.</p>	<p>Support the core principles of TMA 2004</p> <p>Achieve an overall financial account to operate parking enforcement and the TRO function at zero deficit</p> <p>Maintain a contingency reserve</p>	<p>Preliminary informal resident parking consultations have been completed in the North Chelmsford Beaulieu areas in advance of the opening of the new Train Station.</p> <p>The results of the consultations are currently under review.</p>

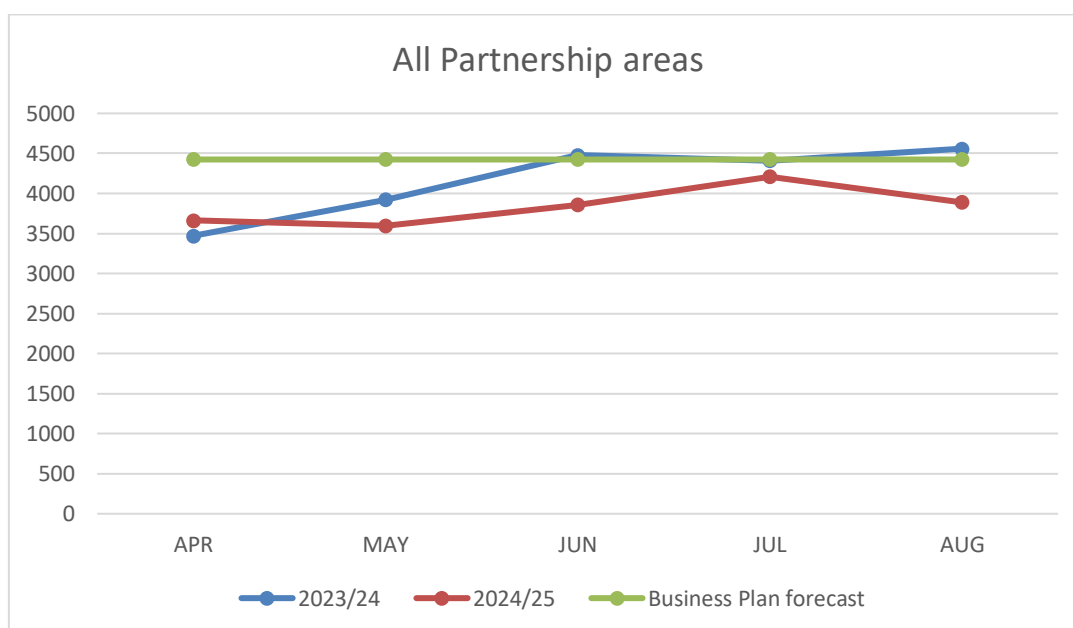
2 Overall Partnership PCN comparison

The income received from Penalty Charge Notices (PCNs) equates to 65% of the total income received. This income is not guaranteed and is dependent on the number of motorists who contravene a parking restriction and are noted by a patrolling enforcement officer.

A reduction in this level of income will have a detrimental effect on the overall account and it is therefore important to monitor this effect. The amount of PCNs issued compared to the previous years of the operation is a good benchmark to determine how the operation is performing. The following table provides the current PCN issue rate compared to the 2023/24 outturn and the Business Plan estimate.

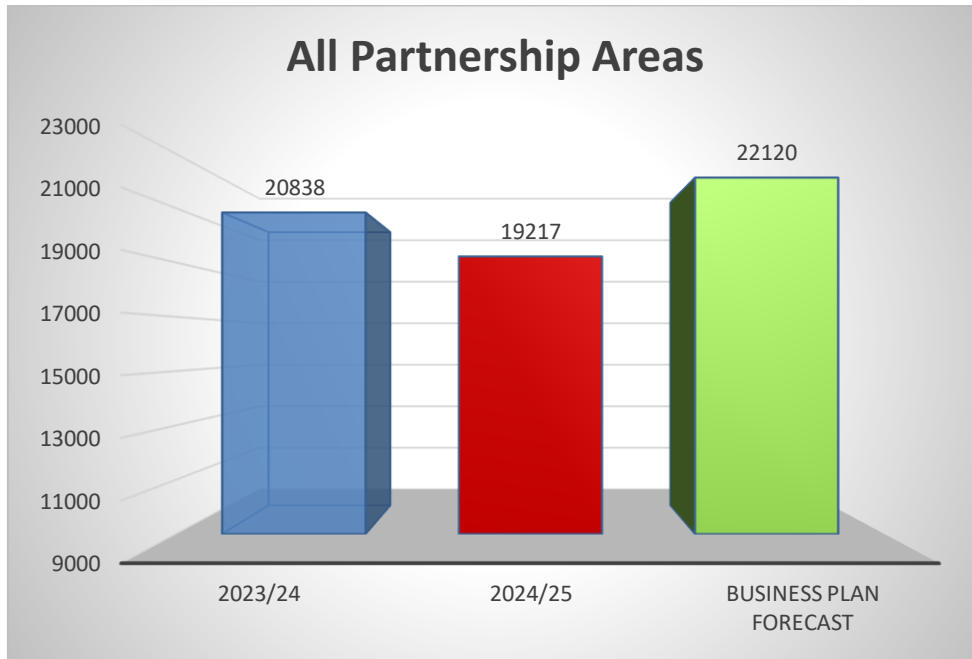
This relates to the period April 2024 to August 2024 for PCNs issued across all areas in the Parking Partnership.

Monthly 2024/25 PCN issue rate comparison against the 2023/24 outturn and the Business Plan estimate for 2024/25.



SEPP	2023/24	2024/25	Business Plan forecast
APR	3471	3614	4424
MAY	3922	3596	4424
JUN	4476	3859	4424
JUL	4410	4208	4424
AUG	4559	3890	4424
Total	20838	19167	22120

Overall Partnership PCN issue comparison figure for period April 2024 to August 2024

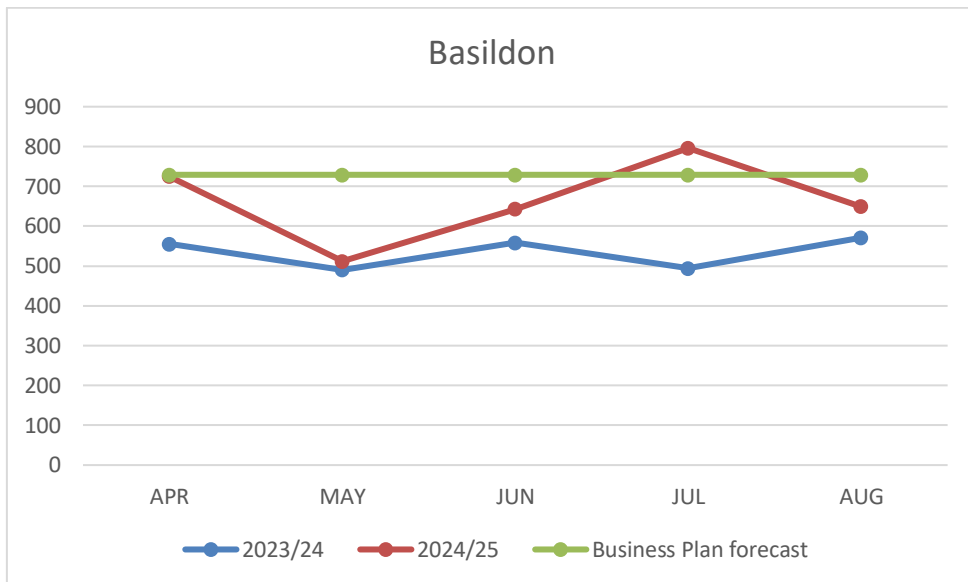


The amount of PCNs issued across the Partnership is currently 8% down against the 2023/24 performance and 13% down against the estimated figure in the Business Plan.

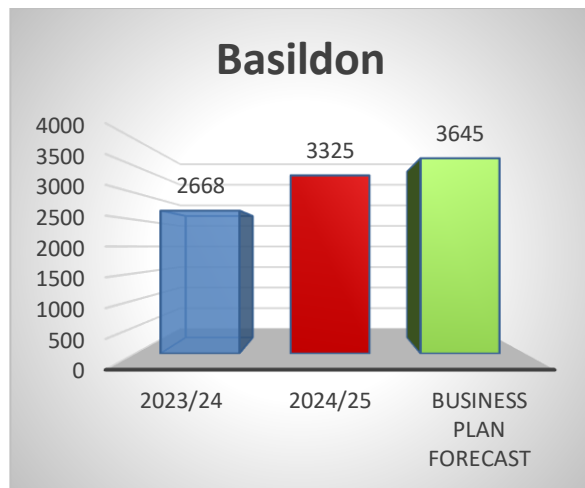
3 Individual area PCN comparison

The following tables (pages 10 to 15) provides the current PCN issue rate for each of the partner authorities compared to the 2023/24 outturn and the Business Plan estimate.

3.1 Basildon

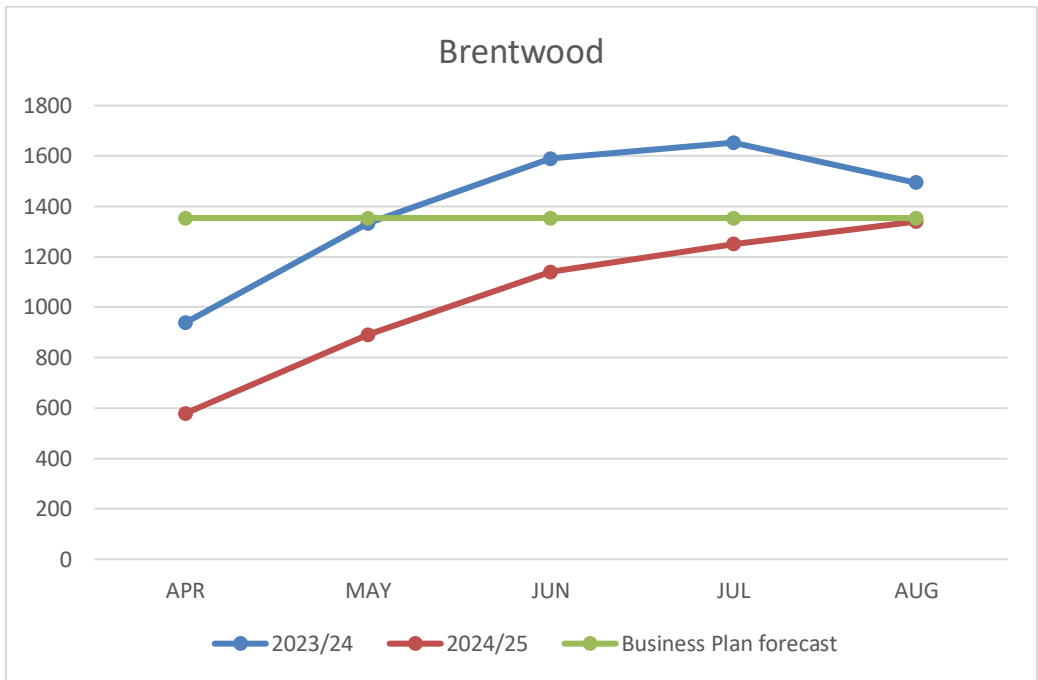


Basildon	2023/24	2024/25	Business Plan forecast
APR	555	725	729
MAY	490	512	729
JUN	558	643	729
JUL	494	796	729
AUG	571	649	729
Total	2668	3325	3645

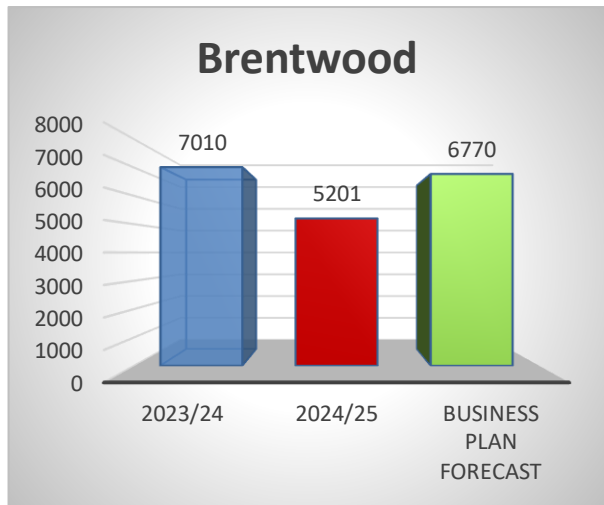


The amount of PCNs issued in Basildon is currently 25% up against the 2023/24 performance and 9% down against the estimated figure in the Business Plan.

3.2 Brentwood

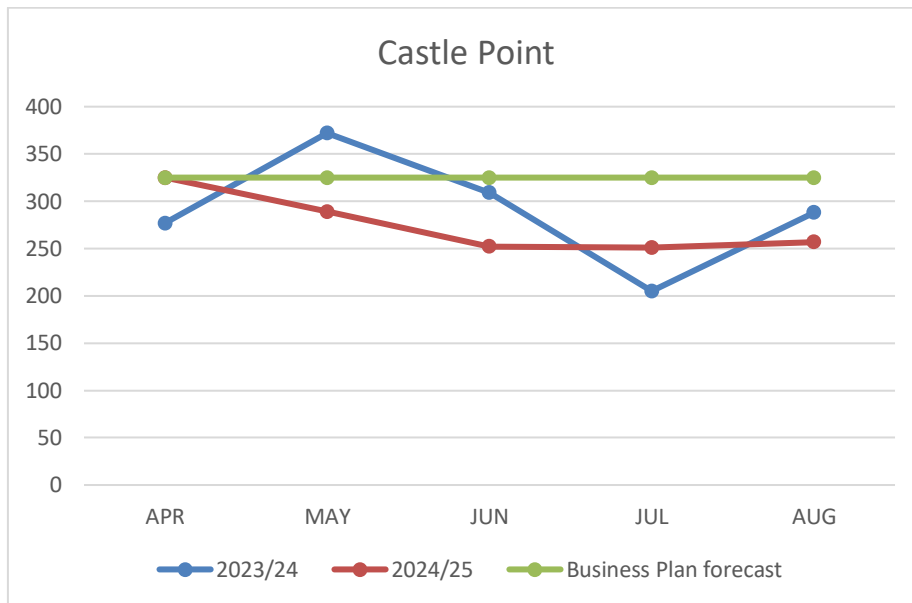


Brentwood	2023/24	2024/25	Business Plan forecast
APR	939	579	1354
MAY	1333	891	1354
JUN	1590	1140	1354
JUL	1653	1251	1354
Total	7010	5201	6770

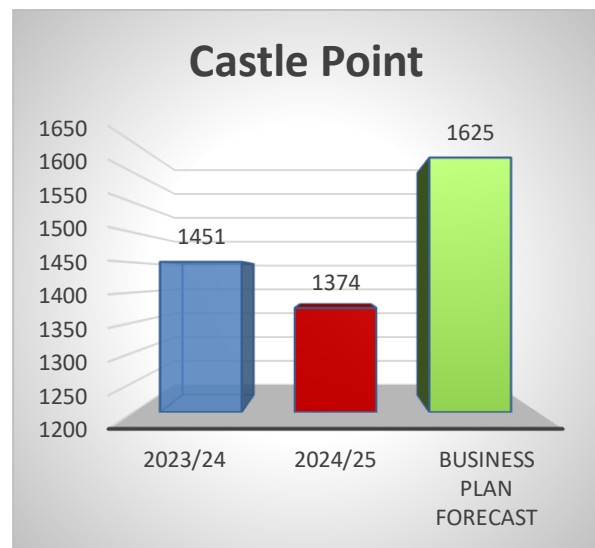


The amount of PCNs issued in Brentwood is currently 26% down against the 2023/24 performance and 23% down against the estimated figure in the Business Plan.

