GLOUCESTERSHIRE COUNTY COUNCIL

GUIDANCE ON PARKING ENFORCEMENT

November 2017
GLOUCESTERSHIRE COUNTY COUNCIL GUIDANCE ON PARKING ENFORCEMENT

CONTENTS

1. THE NEED FOR A POLICY .................................................................3
2. EXISTING POLICY DOCUMENTS ......................................................3
3. THE POLICY OBJECTIVES ...............................................................4
4. POLICY CONTEXT ...........................................................................5
   4.1 National Policy ................................................................. 5
   4.2 Regional Policy ................................................................. 5
   4.3 Local Context ...................................................................... 6
5. MANAGING PARKING ....................................................................6
   5.1 Civil Parking Enforcement ....................................................6
   5.2 Co-ordination with the Police ................................................7
6. PUBLIC CAR PARKING ..................................................................7
   6.1 Off Street Parking ............................................................... 8
   6.2 Prioritising the supply of parking ............................................8
   6.3 Privately Operated Public Car Parks ........................................8
   6.4 On-Street Parking ............................................................... 9
   6.5 Objectives of On-Street Parking Control ..................................9
   6.6 Residents Parking ...............................................................10
   6.7 Parking Provision for those with Special Needs ......................10
   6.8 Parking for Specialist Groups ................................................10
       6.8.1 On-Street Provision for Specialist Groups .....................10
           6.8.1.1 Loading Bays ......................................................10
           6.8.1.2 Taxis ...............................................................10
           6.8.1.3 Coaches ..........................................................11
           6.8.1.4 Parking for Powered Two Wheelers ......................11
           6.8.1.5 Cycle Parking ...................................................11
           6.8.1.6 Car Clubs .........................................................11
   6.9 Footway and Verge Parking ..................................................11
7. PUBLICITY AND INFORMATION ..................................................12
8. THE COUNTY AND DISTRICT COUNCILS WORKING TOGETHER TO SUPPORT
   THE LOCAL ECONOMY ................................................................13
   8.1 The Question ......................................................................13
   8.2 The Parking Service ...........................................................13
   8.3 Economic Links ....................................................................14
   8.4 Integrated Approach ..........................................................14
   8.5 Key Town Centre Objectives ...............................................14
   8.6 Parking Operational Objectives ............................................14
   8.7 The Customers’ requirements .................................................14
   8.8 Meeting the Customers Requirements ...................................15

APPENDICES
   1. Parking Enforcement Policy
   2. Civil Parking Enforcement Procedures for On-Street Parking
1. THE NEED FOR A POLICY

The management of parking is one of the most effective means of tackling congestion and its more serious consequences e.g. increased air pollution, delay and unreliability of public transport services. However, the ease and convenience with which visitors and shoppers can access a location by car can have a major influence on the location’s overall success and in particular its economic vitality and viability.

This important role for parking was recognised in Government guidance. The former Planning Policy Guidance Note 13 on Transport stated at section 49 “The availability of car parking has a major influence on the means of transport people choose for their journeys. Some studies suggest that levels of parking can be more significant than levels of public transport provision in determining means of travel (particularly for the journey to work) even for locations very well served by public transport”. The new “National Planning Policy Framework”, published on 27 March 2012, states: “Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”

“If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

Local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles. They should set appropriate parking charges that do not undermine the vitality of town centres. Parking enforcement should be proportionate.”

2. EXISTING POLICY DOCUMENTS

The County Council has a number of existing policy documents that should be read in conjunction with this document:
3. **THE POLICY OBJECTIVES**

The overall parking strategy aims to complement policies to reduce traffic growth by controlling the availability of parking spaces, both on and off street, and by managing the overall supply to meet priority uses. In this way, the management of parking can support policies to promote economic development and support town centres by assisting with the reduction in the levels of congestion.

The objectives of the policy are to:

- **Manage travel demand**: by the integration of transport and land use planning at all levels, so that transport and planning work together to support more sustainable travel choices and forms of development;

- **Reduce the need to travel**: by locating major traffic generators in existing centres where they can be reached without needing a car;

- **Introduce restraint-based parking standards**: by avoiding the over-provision of parking spaces through the replacement of minimum with maximum parking standards;

- **Sustain and enhance the vitality and viability of town centres**: by the introduction of transport policies which support the prosperity of town centres and provide a balance of good public transport and short stay parking;

- **Effectively manage the total parking supply**: by developing parking management plans which include all types of parking and consider short stay priorities, regulation, charges and enforcement.

The policy is based upon a number of key principles:

- Parking Management Plans will need to cover all aspects of parking supply;

- Parking Management Plans will need to ensure effective enforcement of both on and off street parking;
• Parking charges may be used in high demand areas to manage the supply of parking spaces;

• Parking Management Plans should ensure that the specific parking needs of local residents are considered;

• In town centres convenient, short stay parking will be given priority;

• Long stay parking spaces may be provided in less convenient locations, generally on the periphery of town centres or within off-street car parks;

• The quantity, cost and availability of long stay parking should seek to discourage commuting wholly by car.