3.3 Castle Point

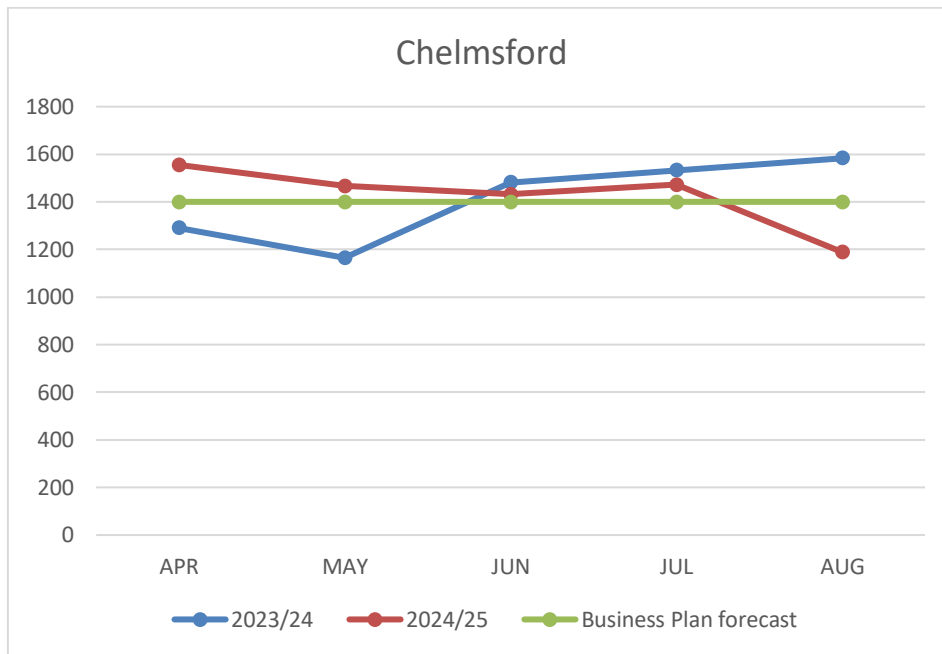


Castle Point	2023/24	2024/25	Business Plan forecast
APR	277	325	325
MAY	372	289	325
JUN	309	252	325
JUL	205	251	325
AUG	288	257	325
Total	1451	1374	1625

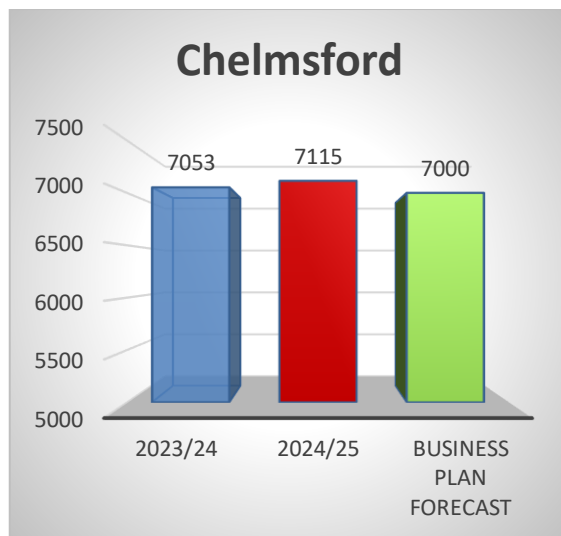


The amount of PCNs issued in Castle Point is currently 5% down against the 2023/24 performance and 15% down against the estimated figure in the Business Plan

3.4 Chelmsford

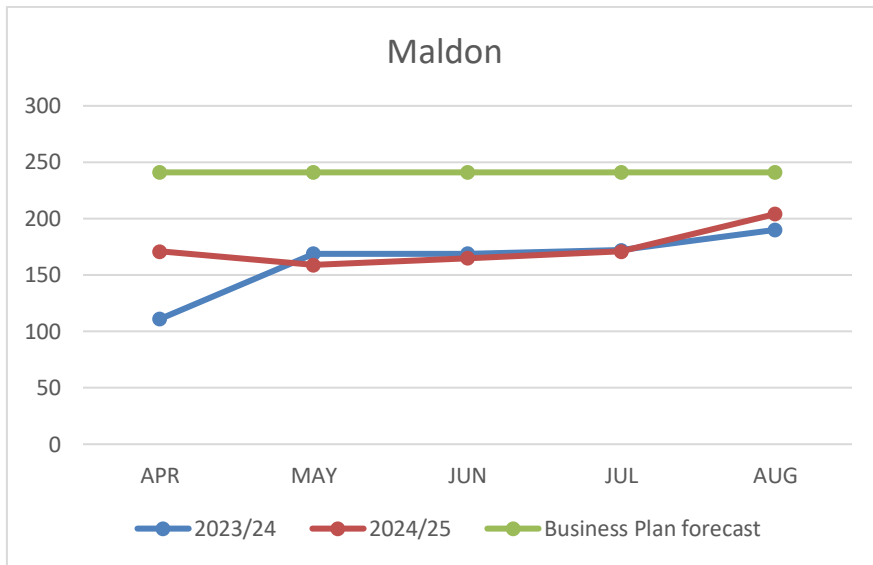


Chelmsford	2023/24	2024/25	Business Plan forecast
APR	1291	1555	1400
MAY	1165	1467	1400
JUN	1482	1432	1400
JUL	1532	1472	1400
AUG	1583	1189	1400
Total	7053	7115	7000

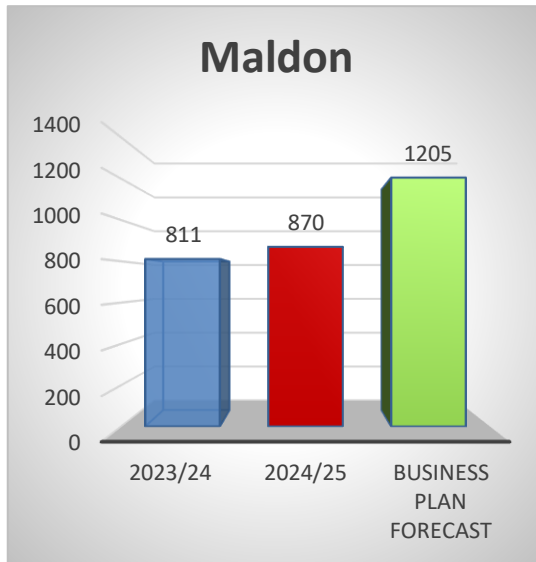


The amount of PCNs issued in Chelmsford is currently 1% up against the 2023/24 performance and 1.6% up against the estimated figure in the Business Plan

3.5 Maldon

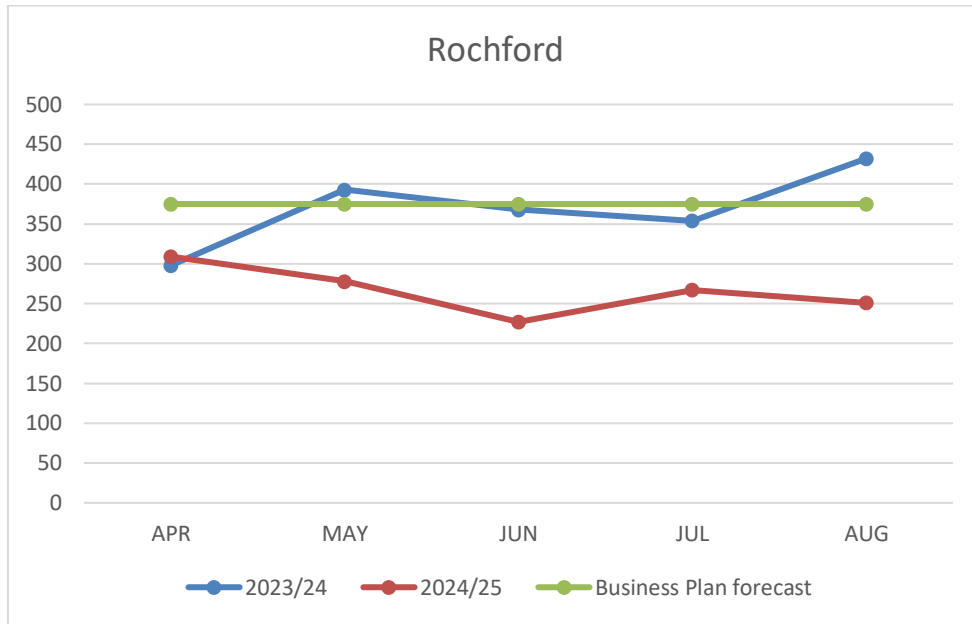


Maldon	2023/24	2024/25	Business Plan forecast
APR	111	171	241
MAY	169	159	241
JUN	169	165	241
JUL	172	171	241
AUG	190	204	241
Total	811	870	1205

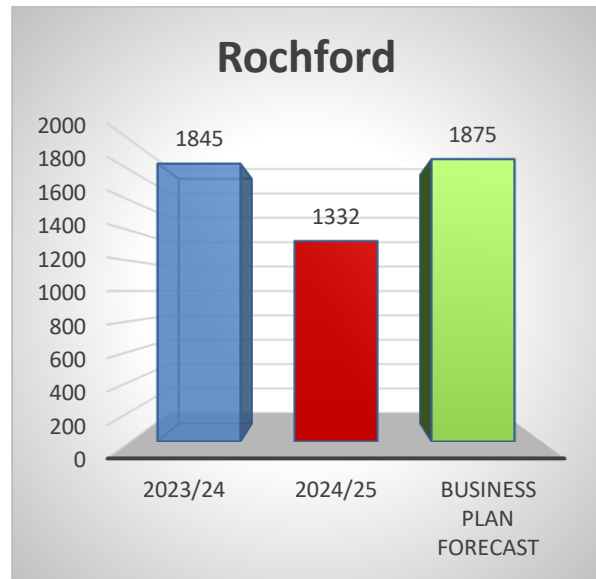


The amount of PCNs issued in Maldon is currently 7% up against the 2023/24 performance and 28% down against the estimated figure in the Business Plan

3.6 Rochford



Rochford	2023/24	2024/25	Business Plan forecast
APR	298	309	375
MAY	393	278	375
JUN	368	227	375
JUL	354	267	375
AUG	432	251	375
Total	1845	1332	1875



The amount of PCNs issued in Rochford is currently 28% down against the 2022/23 performance and 29% down against the estimated figure in the Business Plan

4 Recovery rates

The following table shows the current recovery and cancellation rates across the Partnership and for each individual area. This data relates to the period 1 April 2024 to 31 August 2024.

Back Office PCN recovery rates April 2024 to August 2024								% of stage payment received from PCNs fully paid		
	PCNs Issued	Cases stopped	%	Outstanding	%	Fully Paid	%	Discount	Full amount	Surcharge Paid
Basildon	3,325	414	12	631	19	2280	69	88	11	1
Brentwood	5201	537	10	1042	20	3622	70	86	12	2
Chelmsford	7115	1006	14	1380	19	4729	66	86	12	2
Castle Point	1374	118	9	155	11	1101	80	87	11	2
Maldon	870	106	12	98	11	666	77	89	9	1
Rochford	1332	87	7	155	12	1090	82	88	10	2
Partnership Total	19217	2268	11	3461	15	13488	74	87	11	2

The overall recovery rate for PCNs paid is currently 74% of the PCN issued. The expected outturn for the Partnership is in the region of 75% to 77%. In 2023/24 the outturn recovery rate was 80%. Considering that a high volume of PCNs issued are still within the initial recovery stage, the current recovery level is very good.

The rate of PCN cancellation (11%) remains within the expected level. The outturn position for cancellation rates in 2023/24 was 14%

SOUTH ESSEX PARKING PARTNERSHIP JOINT COMMITTEE

10 October 2024

AGENDA ITEM 8

Subject	Review of SEPP Policies
Report by	South Essex Parking Partnership Manager

Enquiries contact: Nick Binder Parking Partnership Manager, Chelmsford. 01245 606303, nick.binder@chelmsford.gov.uk

Purpose

This report provides an update following a review of the Parking Partnership Operational Protocols, Parking Policy Framework including the Partnership Enforcement Policy and the Civil Parking Enforcement Discretion Policy.

Options

The Joint Committee can approve or amend the proposed changes to the Civil Parking Enforcement Discretion Policy and the Parking Partnership Operational Protocols.

Recommendation(s)

1. That the Joint Committee approves the proposed changes to the Civil Parking Enforcement Discretion Policy and the Parking Partnership Operational Protocols.

Consultees	Lead officers from each of the Partner Authorities as set out in Appendix B of the Joint Committee Agreement 2022.
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1. Introduction

- 1.1 This report provides the outcome of the review of the Parking Partnership Policies which consist of the Parking Partnership Operational Protocols, Parking Policy Framework including the Partnership Enforcement Policy and the Civil Parking Enforcement Discretion Policy.

2 **Civil Parking Enforcement Discretion Policy**

- Initial document introduced and approved 16 June 2011
- Version 1 introduced August 2012 changing all reference of Chelmsford Borough Council to Chelmsford City Council
- Version 2 introduced September 2015 to reflect changes made to the Traffic Management Act 2004.

2.1 2024 Review of the Discretion Policy

The following change variations are proposed to ensure this policy reflects the changes to the current working practices.

2.2 **Change variation 1 - Section 2 page 8 -Formal Representations**

Current wording

Failure to pay the increased charge could result in the Council / Partnership seeking a County Court Order for Recovery, which will add a further £9 to the outstanding amount. Failure to pay at this stage will then result in a Court Warrant of Execution being obtained and passed to Bailiffs for recovery. Bailiffs will add their fees to the outstanding debt which can be significant.

2.3 Proposed change (Highlighted)

*Failure to pay the increased charge could result in the Council / Partnership seeking a County Court Order for Recovery, which will add a further **£10** to the outstanding amount. Failure to pay at this stage will then result in a Court Warrant of Execution being obtained and passed to Bailiffs for recovery. Bailiffs will add their fees to the outstanding debt which can be significant.*

2.4 **Change variation 2- page 18 – Mitigating Circumstance G1.6**

Current wording

G1.6 Where the motorist claims that their vehicle was not parked in the location at the time and on the date alleged on the PCN which was issued

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

Following consideration of all available evidence:

If the motorist provides a copy of their vehicle excise licence (tax disc), which was valid at the time of the alleged contravention, and the serial number of which differs from the number noted by the Civil Enforcement Officer.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

Following consideration of all available evidence:

If the motorist does not provide a copy of their tax disc, after being given a further opportunity to submit such a copy.

Or

If the serial number on the copy tax disc provided by a motorist is identical to the serial number noted by the Civil Enforcement Officer.

Or

If there is no evidence or if the evidence presented does not support the claim or is inconclusive.

2.6 Proposed change (Highlighted)

G1.6 Where the motorist claims that their vehicle was not parked in the location at the time and on the date alleged on the PCN which was issued

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

Following consideration of all available evidence:

If the motorist can provide clear evidence that the vehicle was not parked in the location at the time of the contravention or can provide a police report which would suggest that the vehicle in question may have been cloned.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

Following consideration of all available evidence:

If there is no evidence or if the evidence presented does not support the claim or is inconclusive.

2.7 **Change variation 3 – page 39 - section 6 The Independent Adjudication Service**

Current wording

Appeals can be heard either by post or at a personal hearing at a location selected by the appellant. All appeal hearings are informal but are legally binding on both parties. Costs are not normally awarded to the successful party.

2.8 Proposed change (Highlighted)

Appeals can be heard either by a phone hearing or via an on-line hearing. It is not possible to have a hearing in person. All appeal hearings are informal but are legally binding on both parties. Costs are not normally awarded to the successful party.

3 **Parking Policy Framework including Parking Partnership Enforcement Policy (PEP)**

- Initial document introduced and approved 15 December 2011
- Issue 2 introduced August 2012 changing all reference of Chelmsford Borough Council to Chelmsford City Council

3.1 2024 Review of the PEP Policy

There are no proposed changes to this document. This policy remains relevant to the aims and objectives of the Parking Partnership and Essex County Council and the legislation and operational guidance of the Traffic Management Act 2004.

4 **Parking Partnership Operational Protocols (POP)**

- Initial document introduced and approved 22 September 2011
- Issue 2 introduced August 2012 changing all reference of Chelmsford Borough Council to Chelmsford City Council

4.1 2024 Review of the POP policy

The following change variations are proposed to ensure this policy reflects the changes to the current working practices.

4.2 **Change variation 1 - page 18**

Current wording

Description of Vehicle – on PCN:

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

1. *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 will be given to cancelling the PCN. The make should be taken from the VEL "tax disc".*
2. *Tax Disc Serial Number: (where visible/recordable): The one thing that is unique to the vehicle is the tax disc number, which is recorded by the Civil Enforcement Officer at the time of the PCN issue. If these match then the Partnership has good grounds to pursue the PCN irrespective of any other error.*

4.3 Proposed change (Highlighted)

Description of Vehicle – on PCN:

When issuing a Penalty Charge Notice, the Civil Enforcement Officer will note the make and registration number and colour which will appear on the PCN. The Officer will also note other details such as positions of tyre valves, which will form part of the supporting records. 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 consideration may be given to cancelling the PCN.

4.4 **Change variation 2 - page 36**

Current wording

Vehicle Not at Scene:

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

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

Should the keeper refuse to supply the required information written application should be made to DVLA 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.

4.5 Proposed change (Highlighted)

Vehicle Not at Scene:

Where a keeper receives a Notice to Owner and claims that the vehicle was not parked in the area at the time, a written request should be made to the keeper asking to provide clear evidence that the vehicle was not parked in the location at the time of the contravention or to provide a police report which would suggest that the vehicle in question may have been cloned.

If clear evidence is not available the Partnership should consider asking the keeper for detailed photographs or the vehicle to match against the photographs taken by the enforcement officers to establish any potential subtle differences which may suggest a vehicle has been cloned.

Conclusion

The three operational enforcement policies have been reviewed and variation changes have been proposed for the Discretion Policy and the Parking Partnership Operational Protocols to reflect the changes to current working practices. There have been no changes suggested to the Parking Partnership Enforcement Policy as this policy remains relevant.

It is recommended that the Joint Committee approve the variation changes to the Discretion Policy and the Parking Partnership Operational Protocols.

The three policies will be reviewed again in 12 months' time and any changes reported to the Joint Committee.

List of Appendices

Appendix 1 Civil Parking Enforcement Discretion Policy

Appendix 2 Parking Partnership Operational Protocols.

Appendix 3 Parking Policy Framework including the Partnership Enforcement Policy

Background Papers

CIVIL PARKING ENFORCEMENT DISCRETION POLICY

TRAFFIC MANAGEMENT ACT 2004, Section 80

Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.

THIS DOCUMENT CONTAINS:

- 1. Policy Statement of South Essex Parking Partnership, Chelmsford City Council and Essex County Council on Civil Parking Enforcement.**
- 2. Types of Appeals (Representations).**
- 3. List of Standard Contravention Codes.**
- 4. Statutory Grounds under which a Formal Representation may be made.**
- 5. Detailed examples of Representations on specific grounds.**
- 6. Details of the Independent Adjudication Service.**

This information can be obtained in different formats. If you would like a translated version in ethnic minority languages please contact 01245 606710.

POLICIES SET OUT IN THIS DOCUMENT PROVIDE GUIDANCE ONLY

EACH CASE WILL BE CONSIDERED ON ITS OWN MERITS, TAKING INTO ACCOUNT ALL OF THE EVIDENCE AVAILABLE AND THE EXCEPTIONALITY OF THE CIRCUMSTANCES SURROUNDING ANY CASE.

STATEMENT REGARDING THE ENFORCEMENT AUTHORITY

For on-street parking contraventions

The Penalty Charge Notice is issued by the South Essex Parking Partnership as agents for the enforcement authority, Essex County Council. The South Essex Parking Partnership is responsible (under agency arrangements with Essex County Council) for the enforcement of on-street parking restrictions within the boroughs / districts of Chelmsford, Brentwood, Basildon, Maldon, Rochford and Castle Point.

For off- street parking contraventions

Where the Penalty Charge Notice is issued in a public car park within the borough of Chelmsford, the enforcement authority is Chelmsford City Council.

Where this Penalty Charge Notice is issued in the borough of Castle Point the enforcement authority is Castle Point Borough Council with Chelmsford City Council acting as its agent under agency agreement

The Joint Committee of the South Essex Parking Partnership has appointed Chelmsford City Council as the lead authority and all correspondence relating to a penalty charge notice will be directed to Chelmsford City Council.

For the purpose of this document reference to the South Essex Parking Partnership and Chelmsford City Council will be noted as the Council / Partnership

How to contact the South Essex Parking Partnership and Chelmsford City Council on parking issues

**Address: Parking Services
Chelmsford City Council
Civic Centre
Duke Street
Chelmsford
Essex
CM1 1JE**

Tel: 01245 606710

Fax: 01245 606292

E-mail: parking@chelmsford.gov.uk

NB: Representations (appeals) against the issue of any Penalty Charge Notice issued by the South Essex Parking Partnership for on-street contraventions and Chelmsford City Council for off- street contraventions will only be accepted if made in writing, within the legally prescribed time, and by the person or organisation entitled to make the representation.

The Council / Partnership will endeavour to respond to all representations within a maximum of 10 working days. All responses will be in writing and will address individual issues raised within each representation made.

If you make a representation and you do not receive a reply within 15 calendar days, please immediately contact the Parking Services Manager on the above telephone number.

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5	Detailed examples of Representations on specific grounds	15
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	Ground 6	24
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	Ground 8	25
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	Ground 10	25
	Mitigating Circumstances	26
6	The Independent Adjudication Service	39

Section 1

INTRODUCTION

The policies in this document are intended to inform the public and provide guidance to Partnership / Council employees working in the enforcement of parking regulations.

This is consistent with current best practice nationally and aims to provide clarity, consistency and transparency within the enforcement process and compliance with the aspirations of the Traffic Penalties Tribunal (TPT) and the Local Government Ombudsman.

What is important about these policies is that they represent a foundation upon which fairness, openness, transparency and discretion can be applied. The importance of flexibility in these matters has been recognised by the courts and, as a consequence, decisions made by the Partnership / Council must not be unduly rigid in their application.

The policies address the following:

- *The statutory grounds upon which representations may be made*
- *Mitigating circumstances*
- *The acceptance or rejection of representations*

It is important to recognise that each case will be considered on its own merits: matters of proportionality, objectivity, fairness and reasonableness should be paramount.

These policies will be subject to ongoing review.

**Policy Statement of the South Essex Parking Partnership, Essex
County Council and Chelmsford City Council on Civil Parking
Enforcement**

This Policy Statement is effective from 1st April 2011

The South Essex Parking Partnership, Chelmsford City Council and Essex County Council 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 services.

The staff of Chelmsford City Council 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 Civil Parking Enforcement within the Boroughs / Districts of Chelmsford, Brentwood, Basildon, Maldon, Rochford and Castle Point will assist in meeting the Partnership's / Council's Parking Control Objectives:

1. To maintain and, where possible, improve the flow of traffic thereby making the Partnership's area a more pleasant and environmentally safe place in which to live and to visit.
2. To improve the quality and accessibility of public transport by discouraging the use of cars where road conditions and public transport facilities justify this. Once again encouraging a more environmentally friendly lifestyle.
3. To take into account the needs of local residents, shops, businesses and visitors thereby sustaining the Partnership's area economic growth.
4. To 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 Partnership's area.
5. To actively discourage indiscriminate parking that causes obstruction to other motorists, pedestrians, cyclists and people with disabilities. This will ensure that the Partnership's area remains accessible to all, equally and safely.
6. To support the introduction of and encourage the use of park and ride schemes.

This Policy shall be regularly reviewed and will take into account:

- 1. The existing and predicted levels of demand for parking both on and off-street.**
- 2. The availability and pricing of both on and off-street parking through the development and maintenance of safe and high quality parking provision.**
- 3. The nature and extent of on-street parking restrictions.**
- 4. The accuracy and quality of existing signs and plates.**
- 5. The levels of compliance that the South Essex Parking Partnership and Chelmsford Borough Council considers to be acceptable and the level of enforcement necessary to achieve them.**
- 6. The views of the public who shall be actively consulted on all matters relating to the extension of parking restrictions.**
- 7. The views of Essex Police and Essex County Council in relation to road safety and transportation matters generally.**
- 8. The provision of suitable parking facilities for disabled people.**
- 9. The provision of suitable parking facilities for cyclists and motorcyclists.**
- 10. The Council's / Partnership's overall aims with regard to the environment, the fear of crime within the Boroughs / Districts and the sustained economic growth of the Boroughs / Districts.**

Section 2

Types of Appeals

Under the terms of the Traffic Management Act 2004 (TMA) any appeal made to the South Essex Parking Partnership or Chelmsford Borough Council is termed as a “Representation” and will either be:

- 1. Informal Representation:** This refers to any representation made before the Council / Partnership issues the Statutory Notice¹ to Owner to the person who is the registered owner / keeper at DVLA or the person that Chelmsford Borough Council or the South Essex Parking Partnership believes to be the owner / keeper at the time of the alleged contravention.

The Informal Representation may be made by any party directly concerned with the vehicle who may not be the keeper, i.e. the driver at the time of the alleged contravention.

An Informal Representation should be made where the appellant believes that there are compelling reasons why the Penalty Charge Notice should not have been issued. These may be for any reason and any mitigating circumstances will be considered by the Council / Partnership. Representations should be accompanied by any supporting evidence and will be considered against the evidence collected by the Council's / Partnership's Civil Enforcement Officer at the time of the alleged contravention, which will include contemporaneous notes, both written and electronic, as well as digital photographs.

If made within 14 days of service of the Penalty Charge Notice, thereby during the period in which the 50% discount for payment applies, the discount period will be “frozen” so as not to disadvantage the appellant. Should the representation be rejected, the appellant will be notified in writing by the Council / Partnership and the discount period recommenced which will apply for 14 days from the date of the written Notice of Rejection.

Any informal representation received after the discount period has expired will be considered but the discount period will not be recommenced and the full penalty amount will be payable should the representation be rejected.

2. **Formal Representations:** This refers to a representation made by the registered owner / keeper of the vehicle, according to DVLA, or the person(s) believed to be the registered owner of keeper by Chelmsford City Council or the South Essex Parking Partnership.

This person(s) shall be the person(s) who has received the Statutory Notice to Owner (see footnote¹ below) from the Council / Partnership and the representation is made no later than the 28th day of service of the Notice.

Formal Representations must be made on one of the grounds specified within the Statutory Notice to Owner (See Section 4 of this document). However, where these are not appropriate, the Council / Partnership will consider any mitigating circumstances and these should be described in full by the appellant and, in all cases, any supporting evidence included with the representation.

If the Formal Representation is rejected by the Council /Partnership, the appellant will be notified in writing by the Council / Partnership who will issue a "Formal Notice of Rejection of Representation" which will give reasons why the representation was rejected.

The Formal Notice of Rejection will allow 28 days for the penalty charge to be paid or an appeal to the Independent Adjudicator to be made (see point 3 below). Failure by the keeper to either pay the penalty or to make an appeal to the Independent Adjudicator within 28 days will result in a Charge Certificate being issued. This will have the effect of increasing the outstanding penalty amount by 50%. After the issue of the Charge Certificate no further appeal will be accepted.

Failure to pay the increased charge could result in the Council / Partnership seeking a County Court Order for Recovery, which will add a further £7 to the outstanding amount. Failure to pay at this stage will then result in a Court Warrant of Execution being obtained and passed to Bailiffs for recovery. Bailiffs will add their fees to the outstanding debt which can be significant.

3. **Appeal to the Independent Adjudication Service:** Full details of how to appeal to the Independent Adjudicator (The Traffic Penalty Tribunal) will be included with the Formal Notice of Rejection of Representation sent by the Council / Partnership. If this is not received please contact the Council / Partnership immediately. Please see Section 6 of this document.

Footnote 1 A Statutory Notice to Owner (NtO) will be sent to the person(s) that the DVLA states was the registered keeper at the time of the alleged contravention, or the person(s) that the Council believes to be the owner / keeper. This will be done after the Penalty Charge Notice remains unpaid for a period of 28 days.

Section 3

LIST OF STANDARD CONTRAVENTION CODES (V6.5)

On-Street

Code	General suffix(es)	Description	Differential level	Notes
01	eoyz	Parked in a restricted street during prescribed hours	Higher	Suffixes y & z for bbh only
02	aejo	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	Higher	
04	cs	Parked in a meter bay when penalty time is indicated	Lower	
05	cpsuv	Parked after the expiry of paid for time	Lower	
06	cipv	Parked without clearly displaying a valid pay & display ticket or voucher	Lower	
07	cmprsv	Parked with payment made to extend the stay beyond initial time	Lower	'meter feeding'
08	c	Parked at an out-of-order meter during controlled hours	Lower	Electronic meters only
09	ps	Parked displaying multiple pay & display tickets where prohibited	Lower	Some boroughs only
10	p	Parked without clearly displaying two**** valid pay and display tickets when required	Lower	Some boroughs only
11	u	Parked without payment of the parking charge	Lower	
12	rstwxy	Parked in a residents' or shared use parking place or zone without clearly displaying either a permit or voucher or pay and display ticket issued for that place	Higher	
13		---- RESERVED FOR TfL USE (LOW EMISSION ZONE) ----	n/a	
14		Parked in an electric vehicles' charging place during restricted hours without charging	Higher	
16	bdhqstwxzy	Parked in a permit space without displaying a valid permit	Higher	Suffix "s" only for use where bay is completely non-resident
17		---- RESERVED FOR TfL USE (CONGESTION CHARGING) ---	n/a	
18	bcdhfmpsv	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher	
19	irswxyz	Parked in a residents' or shared use parking place or zone displaying an invalid permit, an invalid voucher or an invalid pay & display ticket	Lower	
20		Parked in a loading gap marked by a yellow line	Higher	
21	bcdhfjlmprqsuv	Parked in a suspended bay or space or part of bay or space	Higher	
22	cflmnopsv	Re-parked in the same parking place or zone within one hour* of leaving	Lower	
23	bcdfghjklprsv	Parked in a parking place or area not designated for that class of vehicle	Higher	
24	bcdhfmpqrsv	Not parked correctly within the markings of the bay or space	Lower	
25	jn	Parked in a loading place during restricted hours without loading	Higher	On-street loading bays
26	e	Parked in a special enforcement area more than 50 cm [†] from the edge of the carriageway and not within a designated parking place	Higher	
27	jo	Parked in a special enforcement area adjacent to a dropped footway	Higher	
30	fnou	Parked for longer than permitted	Lower	
31	j	Entering and stopping in a box junction when prohibited	n/a	London only
32	jdtpw	Failing to drive in the direction shown by the arrow on a blue sign	n/a	Code specific suffixes apply. London only

33	jbcefgghikqrs	Using a route restricted to certain vehicles	n/a	Code specific suffixes apply. London only
34	j0	Being in a bus lane	n/a	
35		Parked in a disc parking place without clearly displaying a valid disc	Lower	
36		Parked in a disc parking place for longer than permitted	Lower	
37	j	Failing to comply with a give way to oncoming vehicles sign	n/a	London only
40	n	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher	
41	j	Parked in a parking place designated for diplomatic vehicles	Higher	
42	j	Parked in a parking place designated for police vehicles	Higher	
45	n	Parked on a taxi rank	Higher	
46	jn	Stopped where prohibited (on a red route or clearway)	Higher	
47	jn	Stopped on a restricted bus stop or stand	Higher	
48	j	Stopped in a restricted area outside a school when prohibited	Higher	
49	j	Parked wholly or partly on a cycle track or lane	Higher	
50	jlru	Failing to comply with a sign indicating a prohibited turn	n/a	Code specific suffixes apply. London only
51	j	Failing to comply with a no entry sign	n/a	London only
52	jgmsvx	Failing to comply with a sign indicating a prohibition on certain types of vehicle	n/a	Code specific suffixes apply. London only
53	j	Failing to comply with a sign indicating a restriction on vehicles entering a pedestrian zone	n/a	London only
54	j	Failing to comply with a sign indicating a restriction on vehicles entering and waiting in a pedestrian zone	n/a	London only
55		A commercial vehicle parked in a restricted street in alleged contravention of the Overnight Waiting Ban	Higher	
56		Parked in alleged contravention of a commercial vehicle waiting restriction	Higher	Non- overnight waiting restriction
57		Parked in alleged contravention of a coach ban	Higher	Non- overnight waiting restriction
58		Using a vehicle on a restricted street during prescribed hours without a valid permit	n/a	London Lorry Ban only
59		Using a vehicle on a restricted street during prescribed hours in breach of permit conditions	n/a	London Lorry Ban only
61	124cgj	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	Higher	Code specific suffixes apply.
62	124cgj	Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway	Higher	Code specific suffixes apply.
63	c	Parked with engine running where prohibited	Lower	This alleged contravention occurs in certain coach bays.
67		---- RESERVED FOR VEHICLE EMISSIONS ----	n/a	
68		---- RESERVED FOR VEHICLE EMISSIONS ----	n/a	
99	Jo	Stopped on a pedestrian crossing or crossing area marked by zigzags	Higher	Pedestrian Crossings
		<ul style="list-style-type: none"> ● = or other specified time ● **** = or other number ● † = or other specified distance 		

Police Use Only

64		Police removal following an accident	n/a	Police use only
65		Police removal – illegally parked - red route	n/a	Police use only
66		Police removal – illegally parked - non red route	n/a	Police use only

Off-Street

70		Parked in a loading area during restricted hours without reasonable excuse	Higher	Off-street loading areas
73	u	Parked without payment of the parking charge	Lower	Off-street car parks
74	prs	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher	Off-street car parks
77		--- RESERVED FOR DVLA USE ---	n/a	
80		Parked for longer than the maximum period permitted	Lower	Off-street car parks
81	o	Parked in a restricted area in a car park	Higher	Off-street car parks
82	puv	Parked after the expiry of paid for time	Lower	Off-street car parks
83		Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower	Off-street car parks
84		Parked with additional payment made to extend the stay beyond time first purchased	Lower	Off-street car parks
85	btrw	Parked in a permit bay without clearly displaying a valid permit	Higher	Off-street car parks
86	prs	Parked beyond the bay markings	Lower	Off-street car parks
87		Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher	Off-street car parks
89		Vehicle parked exceeds maximum weight or height or length permitted in the area	Higher	Off-street car parks
90	psv	Re-parked within one hour* of leaving a bay or space in a car park	Lower	Off-street car parks
91	cg	Parked in a car park or area not designated for that class of vehicle	Higher	Off-street car parks
92	o	Parked causing an obstruction	Higher	Off-street car parks
93		Parked in car park when closed	Lower	Off-street car parks
94	p	Parked in a pay & display car park without clearly displaying two**** valid pay and display tickets when required	Lower	Off-street car parks
95		Parked in a parking place for a purpose other than the designated purpose for the parking place	Lower	Off-street car parks
96	c	Parked with engine running where prohibited	Lower	Off-street car parks - this alleged contravention may occur in certain coach bays.

* = Or other specified time

**** = or other number

Suffixes

General suffixes:—

- | | | | |
|--|-----------------------|------------------------------|----|
| a) temporary traffic order doctor's bay | b) business bay | c) coach parking bay | d) |
| e) double parked/obstruction hospital bay | f) free parking bay | g) motor cycle bay | h) |
| i) wrong type of voucher loading place | j) camera enforcement | k) ambulance bay | l) |
| m) parking meter pay & display | n) red route | o) blue badge holder | p) |
| q) market traders' bay | r) residents' bay | s) shared use bay | |
| t) voucher/P&D ticket used in permit bay voucher | | u) mobile phone parking | v) |
| w) wrong parking zone | x) incorrect VRM | y) obscured/illegible permit | |
| z) out of date permit | | | |
| 0) local buses / trams only | | | |

Footway parking only:—

- | | | |
|-------------------------|----------------------|--------------------------|
| 1) One wheel on footway | 2) Partly on footway | 4) All wheels on footway |
| c) on vehicle crossover | g) on grass verge | |

Moving traffic alleged contraventions only:—

32 d) proceeding in the wrong direction p) passing to the wrong side of the sign t) turning in the wrong direction w) one way traffic

33 b) buses only c) buses and cycles only e) buses, cycles and taxis only f) buses and taxis only g) local buses only h) local buses and cycles only i) local buses, cycles and taxis only k) local buses and taxis only q) tramcars and local buses only r) tramcars only s) tramcars and buses only

50 r) no right turn l) no left turn u) no U turn

52 v) all vehicles except non-mechanically propelled ones being pushed m) motor vehicles x) motor vehicles except solo m/cycles

s) solo motorcycles g) goods vehicles exceeding max gross weight indicated

Section 4

Statutory Grounds under which to make Formal Representations

Important Note

Although the following are the nine possible statutory grounds under which to make a formal representation as defined by the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007, full consideration will be given and account taken of all formal representations received whether or not they fall within the description of “Statutory Grounds”. It is for this reason that a tenth ground, encompassing any other information the owner / keeper would like the Council / Partnership to consider is included. This tenth ground will be considered as “mitigation”.