This document relates solely to on-street parking. Details of the supply and management of off-street parking may be obtained from the appropriate District Council.

4. POLICY CONTEXT

4.1. National Policy

National government provides policy, legislation and advice in relation to the provision and management of parking.

As previously mentioned PPG 13 has been replaced by the National Planning Policy Framework.

4.2. Regional Policy

For the south west region, Regional Planning Guidance 10 (RPG10) (2001) provides the most current adopted policy position on parking. It states “the availability of car parking has a major influence on the choice of means of transport”, referring to studies that suggest “levels of parking can be more significant than levels of public transport provision in determining means of travel, even for locations very well served by public transport”. It goes on to state “reducing the level of parking in new development (and in the expansion and change of use in existing development) is essential in promoting sustainable travel choices”.

Specifically in RPG 10, Policy TRAN 5 on Demand Management, states:
Highway authorities, local authorities and other agencies should actively manage urban car parking and make more efficient use of highway space in order to achieve a modal shift towards more sustainable transport. In particular, they should:

- adopt car parking, management and charging policies, including private non-residential parking charges where appropriate, which take into account accessibility criteria and avoid destructive competition between competing centres;
- ensure that parking provision in new development does not exceed the regional maximum parking standards as set out in the RTS;
- manage highway space safely and efficiently, on urban roads give appropriate priority to pedestrians, cyclists and public transport and take measures where necessary to discourage car use, including road user charging.

4.3. Local Context

As Gloucestershire is a two-tier authority, responsibility for parking in the County is shared between the County Council and the six District authorities. The control and management of on-street parking and Park and Ride sites is the responsibility of the County Council as highway authority. The District Councils control and manage public off-street car parks.

5. MANAGING PARKING

5.1. Civil Parking Enforcement

The process which is now generally referred to as "decriminalisation" is a consequence of the opportunity included as an aspect of the Road Traffic Act 1991 that local authorities can apply to the DfT to transfer the responsibility for parking enforcement from the local Police to themselves. These powers were decided upon as a consequence of increasing dissatisfaction with the criminal system of justice as applied to parking enforcement, particularly in London. The Police priorities for enforcement, their ability to meet the growing and changing needs for enforcement, and the ability of the court system to cope with the consequences of non-payment of parking tickets all contributed to the pressure to introduce fundamental change to the system.

As required in the Government Guidance, when the Civil Enforcement Areas cover the whole of the region, it will be important to ensure that Civil Parking Enforcement is managed and operated in a consistent, uniform and appropriate manner in all areas. Issues which will need to be considered include:

- Public Consultations
• Staff Training and Qualifications
• Enforcement Policies
  o Staff deployment
  o Identification of contraventions
  o Observation rules
  o Civil Enforcement Officers’ discretionary powers
• Permit management
  o Processing
  o Cancellation policy
  o Debt recovery
• Annual Reports
  o Data collection
  o Publicity
• Policy review

5.2 Co-ordination with the Police

Whilst the primary duty of parking enforcement will be transferred to the Council, the enforcement of most moving traffic offences will remain with the Police. It is important that there is a good working relationship between the Police and the Council. There are opportunities for mutually beneficial information sharing and support which should not be lost by the transfer of powers.

6. PUBLIC CAR PARKING

The different categories of public parking are long and short stay, regulated and unregulated, free and charged, on and off street. These need to be addressed in the preparation of parking plans. Parking management policies on maximum duration of stay, charges and enforcement levels can all be used to influence travel demand.

The controls, which an authority has available to it, or chooses to use, will depend upon the type of area and its level of ownership of off-street spaces. At one extreme, on-street controls and charging will be minimal where parking densities are low and do not affect highway operations. Elsewhere, probably in larger centres, parking demands will create on-street pressures and congestion, which may require greater control to satisfy priority demands.

Parking demands place pressure on the control and management of spaces through the competition for spaces. This is most evident on street around major attractors, such as railway stations where commuters and residents compete for limited spaces. In town centres the parking supply must accommodate a range of short and long stay uses, which may result in queues at car parks or excessive circulation in search of spaces.
6.1 Off Street Parking

Wherever possible the County Council will seek to influence charging regimes, specifically in the urban areas, to influence demand and balance the needs of commuters or employees (i.e. long stay parking) and the requirements of local businesses and shoppers (i.e. short stay parking).

During the period of the LTP3 the County Council will encourage the development of strategies for town centre car park charges that benefit short stay over long stay parking. Not only will this approach encourage shopping and support economic activity, it will also incentivise more sustainable and congestion friendly travel to work. The County Council will continue to work with the District Councils, local businesses and employees to encourage the use of long stay car parks, Park & Ride, car sharing, public transport, cycling and walking for the work journey.

This approach also needs to reflect the rural nature of much of the County, which means that for many people the car remains the most suitable means of transport. It is important, therefore, to ensure that parking rates for employees are set at levels that do not prevent local businesses recruiting staff.

6.2 Prioritising the supply of parking

Controlling the type, availability and location of parking can also influence travel demand. Locating public transport and sustainable transport facilities (e.g. cycle parking) closer to the main attractions rather than car parking in a town centre can make these modes more attractive; whilst prioritising parking spaces in car parks, such as locating car share spaces closest to the exit, can also influence modal choice.