The nine possible Statutory Grounds are:

- G1. That the alleged contravention did not occur:**
- G2. That the recipient of this Notice:**
 - i. never was the owner of the vehicle in question;**
 - ii. had ceased to be its owner before the date on which the alleged contravention occurred; or**
 - iii. became its owner after that date.**
- G3. That the vehicle has been permitted to remain at rest in the place in question by a person who was in control of the vehicle without the consent of the owner:**
- G4. That the recipient of this Notice is a vehicle-hire firm and:**
 - i. the vehicle in question was at the material time hired from that firm under a hiring agreement; and**
 - ii. 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.**
- G5. That the penalty charge exceeded the amount applicable in the circumstances of the case.**
- G6. That there has been a procedural impropriety on the part of the Enforcement Authority or its agent.**
- G7. That the Order which is alleged to have been contravened in relation to the vehicle concerned, except where it is an order to which Part VI of Schedule 9 to the 1984 Act applies, is invalid.**

- G8. That the Notice to Owner should not have been served because:**
- i. the penalty charge had already been paid in full.**
 - ii. the penalty charge had been paid, reduced by the amount of any discount set in accordance with Schedule 9 to the 2004 Act, within the period specified in Paragraph 1(h) of the Schedule to the General Regulations.**

Where a Penalty Charge Notice has been served under Regulation 10 of the General Regulations because the Civil Enforcement Officer was prevented from serving the PCN on the vehicle by the actions of a third party:

- G9. The Civil Enforcement Officer was not prevented from serving the original Penalty Charge Notice (see footnote ¹ below).**

The 10th Ground – Mitigation:

- G10. MITIGATION: The Council / Partnership is required to use discretion when enforcing Penalty Charge Notices and will do so if genuine mitigating circumstances exist. If you feel that this is the case please provide full reasons why the Council / Partnership should consider cancelling the Penalty Charge Notice.**

Footnote ¹ - Only applies to Regulation 10 PCNs issued by post because the Civil Enforcement Officer was prevented from serving a PCN by the actions of another party.

Section 5

Detailed Examples of Representations on specific grounds*

*** These examples are for guidance only and the list is by no means exhaustive. We aim to give an indication as to how cases will be dealt with by the Council's / Partnership's officers and how representations should be made. In all cases representations should be an honest account of the appellant's position and should be accompanied by as much factual and supporting evidence as possible.**

The area of Parking Enforcement is very emotive but the Council / Partnership will not tolerate abusive, threatening or violent behaviour towards any member of its staff, whether it is verbal or physical (perceived or actual) and will take every action necessary to protect the interests of its staff.

G1 The alleged contravention did not occur:

G1.1 Where the motorist claims he/she was loading/unloading

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If evidence is available or provided to show:

Goods being delivered or collected were heavy, bulky or numerous and it would be unreasonable to expect them to be carried from a permitted parking place.

Loading/unloading activity was adjacent to the premises concerned.

Loading/unloading activity was timely (includes checking goods and paperwork), but not delayed by unrelated activity.

If in the course of business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If on clearways;

On school zig-zag markings;

On bus stop clearways;

On Taxi ranks;

On Police bays;

Where loading is prohibited or where it was not taking place;

In car parks, if a valid pay & display ticket was not purchased or not clearly displayed as required.

G1.2 Where the motorist claims that a parking pay & display machine was faulty

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If service records confirm a fault or that the machine had been taken out of service at the time of the alleged contravention.

If there is reasonable doubt because evidence not available to confirm that a machine was working at the time (test ticket) and there was not another ticket machine nearby which was operating correctly.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If there was another ticket machine nearby that was working correctly at the time.

If there is no record of the machine being faulty or taken out of service.

If there is reasonable doubt because evidence confirms that other visitors had been able to purchase tickets during the relevant period.

G1.3 Where the motorist claims that the restriction is not clearly signed or marked

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If signs and/or markings are missing or unclear.

If signs and markings are inconsistent with each other and/or Traffic Order or legislation.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If site visit records or photographs establish that signs and/or markings are correct and consistent with each other and the Traffic Order.

G1.4 Where the motorist was carrying out building works

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If evidence confirms that the motorist was simply loading/unloading (see policy G1.1 above)

If valid dispensation to park at the location in question had been issued and was on display in the vehicle.

If works are of a statutory nature or are exempted from restrictions by a Traffic Order or legislation

If it can be proven that works were an emergency,

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

In all other circumstances.

G1.5 Where the motorist claims that PCN was not served (i.e. PCN not found attached to vehicle or handed to driver – NOTE: check if PCN was served by post)

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If the Civil Enforcement Officer's pocket book and/or computer notes confirm that the vehicle drove away before a PCN could be served, i.e. PCN not handed to the driver or fixed to the vehicle (but see note above).

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the Civil Enforcement Officer's notes or photographs confirm that a PCN was correctly served, i.e. handed to the motorist or fixed to their vehicle.

If the Enforcement Authority subsequently served a Regulation 10 PCN by post.

G1.6 Where the motorist claims that their vehicle was not parked in the location at the time and on the date alleged on the PCN which was issued

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

Following consideration of all available evidence:

If the motorist provides a copy of their vehicle excise licence (tax disc), which was valid at the time of the alleged contravention, and the serial number of which differs from the number noted by the Civil Enforcement Officer.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

Following consideration of all available evidence:

If the motorist does not provide a copy of their tax disc, after being given a further opportunity to submit such a copy.

Or

If the serial number on the copy tax disc provided by a motorist is identical to the serial number noted by the Civil Enforcement Officer.

Or

If there is no evidence or if the evidence presented does not support the claim or is inconclusive.

G1.7 Where the motorist claims that a valid authorisation to park had been issued

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If records show that the motorist holds a valid authorisation to park.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the motorist cannot provide a copy of the valid authorisation to park or if there is no record of any issue of the authorisation.

If the motorist did not park in accordance with the authorisation.

NB: A valid authorisation to park could be a pay & display ticket, permit, season ticket or dispensation.

G1.8 Where the motorist claims that a pay & display ticket was purchased and displayed

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If the motorist produces a Pay & Display parking ticket that was valid at the time the Penalty Charge Notice was issued and the Civil Enforcement Officer confirms that a face down ticket or a ticket that was displayed but concealed in some other way was seen and it is the first alleged contravention of this kind.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the motorist is unable to produce a valid pay & display ticket.

The Civil Enforcement Officer was unable to confirm that a face down ticket or a ticket that was displayed but concealed in some other way was seen.

The motorist has made a similar representation before and had a previous PCN cancelled after giving them the benefit of the doubt; or

The Civil Enforcement Officer noted that the motorist obtained their ticket from another motorist in the car park.

G2 That the recipient:

- **Never was the owner of the vehicle in question;**
- **Had ceased to be its owner before the date on which the alleged contravention occurred;**
- **Became its owner after that date;**

G2.1 Was never the owner of the vehicle in question

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If the DVLA confirms that the motorist was not the registered keeper at the time of the alleged contravention.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the DVLA confirms that the motorist was the registered keeper of the vehicle at the time of the alleged contravention.

If the previous registered keeper provides proof that the motorist bought the vehicle before the alleged contravention, or the subsequent registered keeper provides proof that the motorist sold the vehicle after the alleged contravention.

If the motorist is proven to have hired the vehicle for the day on which the alleged contravention occurred and signed an agreement to take responsibility for PCNs incurred, subject to the time of hire (see policy G4 below)

G2.2 Had ceased to be its owner before the date on which the alleged contravention occurred

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If the current registered keeper is able to provide proof that the vehicle was disposed of before the alleged contravention, i.e. a bill of sale, registration documents, insurance documents or a letter from the DVLA; and/or

If the current registered keeper is able to provide the full name and address of the person to whom they disposed of the vehicle.

ACTION - send a new Notice to Owner to the person named by the current registered keeper

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the current registered keeper is unable to prove that s/he neither disposed of the vehicle before the alleged contravention nor provides the name and address of the person to whom s/he disposed of the vehicle.

If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide.

G2.3 Became its owner after that date

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If the current registered keeper is able to provide proof that the vehicle was purchased after the alleged contravention, i.e. an invoice, registration documents, insurance documents or a letter from the DVLA; and/or

If the current registered keeper is able to provide the full name and address of the person from whom they purchased the vehicle.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the current registered keeper is unable to prove that s/he neither purchased the vehicle after the alleged contravention nor provides the name and address of the person from whom they bought the vehicle.

If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide.

G2.4 Where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the alleged contravention

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

Only when a hire agreement exists (see policy G4 below).

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

In all other circumstances because the registered keeper is always liable, including where the vehicle was left in the care of a garage.

G3 That the vehicle had been permitted to remain at rest in the place in question by a person who was in control of the vehicle without the consent of the owner

G3.1 Where the current registered keeper claims that the vehicle had been stolen

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If the registered keeper provides a valid Police crime report reference number.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the current registered keeper is unable to provide any proof of theft.

If the Police crime report reference number provided by the current registered keeper does not exist or it does not match the theft or date of the theft alleged.

G3.2 Where the current registered keeper claims that the vehicle was driven by a third party (i.e. a friend, relative or estranged partner)

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

In no circumstances.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

In all circumstances because the registered keeper is always liable, save for when a hire agreement exists (see policy G4 below).

G4 That the recipient is a vehicle hire firm:

- **The vehicle in question was at the material time hired from that firm under a vehicle hiring agreement;**
- **The person hiring it had signed a statement of liability acknowledging his liability in respect of any PCN served in respect of any alleged contravention involving the vehicle.**

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If the hire company is able to provide proof that the vehicle was hired at the time of the alleged contravention, i.e. a signed agreement.

If the hire company is able to provide the full name and address of the person to whom they hired the vehicle.

ACTION - send a new Notice to Owner to the person named by the hire company.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the hire company is unable to prove that it hired out the vehicle on the date of the alleged contravention nor provide the name and address of the person to whom it hired the vehicle.

If the person named by the hire company as the person to whom it hired the vehicle, without proof, either does not exist, cannot be traced or denies responsibility for the alleged contravention.

If the vehicle was being used as a courtesy car without an agreement signed to accept responsibility for Penalty Charge Notices issued.

G5 That the penalty charge exceeded the amount applicable in the circumstances of the case

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If the PCN and/or Notice to Owner showed the incorrect amount of penalty charge, i.e. the wrong penalty charge band.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the PCN or Notice to Owner showed the correct amount of penalty charge.

G6 That there has been a procedural impropriety on the part of the enforcement authority

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If any requirements imposed by the TMA or the TMA Regulations in the relation to the imposition or recovery of a penalty charge have not been observed.

If any document has been served in advance of the time scale set out in the TMA regulations.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If all requirements imposed by the TMA or the TMA Regulations in the relation to the imposition or recovery of a penalty charge have been observed.

If all documents have been served in accordance with the time scale set out in the TMA regulations.

If the motorist merely considers the restrictions to be unfair.

G7 That the Order which is alleged to have been contravened in relation to the vehicle concerned is invalid

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If the Traffic Order which prescribes the restrictions that the vehicle was parked in alleged contravention of was either not constructed correctly, i.e. is ultra-vires, or was not made correctly, i.e. not consulted on properly.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the Traffic Order which prescribes the restrictions that the vehicle was parked in alleged contravention of was constructed and made correctly.

If the motorist merely considers the restrictions to be unfair.

G8 In the case where a PCN was served by post on the basis that a CEO was prevented by some person from fixing it to the vehicle concerned or handing it to the owner or person in charge of the vehicle or the vehicle was driven away from the place in which it was stationary before the Civil Enforcement Officer had finished preparing the Penalty Charge Notice

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If the Civil Enforcement Officer's notes or photographs confirm that a PCN was correctly served, i.e. handed to the motorist or fixed to their vehicle.

If the Civil Enforcement Officer's pocket book and/or computer notes did not confirm that the vehicle drove away before a PCN could be served, i.e. PCN not handed to the driver or fixed to the vehicle.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the Civil Enforcement Officer's pocket book and/or computer notes confirm that the vehicle drove away before a PCN could be served, i.e. PCN not handed to the driver or fixed to the vehicle.

G9 That the NtO should not have been served because the penalty charge had already been paid in full or by the amount reduced by any discount set within the period set

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If the penalty charge amount had been paid in full.

If the penalty charge amount, reduced by any discount set within the period set, had been paid in full.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the penalty charge amount had not been paid in full.

If the penalty charge amount, reduced by any discount set within the period set, had not been paid in full.

G10 Any other information that the motorist / vehicle owner wants the Council to take into consideration

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

The decision whether or not a Penalty Charge Notice should be cancelled will only be taken following very careful consideration taking into account all of the evidence available.

MITIGATING CIRCUMSTANCES

MC1 Where the motorist claims to have become unwell while driving

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If the motorist provides proof of a medical condition, temporary or permanent, that is consistent with the conditions described.

When the notes made by the Civil Enforcement Officer support the motorist's representations.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

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 claims.

MC2 Where the motorist claims to be a doctor, nurse or health visitor attending a patient

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If the motorist concerned possesses a Medical Dispensation Badge (BMA, HEBS) that the Council / Partnership concerned recognises and approves and/or is exempt under the relevant Order.

Or, if the motorist produces evidence that they were responding to an urgent medical call and there was no nearby legal parking place.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the motorist was not attending a patient in urgent circumstances or if there was legal parking spaces nearby.

If the motorist was parked outside their practice or other place of work for any reason other than to collect supplies for an urgent call.

If the motorist was parked in an area, which does not correspond with claims made in representations, i.e. far from patient's property, say, in a car park.

MC3 Where the motorist stopped to use the toilet

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

On production of medical evidence confirming a relevant medical condition and in support of the circumstances described in a representation.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS

In all other circumstances.

MC4 Where the motorist stopped to collect (prescribed) medication from a chemist

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

Only in the most grave, urgent and exceptional of circumstances and the use of a 'legal' parking place would have caused an unacceptable delay.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

In any lesser circumstances.

MC5 Where the motorist was a patient visiting a doctor's surgery

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If the motorist can provide a letter from a doctor to confirm that the visit was very urgent and that they were unable to walk from the nearest legal parking space.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the motorist was not the patient but only driving the vehicle carrying the patient.

If the motorist was attending a pre-arranged, non-urgent appointment.

If the motorist could reasonably have been expected to park legally elsewhere.

MC6 Where the motorist claims to have been recently bereaved

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If no evidence exists to the contrary, taking into account the sensitivity of this issue on first occasion.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

Only if there is a significant reason to doubt the sincerity of representations, i.e. the Civil Enforcement Officer's notes indicating that the motorist was going about a normal day, say, shopping or working, or the bereavement considered to be a long time ago.

MC7 Where the motorist was delayed in returning to their vehicle and parking time purchased had expired

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If supported by appropriate evidence, the motorist's representations claim that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseen, unavoidable and exceptional.

If motorist's vehicle had broken down (subject to concurrence with policy MC25 below).

If the motorist was unable to drive, since parking the vehicle.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the delay described by the motorist was entirely avoidable, i.e. queuing in a shop.

If the motorist simply underestimated the time needed and could have reasonably purchased more time, i.e. when conducting business, shopping or commuting.

If the motorist was unable to drive since parking due to excess alcohol in the body or had been detained and charged by the Police.

MC8 Where the motorist "fed" a meter or pay & display machine by buying subsequent time to park in the same place or returned to the same place within a specified and prohibited time period

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

In no circumstances.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the motorist overstays initial period of time purchased or returns within a period of 'No return'.

MC9 Where the motorist left the vehicle parked without a valid ticket on display to obtain change

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If the motorist had not left the car park, or on-street pay and display area, while obtaining change and a ticket was purchased.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the Civil Enforcement Officer's notes indicate that the motorist returned to their vehicle, having completed their purpose for parking, while the PCN was being issued, i.e. carrying shopping, or had left vehicle in car park, or on-street pay and display area, while obtaining change (5 minutes will normally be allowed to obtain change in an off-street parking place).

MC10 Where the motorist claims to have been unaware of charges or restriction in the car park relating to vehicle's class or weight.

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If reference to restrictions on tariff board(s) is incorrect or missing.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

In all other circumstances.

MC11 Where the motorist claims to have been unaware of recent rise in tariff

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If statutory notices were not erected in accordance with procedural regulations.

If revised tariff is not on tariff board(s)

If a PCN was issued during the 7 day grace period offered by the Council from tariff change implementation date

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If statutory notices were erected in accordance with procedural regulations and tariff board(s) were correct and the period exceeds any grace period given

MC12 Where the motorist had parked with one or more wheels outside of a marked bay in a car park

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

Only in the most exceptional of circumstances that were outside the motorist's control and are supported by incontrovertible evidence.

Otherwise, in no circumstances.

THE COUNCIL/ PARTNERSHIP MAY REJECT REPRESENTATIONS

When clear and incontrovertible supporting evidence (photographs/sketch plan) is available.

MC13 Where the motorist is a Blue Badge holder, transporting a Blue Badge holder and they did not have their Blue Badge and/or clock on display or could not be read or had expired

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If it can be established that this is the motorist's first alleged contravention of this type and they can provide evidence that they are a Blue Badge holder or were transporting a Blue Badge holder and that this was a genuine error.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the motorist has previously had a PCN cancelled for the same alleged contravention and has been warned to display a valid badge/time clock, correctly in the future.

If the motorist was parked on a waiting restriction beyond the 3-hour time limit permitted by the Blue Badge Scheme, or on another restriction for which the Blue Badge does not provide an exemption.

MC14 Where the motorist claims to have been unaware of the existence of a controlled parking zone

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If it can be established that the signing and marking of the CPZ is at fault, see policy G1.3 above.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

In all other circumstances.

MC15 Where the motorist was displaying an expired authorisation to park, i.e. waiver, parking place suspension, season ticket, residents permit, business permit or visitors permit

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If the renewal of the authorisation was delayed by the Council's / Partnerships administrative processes.

If it can be established that other reasonably unforeseen circumstances delayed the renewal of an authorisation to park, e.g. sickness on the part of the applicant or a postal dispute/delays (supported by appropriate evidence).

In the case of season tickets and residents/business parking permits only, if the authorisation had expired by less than 14 days.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

In all other circumstances.

In the event of more than one vehicle registration included on season ticket or permit, subsequent production of the season ticket will not necessarily cause automatic cancellation of the PCN as the season ticket may have been used on the other vehicle.

MC16 Where the motorist is parked in alleged contravention of a waiting/parking prohibition whilst displaying a resident's or visitor's permit.

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

In no circumstances.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

On all occasions.

MC17 Where the motorist is a new resident within a controlled parking zone and had parked in a resident's bay without displaying a valid resident's permit

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

In no circumstance

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

On all occasions

MC18 Where the motorist had parked incorrectly in a controlled bay on-street

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If it can be established that the motorist was genuinely loading or unloading, subject to compliance with policy G1.1 above.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

On all occasions.

MC19 Where the motorist assumed that they were entitled to "a period of grace" before the PCN was issued

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

In no circumstances.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

In all circumstances.

MC20 Where the motorist claims they were attending a funeral

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If no evidence exists to the contrary, taking into account the sensitivity of this issue.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

Only if there is a significant reason to doubt the sincerity of the representations. (The Council / Partnership will cancel a penalty issued for parking contrary to a yellow line waiting restriction, a loading restriction or stopping restriction).

MC21 Where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If it can be established that such conditions prevailed and it is likely that signs and markings were obscured as claimed and there was no alternative indication of the restriction.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If it can be established that such conditions did not cause lines and signs to be obscured as claimed.

If the Civil Enforcement Officer's notes/photographic evidence etc. directly contradict the motorist's version of events.

If any reasonable alternative indication of the restriction was available to the motorist. (i.e. the lines were clearly visible five yards further on).

If the location of the alleged contravention was unlikely to be subject to the natural conditions described by the motorist, i.e. it was under cover.

MC22 Where the motorist claims that their vehicle had broken down

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If the motorist is able to provide evidence of a breakdown, i.e. proof of vehicle recovery or a bill of sale for repair or parts.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the motorist is unable to provide evidence of any kind that their vehicle had broken down.

If the cause of the vehicle "breaking down" was due to negligence on the part of the motorist, i.e. the vehicle had not been properly maintained, had run out of petrol or water or a similar reason.

If the Civil Enforcement Officer's notes contradict the motorist's version of events.

MC23 Where the motorist claims that they were attending an emergency or another vehicle that had broken down

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If the motorist is able to provide reasonable proof of the emergency, i.e. a credible report of an accident or incident, or that they were attending to another vehicle that had broken down.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the motorist is unable to provide evidence of any kind that they were attending an emergency or another vehicle which had broken down.

If the Civil Enforcement Officer's notes contradict the motorist's version of events, i.e. the motorist was not seen attending an emergency or another vehicle, which was broken down.

MC24 Where the motorist claims to have put money into the wrong ticket machine

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If it is agreed that the position of the ticket machine used by the motorist is likely to cause confusion.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the ticket machine used by the motorist is positioned in such a place that confusion is not likely.

If the motorist has had representations accepted for a similar alleged contravention previously.

MC25 Where the vehicle in question was on Police, fire brigade or ambulance duties

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If a senior officer of the service concerned supports the representations and there is no reason to doubt that the vehicle was engaged on operational activities.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

In all other circumstances.

MC26 Where the motorist claims to have been collecting or depositing monies at a bank

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If the procedure explained in the motorist's representations is consistent with the allowance for loading and unloading, see Policy G1.1 above.

Or

If specific arrangements have been agreed.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

In all other circumstances.

MC27 Where the motorist claims to have been unaware of a temporary parking restriction or special event restriction

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If the motorist claims that there was no indication of the restriction, and the Civil Enforcement Officer's notes/photographs do not confirm that appropriate signing was in place.

If the process followed to make the temporary order was defective in some way.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the Civil Enforcement Officer's notes/photographs confirm that the vehicle was parked in an area restricted by the Temporary Order or Notice, and that appropriate signing was in place and clearly visible.

MC28 Where the registered keeper liable for payment of the PCN is expected to be absent for a long period of time, e.g. is living abroad or is in prison

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

In no circumstances.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

On all occasions.

MC29 Where the registered keeper liable for payment of the PCN is said to have died

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

Where the circumstances can be confirmed.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

Only if there is a significant evidence to doubt the sincerity of the representations.

MC30 Where the vehicle driven by the motorist is diplomatically registered

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

In all circumstances. A Notice to Owner should never be sent to the keeper of a diplomatically registered vehicle.

All un-recovered penalty charges from keepers of diplomatically registered vehicles: the information concerning these debts should be passed on to the Foreign and Commonwealth Office.

[Source – Secretary of State’s Traffic Management and Parking Guidance, Vienna Convention on Diplomatic Relations, Diplomatic Privileges Act 1964 and Government Report on Review of Vienna Convention...]

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

In no circumstances.

MC31 Where the motorist received a Fixed Penalty Notice (FPN) from a Police Officer or Civil Enforcement Officer when parked in the same location

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

To prevent ‘double jeopardy’, if confirmation provided by the police that proceedings for a criminal offence in connection with the same parking/waiting incident have been instituted.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

In all other circumstances.

MC32 Where a Council Officer or Member parked in alleged contravention and claims to have been on Council business

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If the Officer was carrying out emergency or other statutory work.
If the Member was carrying out official Council business

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If it can be established that the Officer/Member could have reasonably parked elsewhere.

MC33 Where the motorist stopped to drop off someone

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If the circumstances are seen by the Civil Enforcement Officer. If, in exceptional circumstances, and subject to observations times, the motorist had to escort a passenger (child, elderly or disabled person) to home, or school.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If motorist was parked/stopped on school keep clear markings, pedestrian crossing, cycle lane, clearway, or bus stop clearway.

MC34 Where the motorist was unaware of the Overnight Waiting Ban/Commercial Vehicle waiting restriction

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If motorist was instructed / authorised to park in alleged contravention of the restriction by the Police.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

In all other circumstances.

MC35 Where the motorist states they were in Police custody when PCN issued

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If proof (from the Police) has been provided that the Police had instructed the motorist to leave the vehicle. If the time of arrest (proof required from the Police) provides confirmation that motorist was legally parked and was unable to move vehicle before the restriction started.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If no proof provided. If vehicle could have been legally parked before arrest.

MC36 Where the motorist states they were visiting a friend or relative in urgent circumstances

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If due to an emergency the alleged contravention could not be avoided due to the exceptional nature of the incident.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the Civil Enforcement Officer's Pocket Book notes provide significant reason to doubt sincerity of representation.

MC37 Where the motorist claims there was no legal place to park

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

Only in the most exceptional of circumstances that made parking in the location imperative.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

In the absence of exceptional circumstances.

MC38 Where the motorist claims they were parked on private property

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If land search maps confirm location is private property and not subject of the relevant Traffic Regulation Order. If there is insufficient evidence to establish location of vehicle.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

In all other circumstances.

MC39 Where the motorist was delayed in returning to their vehicle parked in a limited waiting parking place

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If supported by appropriate evidence, the motorist's representations claim that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseen, unavoidable and exceptional. If motorist's vehicle had broken down, subject to concurrence with policy MC25 above).

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the motorist was unable to drive, since parking the vehicle. If the delay described by the motorist was not exceptional, i.e. queuing in a shop. If the motorist simply underestimated the time needed and could have reasonably purchased more time. If the motorist was unable to drive since parking due to excess alcohol in the body or had been detained by the police for any reason, unless subsequently released without charge or proven innocent.

MC40 Where the motorist had parked while asking directions / opening gates to private property

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If evidence provided by the Civil Enforcement Officer does not contradict representations.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

In all other circumstances.

MC41 Where the motorist stopped to answer mobile phone

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

In no circumstances.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

On all occasions.

MC42 Where the motorist states that the details on the PCN are incorrect, e.g. location

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If there is reason to doubt that the PCN was issued correctly, taking into account evidence provided by the Civil Enforcement Officer.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If the Penalty Charge Notice was fully and correctly completed.

MC43 Where the motorist states they were unaware of enforcement on Bank/Public holidays

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

In no circumstances.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

On all occasions.

MC44 Where the motorist states that restriction was marked after the vehicle had been parked

THE COUNCIL / PARTNERSHIP MAY ACCEPT REPRESENTATIONS:

If records confirm that signing/lining/placement of cones or suspension notices was likely to have taken place after the vehicle parked.

THE COUNCIL / PARTNERSHIP MAY REJECT REPRESENTATIONS:

If there is evidence to show that markings were already in place at the time of parking.

Section 6

The Independent Adjudication Service

If the Council / Partnership does not uphold your Formal Representation you will be given the opportunity to appeal your case to the Independent Parking Adjudication Service: The Traffic Penalty Tribunal, which is based in Manchester, hears appeals in respect of Penalty Charge Notices issued by Local Authorities in England, apart from those issued in London.

Appeals can be heard either by post or at a personal hearing at a location selected by the appellant. All appeal hearings are informal but are legally binding on both parties. Costs are not normally awarded to the successful party.

Details of the appeals process, including the specific grounds under which appeals can be made, will be sent to the appellant with the Formal Notice of Rejection of Formal Representation. Once received, the appeal form must be completed and sent to the Adjudication Service within 28 days of the date of the Notice of Rejection.

Please read the appeal form carefully. Do not send the form to the Council / Partnership as this will delay the matter and may lead to the appeal being rejected by the Adjudication Service.

If you do not receive an appeal form with the Notice of Rejection please contact the Council / Partnership immediately.

If an appeal is made, the Council / Partnership will be notified by the Adjudication Service and will have 21 days in which to submit its response to the appeal. This will usually consist of a full evidence bundle along with a detailed summary, including the Council's submission.

If you include additional evidence with your appeal to the Adjudication Service, the Council / Partnership may accept this and will choose not to contest the appeal.

You will receive copies of the Council's / Partnership's evidence bundle directly from the Council / Partnership and you will be formally informed of the outcome of the appeal by the Adjudication Service. Please read this properly as it will contain instructions for you to follow.

In cases where an Adjudicator considers that the Council / Partnership should have used its discretion to cancel the Notice to Owner, the Adjudicator may refer the case back for the Council / Partnership to reconsider. Such cases are directed by the Adjudicator to the Council's Chief Executive who will either review and consider the matter himself or refer the matter to another Officer to determine on his behalf. This will be an Officer from outside the Parking Services Section that dealt with the original case.

The Council / Partnership has 35 days from the date of the Adjudicator's decision in which to reconsider the matter (if it fails to do this the Adjudicator's recommendation will be deemed to have been accepted and the Notice to Owner will be cancelled).

If it agrees with the Adjudicator's recommendation the Notice to Owner will be cancelled, any sums refunded, and no further action will be taken.

If the Adjudicator's recommendation is not accepted, you will be told why and you will then have a further 28 days in which to pay the Penalty Charge (in which case the matter will be closed). If you do not pay the Penalty Charge within this period, a Charge Certificate may be issued to recover the amount due through the County Court process.

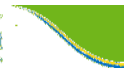


SOUTH ESSEX

Parking Partnership Operational Protocols (POP)

*Showing the Partnership Operational, Discretion,
Cancellation and Dispensation Policies,*

Issue 2 – August 2012



About this Document

This document is divided into four main parts:

- An introduction;
- Operational protocols and the purpose of civil parking enforcement;
- Explanation of terms commonly used in parking enforcement;
- Specific operational guidelines and advice;

The contents of the Operational Protocols are derived from current Essex local authority and Essex County Council policies and practices, accepted best practice nationally and Traffic Penalty Tribunal recommendations with regard to mitigation.

This document highlights some of the more common aspects of mitigating circumstances and where discretion may be applied. A full comprehensive list of mitigating and discretionary circumstances can be found in The South Essex Parking Partnership Civil Parking Enforcement Discretion Policy.

In formulating this document due regard has been paid to Partnership Authorities' Equality Policies, Community Plans and the Human Rights Act.

This information can be obtained in different formats on request. Contact details are provided below.

Contact Details:

**South Essex Parking Partnership
Parking Services
Chelmsford City Council
Civic Centre,
Duke Street,
Chelmsford,
Essex.
CM1 1JE**

Telephone: **01245 606710**

Fax: **01245 606292**

Email: **parking@chelmsford.gov.uk**

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PART 1: Introduction

This Parking Operational Protocols document (POP) is primarily concerned with:

- On - street Parking Enforcement in the South Essex Area covering the geographical areas served by Basildon Borough Council, Brentwood Borough Council, Castle Point Borough Council, Chelmsford City Council, Maldon District Council and Rochford District Council (the Partnership area).
- How challenges, representations and dispensations are dealt with including how the Partnership will endeavour to treat people fairly, equally and with respect taking full account of their personal circumstances.
- The conduct of the Partnership's staff and the manner in which it carries out enforcement.
- Service standards that will be adopted by the Parking Partnership in carrying out the duties of parking enforcement under delegation from Essex County Council.

It is impossible for this POP to deal with every case. Statutory Guidance requires that when either the Civil Enforcement Officer (CEO) or the back-office team considers a case, it is on its individual merits and the decision may be made to cancel the PCN immediately or at a subsequent stage using discretion at any point.

It is also important to refer to the separate Discretion Policy (approved on 16th June 2011) in association with this document.

The POP will be subject to regular Review and will always seek to reflect current best practice.

All policies and protocols regarding off-street car park enforcement remain the responsibility of each of the Partner Authorities and will be available on the respective Council web sites.

PART 2: Operational Protocols

The South Essex Parking Partnership is committed to making sure that it provides Equality of Opportunity in how its services are delivered.

The staff of the Parking Partnership 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 purpose of Civil Parking Enforcement can be summarised as:

- **It will be safer for drivers and pedestrians** since the focus on effective enforcement means clearer roads and pavements;
- **It will be better for local businesses** since areas of short term parking such as those outside local shops will receive more attention, increasing the potential for local trade;
- **It will support town centre needs** by encouraging commuters and other drivers to use long stay car parks where appropriate thereby freeing up short stay car park spaces for drivers who need them;
- **It will maximise parking for residents** by discouraging commuters from parking in permit only areas;
- **It will maximise Blue Badge benefits** since the increased enforcement of existing parking spaces for disabled drivers will improve availability for Blue Badge holders.

In addition Civil Parking Enforcement can have the following benefits:

- **With fewer illegally parked cars there will be fewer accidents, better traffic flow and accessibility**, because the focus of enforcement will be on lessening inconsiderate and dangerous illegal parking in order to improve safety and minimise congestion;
- **Emergency and service vehicles will be able to operate more effectively** along roads and **low floor buses will be able to reach the kerb at bus stops** since fewer inconsiderately parked vehicles will be in their way;
- **The general environment will improve** by providing a more environmentally efficient transport system in terms of reducing congestion, energy conservation; use of other modes of transport will be encouraged such as walking and cycling (healthy options);
- **Sensible and safe parking within the area will be encouraged** – as will greater compliance with Traffic Regulations. The regulations will not change but will have greater significance;
- **Total parking provision will become more responsive to the public's needs** because Partner Authorities can work together to control both the provision and the management of parking on-street and off-street;
- **Single responsibility for on-street enforcement and the signs and lines function will create a holistic service and provide greater clarity to the public.**

This document shall be regularly reviewed and will take into account:

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

About the South Essex Parking Partnership

The Parking Partnership functions are delegated through the Joint Committee to Chelmsford City Council as lead authority, which provides these functions on behalf of Basildon Borough Council, Brentwood Borough Council, Castle Point Borough Council, Maldon District Council, and Rochford District Council.

PART 3: Explanations

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

Approved Device:

A camera and associated recording equipment (CCTV) duly certified by the Secretary of State for the issue of PCN's with no supporting CEO evidence.

Charge Certificate:

A Charge Certificate is issued:

1. 35 days (the legal minimum is 28 days) after a Notice to Owner (NtO) is served and a Formal Representation has not been received.
2. 35 days (the legal minimum is 28 days) after a Notice of Rejection to a Formal Representation is served where no appeal has been made to the Traffic Penalty Tribunal (TPT).
3. 19 days (legal minimum is 14 days) after any appeal to the TPT is withdrawn (i.e. withdrawn before hearing)
4. 35 days (legal minimum being the date on which the Adjudicator's decision is served on the appellants) after rejection of appeal by the TPT.

When a Charge Certificate is issued the amount of the penalty charge is increased by 50%.

The Charge Certificate is sent to the owner/hirer of the vehicle requiring payment within 14 days, of the full increased amount.

Debt Registration:

This is done at the Traffic Enforcement Centre electronically on or after 26 days (legal minimum is 21 days) from the issue of a Charge Certificate. The Local Authority must confirm issue of the Charge Certificate to the court before registering the debt which incurs an additional fee of £7. This is added to the amount owed to the Partnership.

Debt Registration – Notice of:

Once the debt has been registered at the Traffic Enforcement Centre (TEC) an Order for Recovery and Witness Statement Form is sent to the owner/hirer advising him/her that he/she will have 21 days from the date of service (21 days is the legal minimum) in which to pay the amount owed or swear a Statement of Truth on the Witness Statement provided.

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

Once the Warrant is issued, this will enable the Partnership's officers to instruct Bailiffs to collect the debt on the Partnership's behalf. Once the case is transferred to the bailiff, all correspondence is to be with the bailiff.

The only exception is "gone away" where a new resident receives a call for a previous occupant. A form of proof (and any evidence of where the person might have gone) is required before the bailiffs will be "called off".

Dispensation:

Formal permission may be given by a Local Authority for a vehicle to park in contravention of a parking restriction – e.g. to allow maintenance to be carried out to adjacent property. A separate procedure exists for this, the issue of which is at the discretion of the Partnership, and according to the Regulations in force.

Driver & Vehicle Licensing Centre (DVLC) / Driver & Vehicle Licensing Agency (DVLA)

The DVLC is responsible for maintaining records of all vehicles, their registered keepers and Driving Licences. The DVLA is the executive authority which carries out those functions.

DVLA Enquiry & Response (VQ4 & VQ5):

When a PCN remains unpaid for 28 days, the Partnership (on behalf of the Joint Committee) will make a non-fee paying enquiry to DVLA (VQ4) to ascertain the identity of the keeper of the vehicle. This enquiry is made electronically via the Partnership's parking enforcement system.

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

DVLA will confirm the response by forwarding a paper copy of the relevant VQ5 where the current keeper was not the keeper at the time of issue of the PCN.

Loading / Unloading:

For the purposes of issuing and considering a PCN, 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 (although discretion will always be used in every case where it is obvious to a CEO – such as an elderly, disabled or infirm person or where children are involved), or where enforcement of the restriction would cause unnecessary difficulty.

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. This includes checking items, but not packing away or moving into place, or storing them, once delivered. Ancillary duties such as moving items out of the way to facilitate delivery or collection do not constitute loading or unloading and time is not allowed to wait whilst this is carried out.

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 relevant Traffic Regulation Order should be checked.

Traffic Penalty Tribunal (TPT) (formerly National Parking Adjudication Service, NPAS):

An independent body supported by subscriptions from Local Authorities.

Once a formal representation against a PCN has been rejected the keeper of the vehicle is given the opportunity to appeal to the TPT within 28 days (28 days is the legal maximum) of receipt of the formal Notice of Rejection.

The TPT will review the case and make an independent decision as to the validity of the PCN based purely on its legality. The TPT will not take mitigating circumstances and discretion 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, and in extreme circumstances ask the Chief Executive to review the Council's decision.

The TPT decision is final and binding on both parties.

Notice to Owner:

If a PCN remains unpaid for 28 days (28 days is the legal minimum), the Partnership will make an enquiry with DVLA to ascertain the identity of the registered keeper. Once this is done a statutory Notice to Owner will be sent to the keeper advising him / her that the relevant 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.

A Notice to Owner can also be sent under Regulation 10 (see "PCN", below) which is a combined PCN/NtO.

Penalty Charge Notice (PCN)

There are two types of PCN: Most PCNs are issued at the time of the alleged contravention and will be either affixed to the vehicle within a sealed plastic carrier or handed to the driver; otherwise a PCN may be sent in the post where the CEO was prevented from issuing the PCN (by aggressive behaviour or by driving away). All PCNs issued using an approved CCTV camera device will be issued by post.

The PCN will identify:

1. The issuing Authority's name
2. Powers under which the Penalty Charge Notice is issued (TMA 2004 and Regulations made there under)
3. The Vehicle Registration Mark.
4. The Make and colour of the vehicle.
5. Detailed Location of vehicle.
6. Details of Alleged Contravention (contravention code and description).
7. The Time of the alleged contravention.
8. The Date of the alleged contravention.

9. The date that the Penalty Charge Notice was served.
10. The Penalty Charge Notice number.
11. Civil Enforcement Officers number.
12. Details of Penalty payable.
13. Details and terms of any discount for prompt payment.
14. Instruction on how and where to pay.
15. Methods of payment.
16. Addresses (and telephone numbers) for payment.
17. Period during which payment should be made (i.e. 28 days from date of service).
18. Instructions on how to appeal against the issue of a PCN (Known as challenges and representations) and how these will be dealt with.
19. The VEL number and expiry date.

The Operational Guidance and the Regulations (both General Regulations and Adjudication Regulations) set out what should and must to be included in a PCN. (Must is compulsory and should is advisory)

A PCN may otherwise be sent to the keeper of a contravening vehicle by post, under Regulation 10. "Postal PCN" includes both PCNs that a CEO was unable to serve on-street and those issued by using CCTV equipment. (See approved devices)

Registered Keeper:

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

Service:

All documents will be sent by first class post and legal service is considered to be the second working day after the date of posting. A working day is any day excluding Saturday, Sunday, and public holidays.

Traffic Enforcement Centre (TEC):

Traffic Enforcement Centre (TEC), is a registration point for Local Authorities (LAs) that have de-criminalised on-street parking charges.

Vehicle emission penalties, London Road User Charging (Congestion Charging) and Bus Lane Encroachment penalties for London Boroughs are also recovered through TEC.

Local Authorities send registration data through electronically and receive the guarantee that, following computer validation, the registration will be effective on the day of receipt. Authority to produce the Order for Recovery is given the same day to the LA.

PART 4: Specific Operational Guidance & Advice

Abandoned Vehicles:

Where a vehicle remains parked, in a restricted area, for a period during which multiple PCNs are issued (multiple is at least three) for the same contravention, the Civil Enforcement Officer will decide whether the vehicle is potentially abandoned, by using the following criteria:

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

If the Civil Enforcement Officer considers the vehicle is abandoned, it will be reported to and dealt with by the Partner Authorities' Abandoned Vehicle (ABV) officer under the provisions of Refuse Disposal (Amenity) Act 1978.

Until such time as the ABV officer considers the vehicle should be dealt with as potentially abandoned, further PCNs will continue to be issued.

Issued PCNs will be enforced against the person responsible (see "Registered Keeper") of the vehicle in the normal way.

Bailiffs:

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

For their other activities they do not need a vehicle nearby, e.g. if they are serving a summons or warrant (not enforcing it). In such circumstances they would be expected to comply with parking restrictions. The vehicle must be necessary for loading, not simply convenient.

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.

Motorists **cannot** assume that restrictions do not apply on Bank Holidays unless this is specifically stated in the relevant signage. Reference should be made to the relevant Traffic Regulation Order.

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. See “goods” and “loading”; money is not considered goods, although the CEO may apply discretion in the same way as loading.

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.

Again, necessary vs. convenient is the measure. It is not necessary to nip to the cashpoint, from a vehicle, but convenient, so parking is not allowed.

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.

A Penalty Charge Notice can be issued to a vehicle parked across and obstructing a designated dropped kerb. There does not need to be a parking restriction in place to enforce this contravention. In instances where the obstruction prevents access to a property and there is no parking restriction, a Penalty Charge Notice will only be issued at the request of the resident affected.

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.

Where the CEO considers that the vehicle was *obviously* broken down, the CEO will use discretion. 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.

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

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

Builders / Tradesmen

1. **Residential Parking Zones:** Builders should use a Visitor permit (which may be obtained from the Partnership by the resident) to park within a residents-only zone

provided they are being used in connection with genuine work within that particular street; otherwise they may be liable for a PCN.

2. **Yellow Line restrictions:** Parking will only be allowed whilst loading / unloading of tools and materials is taking place, unless prohibited by loading restrictions (when it is never permitted). At all other times the vehicle must be moved to a permitted parking area. Dispensation may be available from the Partnership, but only under sufficient advanced notice. If a Penalty Charge Notice is issued before such dispensation is approved, then evidence of loading will be required.

The measure is necessity rather than convenience.

Bus Stops:

A restricted bus stop will show a “wide” yellow line, a yellow marked bay and a time plate showing the hours of operation.

Bus stop restrictions are not covered by Traffic Regulation Orders, but instead under separate legislation, which allows them to be introduced independently. A bus stop restriction cannot be transferred to a temporary bus stop unless a Temporary Traffic Management Order has been issued.

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

Care Organisations (see also ‘Emergencies’):

Parking in Residential Parking Zones: Numerous care organisations are now operating within the Partnership area as a result of sub contracting by Social Services and the Local Health Authority as well as privately arranged care.

Dispensations and permits are available for care organisations. Any care organisation requiring a permit or dispensation will need to apply to the Partnership and consideration will be given on individual merit. In some areas an administration fee may be applicable.

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 an extreme medical emergency. In cases where a Penalty Charge Notice is issued, evidence would be available in such cases of emergency.

Challenge Against Issue of PCN (Informal Representation)

Within 28 days of the issue of a PCN the keeper of the vehicle (or other parties with a direct interest) 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. (Day 1 of 28 is the date of issue).

The Partnership will respond, in writing, as soon as possible to 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 rejected the written notification from the Partnership must give precise reasons why this decision has been reached. Providing the written challenge was received within 14 days (the discount period) of the PCN being issued the discounted rate will be restarted and last for 14 days from the date of the rejection notice.

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

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

Challenges / Representations Accompanied by Payment:

To avoid the loss of the discount period or to avoid County Court action keepers may opt to enclose settlement of the PCN with a challenge or formal representation. In such circumstances the Partnership must act in good faith and deal with the challenge/representation in a fair and equitable manner. At the same time the Partnership must comply with its own financial regulations regarding the banking of cheques.

Where a payment is received with a challenge or Formal Representation, the normal procedure is to return the payment immediately (accompanied by a letter of acknowledgement); the challenge or representation will then be dealt with in the normal manner.

Complaints Against Civil Enforcement Officers & Parking Officers

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.

Any allegation of misconduct or rudeness made against a member of the enforcement staff will be investigated and dealt with by the relevant manager in accordance with the Lead Authority's formal procedures.

Complaints are treated in accordance with the Lead Authority's complaints procedure and findings of the investigation will be communicated to the complainant, in writing, within the stipulated timescale. The findings of such investigations will be separate to the facts of the case and will not affect the findings of any alleged Contravention of Regulations (in other words, the recipient of a PCN cannot simply use as a defence that 'the CEO was rude').

Cones – Temporary No Waiting:

In exceptional circumstances the Parking Partnership may consider the setting out of no-waiting cones. In most cases these will be advisable, and chargeable, and they mean "no waiting / no loading". Details of any vehicles pre-parked within any area to be coned off will be taken (normally by way of photograph).

All vehicles should be moved as soon as the driver/owner realises the cones are in place. The full extent of the area coned will be recorded, and for any other vehicles encroaching or otherwise waiting or loading within the area, a PCN may be issued for contravening the restrictions.

The setting out of cones will be carried out by approved operators, and there will be a cost for providing this service (which may be reduced for charitable organisations), payable on application.

See also the Policy Document on Temporary No-Waiting Cones.

Council Officers & Councillors on Duty:

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

1. **Parking in Residential Parking Zones:** Permits are only valid during periods when official duties are being carried out. Permits used at other times will be invalid and a PCN issued.
2. **Parking on Yellow Lines:** No dispensation will be given to allow staff or Councillors to park on yellow lines. In such cases PCNs will be issued and pursued under the legal enforcement process. A dispensation may be applicable in cases where it is necessary to carry out certain statutory functions (e.g. highway maintenance), but will be decided on the balance of necessity versus convenience.
3. **Request for Cancellation of PCN:** This will only be considered in cases of dire emergency and must be supported by written confirmation from the relevant Head of Service. These requests must be referred for decision to the Parking Partnership Manager or his Deputy.

Court Attendance – Defendants:

The conditions applying to Jury members and Witnesses (set out below) equally apply to defendants. However, there have been instances when a defendant has been given a custodial sentence and, as a direct result, is unable to remove his/her vehicle from where it is parked. In such instances the Partnership will expect that the vehicle will be removed, as soon as is reasonably possible (normally within 24 hours), 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.

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 or where another restriction might apply. This can lead to the issue of a PCN. 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 Partnership 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*. E.g. moved to a hotel overnight.

Dental / Doctors Appointments:

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

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

Description of Vehicle – on PCN:

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

1. **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 will be given to cancelling the PCN. The make should be taken from the VEL “tax disc”.
2. **Tax Disc Serial Number:** (where visible/recordable): The one thing that is unique to the vehicle is the tax disc number, which is recorded by the Civil Enforcement Officer at the time of the PCN issue. If these match then the Partnership has good grounds to pursue the PCN irrespective of any other error.

Diplomatic Vehicles:

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

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

Disabled Drivers / Passengers:

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

Blue badges must be clearly and properly displayed (with the serial number and expiry date clearly visible) at all times, whilst the vehicle is parked. Failure to do so will result in a PCN being issued for the contravention of the relevant parking restriction. When considering the matter the Partnership will take into account previous contraventions by the same vehicle and/or badge holder for failure to display a disabled badge (although it is accepted that no one particular Penalty Charge Notice is binding on any other, education as to the matter of correct display of a Blue Badge is taken to be required to be given only once).

Where the badge or clock was not visible to the Civil Enforcement Officer at the time a PCN was issued, and then it is unlikely that these would be grounds by themselves for cancellation of the PCN.

If the badge was in some way partially visible (face down with serial number and expiry date not showing, for instance) but where no previous contravention has occurred, the representation would normally be allowed, provided that proof of a badge valid, and displayed, at the time of contravention was 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 Waiting parking places:** For an unlimited time.
- **Yellow Lines (without loading restrictions):** For a period not exceeding 3 hours.
- **Resident parking bays:** Unless otherwise specified these are the same as limited waiting.
- **Blue Badge spaces**

Disabled Badge Holders are not allowed to park in:

- ❖ Any area where there is a loading restriction.
- ❖ Any location where it is unsafe to park.
- ❖ Bus stops, taxi ranks, goods vehicle bays.
- ❖ Clearways, Zig Zags at pedestrian crossings.

Parking must always be in accordance with the Blue Badge Scheme (booklet available from Essex County Council).

Note that the Blue Badge scheme is for highway parking. It is a concession to access. In Partnership car parks, only sometimes are bays free to blue badge holders. The rules are different in different areas, so you must always check a car park tariff board for details.

Dispensations & Suspensions

Dispensations:

Reference should be made to the parking order: The following vehicles (which are generally liveried and identifiable) will receive automatic dispensation from waiting restrictions:

1. Police, Fire Brigade or Ambulances whilst attending emergency situations.
2. Liveried, identifiable vehicles involved in contracted Highway Maintenance where there is a need for them to be parked adjacent to the work site.
3. Statutory undertakers' vehicles and their successors (gas, water) and postal/telecommunications equipment on the highway (not in adjacent buildings).
4. Liveried Council vehicles **carrying out** statutory duties such as Refuse Collection, Street Cleansing and verge maintenance (but only whilst necessary).
5. Vehicles displaying valid disabled permits. (See relevant section).

Dispensations may be granted for the following:

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

Applications for dispensations must be received a reasonable amount of time in advance such that the necessary Certificate of Dispensation can be prepared, prior to the required date and must be made to the Parking Partnership on the appropriate form. The Partnership decision is final.

If granted, dispensations will be issued to the applicant by way of written authority, from the Partnership which may only be granted as appropriate. Any document issued by the Partnership in connection with the dispensation must be clearly and continuously displayed on the vehicle whilst parked. A copy will be available to the patrolling Civil Enforcement Officers and a further copy kept, with the application, by the Parking section for reference.

A charge, per vehicle per day, may be made except in the cases of wedding cars and funeral cortege vehicles. It is always of assistance if reasonable notice can be given so that CEOs working different shifts can be made aware.

Suspensions:

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

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

Applications for suspensions must be received at least 10 working days prior to the required date and must be made to the Parking Partnership. Their decision is final. Livered vehicles of Emergency Services on call and Statutory Undertakers at work (i.e. most utility companies) will be exempt, as will certain other classes (e.g. Royal Mail carrying out collections) etc.

If granted, suspensions of parking bays / spaces will be clearly signposted by means of Notices, temporary signs or traffic cones, which will indicate the exact location and extent of the suspension with the start and finish dates and times. Notices will be displayed for a reasonable time before the suspension comes into operation. In this way all interested parties and adjacent properties will normally receive advanced notice of the suspension.

Vehicles parked in contravention of a suspension will receive PCNs (unless displaying a valid Waiver or Dispensation). A charge, per bay / space, may be made and is payable upon application.

Waivers or Dispensations may be issued by the Partnership to allow vehicles to park in Suspended bays (e.g. removals vans); there is an administration charge and an accompanying fee for this.

"Drink-Driving" or Other Arrest:

If the driver of a vehicle has been arrested and, as a direct result, has been forced to leave the vehicle in contravention of a parking restriction any resultant PCN would not be enforced unless the driver has had ample time to arrange for its safe removal or to safely remove the vehicle him/herself after his/her release from custody. (In the case of drink-driving this is an action which could reasonably have been foreseen, and the above principles are not

necessarily automatic; in any event a period of around 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 or incident number, PC collar number and Police Station involved.

Where written evidence of the arrest cannot be supplied, confirmation should be obtained from the relevant Police Station, by the Partnership, before the PCN would be considered for cancellation. Failure to supply or obtain supporting evidence of the arrest will lead to the PCN being enforced.

Dropping Off - Picking up Passengers.

Except on designated clearways and certain zigzag (schools and pedestrian crossing) restrictions any vehicle will be allowed a reasonable amount of time (only as long as is reasonably necessary) to drop-off alighting passengers or pick up boarding passengers irrespective of any waiting or loading restriction in force.

It is commonly thought that two minutes is sufficient allowance for this unless the activity involves the elderly, disabled persons, young children or large amounts of luggage, etc., where up to ten minutes is commonly deemed reasonable.

However, where or because such an event may cause safety, associated traffic congestion or other problems, then the time allowed "only as long as is absolutely necessary" will be permissible. 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 CEO will exercise reasonable discretion in such circumstances, but mere convenience is not to be used as an excuse.

Emergency Duties:

Doctors, nurses and 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. Medics are also exempt in Resident Parking bays.

Regular or programmed visits will not be considered an emergency.

(For the future - see 'Health Emergency Badge Scheme' below).

Exempt Vehicles:

See also Dispensations section. The following vehicles are considered to be exempt from parking restrictions: Vehicles being used for Police Fire Brigade or Ambulance purposes. *(This is in line with wording in most Traffic Regulation Orders)*

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

The following vehicles are exempt in the circumstances described (the standard test is "where it is necessary that the vehicle is in attendance", opposed to simply being convenient):

1. Local Authority Vehicles (or those of their contractual agents), whilst being used to carry out statutory duties (i.e. Refuse Collection, Street Cleansing, Highway

Maintenance), or whilst carrying out duties that require the vehicle to be in close proximity (i.e. Verge Grass Cutting), including Civil Enforcement Officer Vehicles.

2. Post Office vehicles engaged in the delivery of postal packets. – This does not include private vehicles used by postmen/women whilst carrying out letter deliveries. The Partnership will expect such vehicles to be parked in compliance with any parking restriction.
3. Electricity Board, Gas Board, Water Authority, British Telecom or other telecommunications (and/or their appointed contractors), whilst actively laying or undertaking repairs to pipes, cables or other apparatus.
4. Public Service Vehicles (Passenger Carrying Vehicles – i.e. buses/coaches) and other company vehicles whilst waiting at an authorised stopping place, terminus or turning point.
5. Vehicles involved in building, excavating and demolition work whilst lawfully and actively engaged on those duties (where the vehicle is “necessary”).

All exempt vehicles should be liveried, not private cars or unmarked vans and the exemption does not generally apply to sub contractor’s vehicles (but the parking order should be referred to).

Footway Parking:

It is not generally a contravention for a vehicle to be parked on a footway unless there is some form of restriction.

There are exceptions, such as:

1. HGVs (Sect.19, RTA 1988).
2. Cycle Tracks (Sect.21, RTA 1988).
3. By Local Act of Parliament. In Essex there is a local Bylaw, which may apply to grass verges where signed.
4. Where a Traffic Regulation Order (TRO) exists.

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

Formal Representation Against Issue of PCN:

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

Formal Representation can only be made on the following grounds:

1. The Contravention did not occur
2. The Penalty exceeded the relevant amount.
3. The Traffic Order was invalid
4. I was not the owner/keeper of the vehicle at the time.

5. The vehicle had been taken without my consent
6. We are a hire firm and have supplied the name of the hirer.
7. A procedural impropriety has occurred.
8. Some other reason (must be stated) not given above.

NB. Different rules (in timescales allowed by the legislation) **apply for what are known as “Regulation 10 PCNs” or “Postal PCNs”** – which is a combined PCN/NtO, and a further 14 days (21 days in the case of CCTV cases) is allowed for payment at the discount amount, including when rejected.

Funerals / Weddings:

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

Vehicles belonging to wedding guests, or mourners that are not actively involved in the funeral, will not be able to park in contravention of any restriction, however any PCN issued to vehicles associated with a funeral or wedding should be considered with due respect and PCNs would only be enforced when blatant disregard to restrictions has been confirmed.

Garages – Vehicles Left Unattended:

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

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

Glaziers:

Claims from glazier companies that a vehicle needed to be parked close to the location of an emergency repair should be treated leniently providing it is confirmed, from the 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.

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 Partnership advance notice and details if the vehicle(s) involved.

Hackney Carriages / Private Hire Vehicles:

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

Hazardous Chemicals / Substances:

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

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

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

Hiring Agreement:

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

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

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

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

Holidays:

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

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

Hospital Car Service:

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

Generally such consideration should extend to:

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

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

Intervention in Challenge & Representation Processes by Councillors and Other Officers:

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

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

The Parking Partnership Manager and the back office staff will decide challenges and representations.

Legislation:

The Statutory Acts governing parking enforcement are: The Traffic Management Act 2004 and The Road Traffic Regulation Act (1984). Regulations made under the 2004 Act replaced the Road Traffic Act 1991, on 31 March 2008.

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 Partnership will make reference to specific, relevant paragraphs and will quote them verbatim within any correspondence. The Partnership will not supply full copies of the relevant Acts, which can be obtained from TSO or accessed via the Internet.

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

Requests for copying any Traffic Regulation Orders (often hundreds of pages, plus schedules) will involve a reasonable charge for the copying.

Loading / Unloading:

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

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

Location – incorrect:

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

Lost Keys:

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

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

Meter / Pay & Display Machines – did not realise there was one there.

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

Meter / Pay & Display Machines – not working:

Where it is claimed that a machine is not working, reference must be made to maintenance records, the CEO's notes and machine test records. If it is confirmed that the machine was not working at the time then consideration should be given to cancelling the Penalty Charge Notice.

If there were an alternative machine, in working order and in close vicinity then it is reasonable to expect that the drivers would use this machine (except where there is only one machine).

Misspelling of Keeper's Name:

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

Such names and addresses are, in most cases, obtained from the DVLA and are supplied by the keepers themselves. It is also incumbent upon the keeper 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.

Mitigating Circumstances:

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

comprehensive list of mitigating circumstances is available in the South Essex Parking Partnership discretion policy

1. **DELAYS:** Delays due to queues at shops, banks etc., meetings taking longer than expected, caught up in crowds etc., are not considered as valid reasons to cancel a PCN. Allowance should be made for such delays when purchasing parking time as they are a regular occurrence and part of normal life. (See emergencies below).
2. **CHILDREN / ELDERLY PEOPLE:**
 - a. Claims are often made by people, accompanied by young children or elderly people, that they were delayed because of them. Again this should not be considered as a reason to cancel a PCN because allowance should be made for this when purchasing parking time. (See emergencies below).
 - b. Claims that PCNs issued whilst children were being dropped-off or collected from schools etc., should not be cancelled unless a reasonable amount of time was not allowed by the CEO. The normal 5-minute observation period should be enough time in such circumstances. Where a 'No Stopping Order' exists no leniency will be considered.'
3. **EMERGENCIES:** An emergency is an unforeseen situation that prevented the driver from moving his/her vehicle. They are usually of a medical nature and leniency should be exercised where it can be seen that the driver could not have foreseen the situation. Wherever possible such claims should be supported by independent evidence.

Motorcycle Bays:

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

Notice of Rejection or Acceptance of Formal Representation:

Following receipt of a formal representation from the keeper of the vehicle a written Notice of Acceptance or Rejection will be sent by the Partnership:

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 Partnership has 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 Traffic Penalty Tribunal (TPT). – This representation must be made within 28 days of receipt of the notice of rejection.

Observation Period – Prior to Issue of PCN:

Except where loading restrictions, stopping restrictions, school keep clear, pedestrian crossing and clearway restrictions are in force, prior to the issue of a PCN the CEOs will

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

The details of the vehicle will be entered into the CEO's Hand Held Computer (HHC) when first seen. The PCN will not normally be issued until loading can be refuted (generally after 5 minutes).

Civil Enforcement Officers' Pocket Book / Notebook:

The Civil Enforcement Officers 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 Partnership.

Where possible all evidence will be recorded on the computer system directly. When used, 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. 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 serial number of the previous book and the serial number of the next book written on the front cover.

Pay & Display Tickets:

Pay & Display requires the purchase of time (either a ticket or an electronic or virtual 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 machine identification code. The fee tariff is clearly displayed on each machine.

Pay & Display Tickets must be:

1. Clearly and continuously displayed whilst the vehicle is parked.
2. For the date shown.
3. Un-expired.
4. For the area indicated.
5. For the correct class of vehicle
6. As permitted

PCNs will be issued for:

1. Failing to clearly display a valid ticket.
2. Displaying a ticket that has expired
3. For the wrong class of vehicle for the bay (i.e. in a disabled bay without a disabled badge/clock).

Representations made because the driver failed to correctly display a valid ticket even though one was held will be considered if confirmed as a first time offence of this contravention. In all other cases it 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.

Parking tickets produced after the event (even if valid then) does not prove conclusively that they were originally purchased for the vehicle in question that originally attracted the PCN.

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

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

Penalty Charge Notice – Discount Period:

If the PCN is paid within 14 days of issue a discounted amount of 50% will be accepted in full settlement of the matter.

Day 1 of the 14 days is the date the PCN is served.

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

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

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

Note: When it is claimed that the PCN was "not received", the computer system will be checked 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.

Permits:

1. RESIDENTS' PERMITS:

- a. A Resident's Permit is issued to a vehicle that is "kept" (registered to an address) within the parking zone and is accompanied by a holder and full instructions that it must be clearly displayed on the windscreen of the vehicle. Permits are only valid in the zone, for the registration number and until the expiry date printed on its face.
- b. Failure to display a permit is a contravention and will result in a PCN being issued which should not be cancelled unless there are mitigating reasons why the permit was not displayed.
- c. Parking without displaying a valid permit is also a contravention for which a PCN will be issued. Again the PCN should not be cancelled unless there are mitigating circumstances that account fully for the contravention.

2. VISITOR PERMITS:

- a. Visitor Permits are obtained by residents and issued to genuine visitors to their homes. Full instructions on how to use and display them are printed on the permits. An electronic 'virtual permit' equivalent may be provided.
- b. Failure to display a visitor permit is a contravention and will result in a PCN being issued, which should not be cancelled unless there are mitigating reasons why the permit was not displayed.
- c. Parking without displaying a valid visitor permit is also a contravention for which a PCN will be issued. Again the PCN should not be cancelled unless there are mitigating circumstances that account fully for the contravention.
- d. Use of a permit on which details, e.g. the date or time at which the vehicle was parked, have been subsequently altered is a contravention for which a PCN will be issued.

3. ON STREET BUSINESS SEASON TICKETS:

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

4. ON STREET BUSINESS PERMITS:

- a. These are issued in the same manner as Residents' Permits and are valid within specific numbered bays in specified on-street permit-holder only areas
- b. Failure to display a permit is a contravention and will result in a PCN being issued which should not be cancelled unless there are mitigating reasons why the ticket was not displayed.
- c. Use of permit anywhere other than the specific space for which it is valid or after its expiry date is also a contravention for which a PCN will be issued. Again the PCN should not be cancelled unless there are mitigating circumstances that account fully for the contravention.

Plumbers, Electricians, Gas Fitters:

Emergency call out:

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

See also "Builders/Tradesmen".

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 police vehicles, being used solely for police purposes (including unmarked cars) must be made by the officer's Superintendent or equivalent. They should contain confirmation that the officer was on official business and that it was inappropriate for the vehicle to be parked elsewhere.

Police officers' own cars regularly parked outside a police station should not automatically be cancelled as this can be deemed to be parking at a place of work and therefore, no different from any other employed person.

Police Officer or Civil Enforcement 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.

Pre-debt Registration Letter:

There is no requirement for a Local Authority to send a further reminder once a Charge Certificate has been issued. Unless the matter is settled within 14 days of the issue of the Charge Certificate, the debt will be formally registered at the Traffic Enforcement Centre (TEC) and the matter placed into the hands of the Partnership's bailiffs who will have the right to recover the debt by seizing goods to the value thereof. No pre-debt letter is sent.

Pregnancy- Mothers with Young Children:

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

However, this is a sensitive area and each case should be treated on its merits.

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.

Registered Keeper's Liability:

Under the Traffic Management Act 2004 the responsibility for any PCN rests with the Registered Keeper of the vehicle as recorded at the Driver & Vehicle Licensing Agency (DVLA).

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

(see 'Notice to Owner').

Restricted Hours:

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

1. **Permitted Parking Bays:** As per signage.
2. **Yellow Lines:**
 - a. Single: No waiting during times shown on adjacent sign.
 - b. Double: No waiting at any time except where adjacent signs indicate otherwise.
3. **Loading Restrictions – Yellow Kerb Markings:**
 - a. Two Lines: No loading at any time (loading restrictions must be signed).
 - b. One Line: During the working day or as specified by adjacent signs.
4. **Designated Loading Bays:** Indicated on adjacent sign.
5. **Disabled Bays – Mandatory:** Indicated on adjacent sign.
6. **Bus Stop Clearways –** Usually 7.00am to 7.00pm any day but can vary – bus stops must be signed and the restrictions will be on an adjacent sign.

Road Signs / Markings – missing, obscured or broken:

1. **YELLOW LINES:**
 - a. Where it is claimed that a yellow line(s) is worn away or has been covered by a highway repair the area should be immediately inspected and a report made to the Parking Partnership Manager for appropriate referral.
 - b. Where weather conditions (e.g. snow) have obscured the lines then it is still the responsibility of the motorist to check whether a restriction is present.
 - c. If it is confirmed that a claim is valid the PCN should be cancelled. Where the lines can be clearly seen, even though they may be partially worn, the PCN should be enforced but remedial action to renew the lines should be undertaken.
2. **KERB MARKINGS: (LOADING RESTRICTIONS).**
 - a. As per yellow lines above.
3. **OBSCURED SIGNS:**
 - a. Information signs accompanying waiting and loading restrictions must be clearly visible at all times. If it is claimed that a sign was obscured and could not be read (graffiti, weather or overhanging trees etc.) the sign should be immediately inspected and remedial action taken. If the claim is proved to be correct the PCN should be cancelled.
 - b. If the sign can be easily read then the PCN should be enforced but the sign should be returned to pristine condition immediately if required.
4. **MISSING SIGNS:**
 - a. If a sign is claimed to be missing it should be inspected immediately and, if confirmed, reported to the Parking Partnership Manager so that arrangements can be made for its immediate replacement. Where a sign is missing the PCN should be cancelled.

Royal Mail Vehicles:

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

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

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

School Bays:

Zigzag markings outside 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 relevant Traffic Regulation Order and have yellow lines **and** a time plate showing hours of operation. (An unrestricted bay will not have a time plate and will show advisory road markings, or even only "H"-bars in white).

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

Security:

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

Security Vans:

Secure cash vans are occasionally required to park in close proximity to premises in order to ensure 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.

Skips

Highway licences, including skip licences are administered by the Highway Authority – and in most cases this means the County Council.

Suspended Bays:

PARKING BAYS – RESIDENTS, WAITING, CAR PARK BAY ETC:

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

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

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

Taxi Ranks:

A number of stands for Hackney Carriages operate within the Parking Partnership's area. Vehicles, other than Hackney Carriages, (including Private Hire Vehicles) parked in such ranks will be issued with a PCN. Any vehicle, including a Hackney Carriage, parked outside of the rank and in contravention of a parking restriction will be issued with a PCN.

Time/Date Calibration of Handheld Computers and Pay & Display Machines:

Prior to commencement of each shift the CEOs shall calibrate their hand held computers to ensure that they reflect the correct time and date. The time on the handhelds is automatically updated via the central server.

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

Unauthorised Movement of a Vehicle:

Movement of any vehicle by the police is considered to be authorised.

Unless there is clear evidence that a vehicle has been moved by an unauthorised person then all PCNs should be enforced.

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

Uniforms – Civil Enforcement Officers:

The Traffic Management Act 2004 Part 6, Section 76, states that "Civil Enforcement Officers when exercising specified functions, must wear such uniform as may be determined by the enforcement authority in accordance with guidelines issued by the appropriate national authority and must not exercise any of those functions when not in uniform."

The Secretary of State has determined that: Civil Enforcement Officers' uniforms must be readily distinguishable from those worn by the police and Traffic Warden Services and must include the following:

1. Clear identification that the wearer is a Civil Enforcement Officer
2. Clear identification of the Local Authority on whose behalf the CEO is acting
3. A Personalised number to identify the Civil Enforcement Officer which may contain letters as well as numbers.

Experience in London has demonstrated that Civil Enforcement Officers' uniforms should include suitable headgear. It is for the Enforcement Authority to prescribe the uniform to be worn, which *may* include a hat. It does *not* necessarily follow that non-wearing of the hat makes a PCN unenforceable.

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.

See "Abandoned Vehicles"

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.

Vehicle Not at Scene:

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

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

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

Visitor to Britain:

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

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

Weddings

See Funerals/Weddings above.

Parking Policy Framework including the:

Parking Partnership Enforcement Policy (PEP)

*Showing the Partnership Enforcement
Policy and links to Regional and National Policy,*

Issue 2 – August 2012

Introduction to the Parking Policy Framework

The Parking Policy Framework

The Parking Policy Framework has two elements to it. Part One is a County level statement of joint ambition and the strategic outcomes sought for Essex County Council and the South Essex Parking Partnership.

Part Two is at district and borough level setting out how the joint ambition and county wide strategic outcomes are reflected in the setting of local priorities, enforcement and on street pricing policies.

Part One of the Parking Policy Framework

This outlines the principles and objectives of Essex County Council with regard to the management of on-street parking in Essex. It supports and provides a framework for the delivery of on-street parking through two parking partnerships, each with a lead authority, which came into effect on 1 April 2011.

These principles and objectives are designed to ensure that a consistent approach is taken to on-street parking across Essex, which will deliver benefits to the public, the borough and district councils in the two partnerships and the County Council.

Through its Local Transport Plan, the County Council has the aims of: tackling congestion; improving accessibility; improving safety; and reducing air pollution. As Essex County Council remains the Highway Authority and has a responsibility under the Traffic Management Act as Traffic Manager, it is important that the Parking Partnerships share the same aims for the service.

a. Tackling Congestion

Through its functional road hierarchy, the County Council has defined those routes where the focus should be predominantly to facilitate the movement of through traffic. The Parking Partnerships should ensure that each route is treated as required through that hierarchy.

In general terms the management of parking charges and availability of parking spaces can have a positive impact on the levels of congestion in town centres, encouraging drivers to use alternative forms of transport.

On key routes and junctions, parking restrictions should be used to allow the free-flow of traffic on through routes and radial routes, particularly where these form part of a passenger transport corridor.

In narrow streets, restrictions should also be used to facilitate the safe passage of passenger transport and emergency vehicles.

b. Improving accessibility

The implementation of parking policy can improve accessibility in a number of ways: limited availability of parking at the workplace can encourage modal shift in employees, encouraging the use of passenger transport, car sharing schemes or walking and cycling; managing parking on key passenger transport corridors can improve reliability of services and journey times, thus encouraging greater levels of passenger usage.

c. Improving safety

Parking restrictions should be used to enhance the safety of road users, for example, protecting visibility at junctions or at bends; protecting visibility at crossing points or in areas with high numbers of pedestrian movements where pedestrians could be masked by parked cars; preserving road space required for large vehicles such as buses to make manoeuvres safely and without delay. Alternately, the presence of parked vehicles can also enhance safety, acting as a form of “traffic calming” slowing vehicles in low speed residential roads.

d. Reducing air pollution

Overall, management of congestion and delays, as well as the encouragement of modal shift to forms of transport other than the private car, have benefits in terms of reducing carbon, emissions and improving air quality.

Part Two of the Parking Policy Framework

The South Essex Parking Partnership’s Parking Enforcement Policy (PEP) is a policy tool, developed to help the Partnership to manage on-street parking. It provides a clear framework for effective parking management activities across the Parking Partnership area.

The PEP fulfils both Part Two of the Parking Policy Framework and Operational Guidance[§] issued by the Department for Transport requiring authorities to publicise an Enforcement Policy and the enforcement regime. This ensures that the public is aware of the legislation and how it is to be applied.

Parking enforcement is operated using the legislation of The Traffic Management Act 2004.

Note [§]
“Operational Guidance to Local Authorities: Parking Policy and Enforcement
Traffic Management Act 2004”

(ISBN 9780115529436)

Available at: <http://www.dft.gov.uk/publications/tma-part-6-cpe-guidance/>

The PEP identifies the overall policy basis which will guide the Parking Partnership's parking enforcement. The Parking Operational Protocols document (POP) explains how the Parking Partnership will apply these policies. Together they will ensure that a clear parking enforcement strategy is developed and that it is reflected within the Civil Parking Enforcement operation.

The PEP is based upon prioritising clearly identified needs, such as the needs of people with disabilities, residents, visitors and businesses and will help to manage parking in the Partnership's geographical areas on a fair and consistent basis.

The PEP helps create a better and safer environment and aims to provide effective on-street parking management across the Partnership area by supporting the following six County wide Parking Policy strategic outcomes

- **Reducing congestion and number of and severity of traffic accidents;**

Suitable parking restrictions implemented in town centre areas will ensure free flow of traffic and will encourage visitors to the town to park in the designated parking areas available, thus preventing unnecessary congestion and obstruction and the potential for road traffic accidents

Restrictions around junctions will also allow traffic to flow more freely, further reducing the potential for congestion;

Analysis of Road Traffic Collisions has shown that improperly or inappropriately parked vehicles can be a common causal or contributory factor; Parking restrictions can help to reduce the occurrence of this type of parking;

The positioning of parking bays can also be a major contributor to reduction in traffic speeds in what should be low speed residential or retail areas;

- **Reducing the effect of transport on the environment;**

Traffic is a major contributor to reduced air quality levels, particularly traffic which is queuing in areas of limited capacity or obstructed by parked vehicles; As well as reducing the wasted engine running time, simply reducing the number of vehicles will have positive effects.

- **Maintain the highway assets of the county;**

Reducing the number of vehicles using each road should increase the intervals between major maintenance of the highway. However this benefit is only slight as the predominant reduction is in private cars whilst the majority of damage is caused by heavy goods vehicles.

- **Improve access to jobs and services;**

In this sense access is predominantly about public transport availability for those without their own transport or who choose not to use it because of the parking restrictions.

Former car drivers will create an increased demand for public transport which if acted upon will increase the viability of public transport services generally, with benefits for all users.

- **Encourage healthier travel choices and employer travel plans;**

Some drivers will switch to alternative travel methods such as walking and cycling, either for recreational or commuting purposes.

Depending on the availability of parking facilities at the place of work, parking restrictions may encourage companies to take a look at their employees travel habits.

Companies may assist in reducing the overall level of dependence on the private car by assisting in car sharing arrangements or they might provide facilities such as cycle parking, changing rooms and showers.

- **Operate with Financial sustainability**

Raising revenue is not the objective of the Parking Partnership, nor are targets set for Civil Enforcement Officers to issue a set number of PCNs.

The purpose of issuing PCN's is not to generate revenue but rather to deter motorists from breaking the parking regulations and promote compliance.

Ideally parking enforcement should be self financing through running Civil Parking Enforcement effectively and economically when practicable. Applications for CPE should not be refused without the scheme being self financing providing a Local Authority can meet the cost from existing funding.

Parking Enforcement Policy

The PEP seeks to put these strategic outcomes into a local context and meet the needs of all road users by clearly prioritising the different parking enforcement needs across the Partnership area. The aim is to manage parking in the Partnership area on a fair and consistent basis.

The following sections are covered within the Parking Enforcement Policy:

1. Parking Management
2. Civil Parking Enforcement
3. Enforcement Priorities
4. Methods of Enforcement
5. Parking Controls
6. Fees and Charges

1. Parking Management

Parking management includes the enforcement of on-street parking regulations.

Illegal parking is inconsiderate; it can be dangerous. Under Civil Parking Enforcement, the South Essex Parking Partnership is directly responsible for parking enforcement in its Civil Enforcement Area under an agency agreement with Essex County Council. The County Council has delegated the powers of enforcement to the Joint Committee of the South Essex Parking Partnership. The South Essex Parking Partnership consists of Basildon Borough Council, Brentwood Borough Council, Castle Point Borough Council, Chelmsford City Council, Maldon District Council and Rochford District Council.

Chelmsford City Council has been nominated as lead authority to deliver the enforcement operation on behalf of the Joint Committee.

Illegal parking on parking restrictions can cause a serious road safety hazard. The PEP supports effective parking management by:

- Coordinating on-street parking enforcement management to ensure a comprehensive and consistent approach;
- Allocating parking permits and dispensations with clear conditions of use based on transparent and consistent principles, which give priority in accordance with the defined hierarchy of parking enforcement; and
- Maximising the potential of information technology (IT) to support an effective and efficient parking management operation.

2. Civil Parking Enforcement

The aim of enforcement is to maximise compliance with regulations to make our streets safer for all road users, particularly vulnerable road users; to prevent obstruction and delays (especially for buses and emergency vehicles); to ensure that parking bays are made available for their intended use and to improve the general street scene.

The purpose of Civil Parking Enforcement can be summarised as follows:

- **It will be safer for drivers and pedestrians** since the focus on enforcement means clearer roads and pavements;
- **It will be better for local businesses** since areas of short term parking such as those outside local shops will receive effective enforcement ensuring designated on-street spaces are used for the intended use and therefore increasing the potential for local trade;
- **It will support town centre needs** by encouraging commuters and other drivers to use designated parking areas.
- **It will increase parking for residents** by discouraging commuters from parking in permit only areas;

- **It will increase Blue Badge benefits** since the enforcement of existing parking spaces for disabled drivers will improve availability for Blue Badge holders.

In addition Civil Parking Enforcement will have the following benefits:

- **Fewer illegally parked cars will improve traffic flow and accessibility and reduce the chance of accidents** because the focus of enforcement will be on lessening inconsiderate and dangerous illegal parking in order to improve safety and minimise congestion;
- **Emergency and service vehicles will be able to operate more effectively** along roads and **low floor buses will be able to reach the kerb at bus stops** since fewer inconsiderately parked vehicles will be in their way;
- **The general environment will improve** by providing a more environmentally efficient transport system in terms of reducing congestion, energy conservation; use of other modes of transport will be encouraged such as walking and cycling (healthy options);
- **Sensible and safe parking within the partnership will be encouraged** – as will greater compliance with Traffic Regulations. The regulations will not change but will have greater significance;
- **Parking provision will become more responsive to the public's needs** because the local Council will control both provision and management of parking;
- **Single responsibility for parking means greater clarity to the public.** The Council's integrated transport strategy can be linked to local issues in enforcement.

The basis for this is fair, consistent, transparent, policy-driven and quality-led operational enforcement.

Enforcement will be targeted to tackle problem areas. The PEP specification provides a schedule and prescribes the hierarchy of patrol visits (1, 2&3), dependent upon the location type. This will ensure a good parking enforcement regime that is both consistent and transparent.

The PEP focuses on Customer needs by:

- Ensuring an efficient, robust and customer-friendly parking system.
- Effective tackling of parking fraud, and abuse of the Blue Badge Scheme.
- Ensuring an effective, fair and consistent enforcement operation to maximise compliance with the partnership's parking regulations and Traffic Management Act 2004
- Consulting and communicating with both internal and external stakeholders to inform parking management issues.

3. Enforcement Priority

As competing parking demands intensify and conflict, the need for skilled and effective on-street parking management based on clearly defined priorities increases.

The parking enforcement priorities shall be generally as follows:

Highway Safety

Preventing dangers due to parking:

- Near Accident locations such as junctions
- Near Pedestrian Crossings
- Dangerously or double parking
- Pedestrian areas

Aid to Movement

Preventing obstruction and congestion on:

- Main access roads into major urban centres (Principal Roads)
- Town Centre shopping streets
- Public Transport routes
- Main traffic routes (Non-principal Road)
- Other busy streets (Access Roads to Residential Areas/Local Shopping Parades)

Obstruction & Nuisance

Preventing hindrance to road users at:

- Bus stops
- Schools
- Vehicle access
- Pedestrian areas
- Taxi Ranks
- Grass verges & pavements / walkways
- Special entertainment events

Deliveries & Servicing

Control and enable the conveyance of goods at:

- Service yards
- Permitted loading areas

Parking Bays

Control effective use of permitted parking areas in:

- Disabled Badge Holder Bays
- On-street Pay & Display
- Residents parking
- Limited waiting

The Parking Enforcement priorities are set out in greater detail in **Appendix B**.

Other enforcement requirements that follow will be balanced and prioritised depending upon location, frequency of patrols and resources available.

- The needs of disabled people and effective enforcement of parking regulations to enable easy access to activities and facilities.
- Road safety initiatives (especially for pedestrians, cyclists and other vulnerable road users), and emergency access requirements.
- Managing local parking problem areas, e.g. for child safety near schools caused by the school run (including Safer Routes to School initiatives) and associated short-stay on-street parking activity.
- Legitimate parking and loading requirements of businesses, taking into account commercial needs for delivery and servicing movements and the opportunity for changing delivery schedules and vehicle sizes.
- Supporting the safe and efficient operation of the public transport network, especially on low-floor bus corridors.
- Enforcement against observed parking patterns of demand to allow targeting of known problem areas.

Inconsiderate parking contravenes the Highway Code, which requires drivers to show consideration for all road users. Certain parking contraventions remain the responsibility of the Police (zigzag pedestrian crossings, obstruction and restriction of access where there are no yellow lines), and the Parking Partnership will work together with Essex Police in order to communicate relevant information between both stakeholders. The Partnership can also enforce zigzag pedestrian crossing contraventions but if both organisations issue a ticket for the same offence the police enforcement takes precedence.

In parts of the Partnership area, footway parking currently takes place. In these areas parked vehicles dominate the street scene and can cause dangerous obstruction to other road users, such as parents with pushchairs and visually/mobility impaired people and wheelchair users. The Parking Partnership will seek to minimise inappropriate footway parking in the Partnership area where enforceable, (i.e. where there are parking restrictions or at places where dropped kerbs can be enforced, or other regulations introduced) to ensure that local pedestrian access and amenity is not adversely affected. Obstructions of footways which are not supported by a relevant Traffic Regulation Order are unenforceable by the Parking Partnership. In this instance the police will be responsible for enforcement.

Abandoned vehicles are an environmental nuisance and can be associated with anti-social behaviour. Abandoned vehicles not only cause an unnecessary hazard wherever they are dumped, they also have a serious impact on residents' quality of life and fear of crime in the local area; Civil Enforcement Officers will report potential abandoned and untaxed vehicles on the street.

Residents parking permits are issued to compliant applications by the Parking Partnership for the use of designated parking places in resident parking zones.

The Essex County Council's Social Services administers parking permits for disabled people under the Blue Badge Scheme, which allows disabled badge holders considerable flexibility in where they can park on street. Badge holders can park free of charge without time limit in many designated areas, provided a valid Blue Badge is correctly displayed, the bay has not been suspended and the vehicle is being used to transport the Blue Badge holder. Blue Badge holders are also allowed to park for a maximum of 3 hours on single and double yellow lines, except where there is a loading ban or where a bus or cycle lane is in operation

The Parking Partnership will consider requests for parking dispensation and suspension from contractors to ensure necessary development works can progress. Each application will be considered on merit and will take into account location, safety, traffic flow and alternative parking provision.

The normal hours of operation will be between 07.30 to 20.00 Mondays to Saturdays across the SEPP, with the exception of Brentwood operating additionally on Sundays. Operating hours will be extended as and when required from early morning to late evening on occasion – in order to satisfy enforcement of “at any time” restrictions. The Partnership will regularly review operation hours and enforcement provision.

4. Methods of enforcement

The Traffic Management Act 2004 provides local authorities options for issuing a Penalty Charge Notice (PCN). The preferred options of the Parking Partnership are;

- Issuing a PCN via a handheld device and printer

- Issuing a PCN via post (in instances where a CEO was prevented from serving a PCN or the vehicle drove away)

- Enforcement using an approved device. The Partnership utilises a CCTV vehicle to effectively enforce Clearways, bus stops, pedestrian crossings and school keep clear markings. This vehicle is currently used in the Borough of Basildon.

Although the TMA 2004 enables local authorities to introduce a clamping and removal operation, the Partnership currently has no intention of introducing this method of enforcement.

5. Parking Controls

Effective traffic management relies on suitable implementation of parking controls. There are many different forms of parking control and careful consideration must be given when designing new schemes. The partnership will review existing and new parking restrictions to ensure the schemes are necessary and suitable for purpose.

The preferred Partnership option for residents who experience commuter parking problems is to introduce a resident parking scheme. The cost of the annual permit to park in these designated areas will help fund the implementation of the scheme and the continued daily enforcement patrols of the area.

In areas where limited waiting parking is available, serving local businesses and shops, the preferred option to provide effective and efficient enforcement is to introduce short stay on-street pay and display. This method ensures greater compliance of the parking control and ensures the spaces are available for the intended use. A by-product of this type of control is pay and display income which will help fund the implementation of the scheme and the continued daily enforcement patrols of the area.

Any proposals for resident parking and on street pay and display will only be determined by consultation with affected persons with the decision to go ahead with a scheme being based on a simple majority of those responding and being agreed by the Joint Committee.

5. Fees and charges

Within the South Essex Parking Partnership individual accounts are maintained for each of the six areas. The aim is for each area's account to achieve a profit or break-even position. Charging levels for residents parking and on-street pay and display will be determined at a local level in order to achieve this aim. Individual Partnership borough and district councils will be responsible for setting fees and charges in their respective areas in line with their individual Partnership account.

A County wide parking policy strategic outcome is to operate the service with financial sustainability. Future charging levels will also need to take account of the cost of delivering a robust efficient enforcement operation considering future investments for new equipment, vehicles, and technology.

Appendix A – Glossary

- CPE Civil Parking Enforcement
- CEO..... Civil Enforcement Officer
- PEP Parking Enforcement Policy
- POP Parking Operational Protocols
- PCN..... Penalty Charge Notice
- RTA1991 Road Traffic Act 1991 – superseded by TMA2004
- TMA2004 Traffic Management Act 2004

Appendix B – Hierarchy of Parking Enforcement

Priority numbered in order of importance considering the overall impact of parking issues and the location and frequency of patrols and resource required.			
Highway Safety			
Preventing dangers due to parking:	Near Accident locations such as junctions.	PRIORITY 1	Mainly enforcement of single and double yellow line restrictions and loading restrictions at or close to junctions and bends particularly where visibility is poor to minimise dangers to moving traffic, pedestrians and other road users.
	Near Pedestrian Crossings	PRIORITY 1	Mainly preventing danger to pedestrians at crossing places. (This does not include the offence of stopping on white zigzag markings, where police enforcement action takes precedence).
	Dangerous or double parking	PRIORITY 1	Mainly where drivers are parked on the carriageway but in a manner that is likely to cause a hazard to other drivers and road users.
	On Pedestrian Footways	PRIORITY 2	Mainly enforcement of single and double yellow line restrictions and loading restrictions where drivers are using the footway causing obstruction and hazard to pedestrians, wheelchair and pushchair users.
Aid to Movement			
Preventing obstruction and congestion on:	Main access roads (Principal Roads).	PRIORITY 1	Mainly enforcement of single and double yellow line restrictions and loading restrictions to enable traffic to flow freely and not be hindered by parked vehicles.
	Town Centre shopping streets	PRIORITY 1	Mainly enforcement of double yellow line restrictions and loading restrictions to enable essential traffic to access the town centre and not be hindered by illegally parked vehicles.

	Public Transport routes	PRIORITY 2	Mainly enforcement of single and double yellow line restrictions and loading restrictions to enable bus traffic to flow freely and not be hindered by illegally parked vehicles.
	Main traffic routes (Non-principal Road)	PRIORITY 2	Mainly enforcement of single and double yellow line restrictions and loading restrictions to enable traffic to flow freely and not be hindered by illegally parked vehicles.
	Other busy streets (Access Roads to Residential Areas/Local Shopping Parades)	PRIORITY 3	Mainly enforcement of single and double yellow line restrictions to enable traffic to flow freely and not be hindered by illegally parked vehicles.
Obstruction & Nuisance			
Preventing hindrance to road users at:	Bus stops	PRIORITY 1	Enforcement of No Stopping Except Buses restriction in marked Bus Stop locations (where there is a wide yellow line marking) to prevent obstruction of bus stops.
	Vehicle accesses	PRIORITY 1	Mainly prevention of obstruction to private driveways that have yellow line restrictions. This is particularly important where residents are in the process of trying to enter or exit their premises. Dealing with obstruction of dropped kerbs. Other footway obstruction without yellow line or other restrictions is a police function.*
	Pedestrian access routes	PRIORITY 2	Mainly enforcement of single and double yellow line restrictions where numbers of pedestrians are walking, such as shopping areas and pedestrian prioritised streets.
	Taxi Ranks	PRIORITY 2	Mainly enforcement of single and double yellow line restrictions at Taxi Ranks to prevent obstruction.
	Grass verges	PRIORITY 3	Mainly enforcement of single and double yellow line restrictions where drivers are using the grass verge and causing damage. This does not apply where there are no yellow lines.

	Special entertainment events	PRIORITY 3	This is primarily where large organised events such as shows or firework displays cause short term visitors to park vehicles in side/residential streets contravention of waiting restrictions, where covered under temporary restrictions and No Waiting Cones are placed. This excludes Police No Waiting temporary cones which may also be placed at events; where there is no temporary restriction, the enforcement of which remains a police function.* For main traffic routes see <i>AID TO MOVEMENT</i>
Deliveries & Servicing			
Control and enable the conveyance of goods at:	Servicing yards	PRIORITY 2	Enforcement of single and double yellow line restrictions to enable effective use and access to service yards.
	Permitted loading areas	PRIORITY 2	Enforcement of single and double yellow line restrictions to enable effective use and access to loading bays.
Parking Bays			
Control effective use of permitted parking areas in:			
	On-street Pay & Display	PRIORITY 2	Issue PCN for infringement of on street parking Orders
	Disabled Badge Holder Bays	PRIORITY 2	Enforce infringement of on street disabled only parking places where there is time a restriction and where vehicle is not displaying a blue Disabled Driver Badge
	Residents parking	PRIORITY 2	Enforce infringement of on street residents parking places where a vehicle is not displaying a current residents parking or visitor badge for the appropriate Zone.
	Limited waiting	PRIORITY 3	Enforce infringement of on street parking Orders where there is no fee but parking is time restricted.

Note: * indicates that this is a function of Police authority unless other parking regulations are in force.