6.3 Privately Operated Public Car Parks

In some town centres there are privately operated, public car parks. The County Council believes that it is essential to the effectiveness of car park management that the operation and tariff structures of these car parks is compatible with that applying at car parks managed by the District Councils.

Accordingly, the County Council will encourage the District Councils to enter into management agreements with private car park operators. The management agreements should seek to achieve:

- Co-ordinated tariff structures which support the individual Councils’ policy of giving preference to short stay parking in town centres;
- Co-ordinated signage and information boards;
- Adequate provision for those with special needs.
6.4 On-Street Parking

The main issue concerning designated areas of regulated parking is how controls are managed, charged and enforced. In many parts of the county there will be little or no need for on-street controls apart from selective waiting restrictions applied for safety or capacity reasons. More stringent controls are more likely to be required in town centres, commercial areas or around railway stations where competition for spaces will be greater.

Where competition for spaces occurs, priority will normally be given to short stay parking. Longer stay commuter parking will be discouraged in town centres as it will reduce the opportunity for shorter stay parking which is vital to local economy. Subject to the needs of residents being safeguarded, long stay parking will be directed towards the periphery of town centres. Short stay parking should be conveniently situated for shoppers and visitors.

Parking controls will be applied selectively in order to address specific problems and will not be used unnecessarily. Limited waiting pay and display spaces close to neighbourhood shopping centres may be introduced in order to provide adequate short stay spaces without the need for more extensive controls. In areas where conflicts are likely to be more widespread, controlled parking zones (CPZ) have been introduced to manage area-wide parking issues. Additional CPZs will be introduced as the need arises.

6.5 Objectives of On-Street Parking Control

- To remove the danger to other road users caused by obstructive parking;
- To ensure adequate road space is available for the free movement of all road users;
- To regulate and control the parking of vehicles, as far as is possible, to such places and times as are convenient to all road users and the needs of the community.
- To ensure a fair distribution of suitable on-street parking space, within competing demands and resources available.
- To reduce the need to travel by private car and encourage the use of alternative means
- To minimise the adverse effects of motorised transport on the environment and health
- To improve accessibility, particularly for non-car owners and people with mobility or sensory impairment.
- To maximise parking in off-street car parks.
- To enable the safe servicing of industrial and commercial premises.
- To reduce personal injury accidents.
6.6 Residents Parking

Details of the current policies on the provision and management of Residents’ Parking can be found in the County Council’s Residents Parking Policy document.

6.7 Parking Provision for those with Special Needs

Details of the County Council’s policy for parking provision for those with special needs can be found in the Draft Parking and Demand Management Strategy.

6.8 Parking for Specialist Groups

Details of the County Council’s policy for parking provision for specialist groups can be found in the Draft Parking and Demand Management Strategy. Policies are included for the following:

- Cycle Parking
- Parking at Railway Stations and transport hubs
- Heavy Goods Vehicle parking

6.8.1 On-Street Provision for Specialist Groups

6.8.1.1 Loading Bays

In town centres and business areas consideration will be given to the provision of specific bays reserved for vehicles loading/unloading in connection with business use at nearby premises. Each individual site will be considered on its merits.

6.8.1.2 Taxis

The Council will work with the District Councils to ensure that adequate provision is made for ranks for the standing of licensed taxis. These will be provided for access to town centres in locations where parked vehicles will not hinder normal traffic flows.

Additionally, part-time evening and overnight ranks will be considered in locations which serve the night time economy.
6.8.1.3 Coaches

The Council will work with the District Councils to ensure that adequate levels of off street coach parking are provided in town centres and at tourist attractions.

On street set down and pick up facilities for coach passengers will be provided where a specific need is identified and justified.

6.8.1.4 Parking for Powered Two Wheelers

The number of motor cycles is increasing nationally and with it an increase in demand for parking facilities in town centres. The Council will consider requests for on street parking bays for motor cycles and work to ensure the provision of conveniently located, secure off street provision in public car parks.

6.8.1.5 Cycle Parking

Nationally one third of all car trips are for less than two miles and cycling is an ideal way to make many of these local journeys and assist with the reduction of congestion and CO\textsubscript{2} emissions. In common with car journeys cycle trips end with a need for a parking facility. The Council will work with the District Councils to provide suitably located, safe and secure parking facilities both on and off street in town centres and at other locations where demand justifies. Suitable direction signing will also be provided.

6.8.1.6 Car Clubs

Car clubs provide their members with quick and easy access to cars for short term hire at a reasonable price, and for many people who do not use their car every day, it is a cheaper alternative to owning a vehicle.

People who do not own cars tend to make fewer journeys by car and more by public transport, walking or cycling. This contributes to reducing congestion and the environmental impacts of car traffic, as well as helping to reduce parking demand. The Council will encourage the development of Car Clubs and work towards providing suitable parking places in appropriate locations.

6.9 Footway and Verge Parking

The Highway Code says: “Do not park partially or wholly on the pavement unless signs permit it”.

11
Under section 19 of the Road Traffic Act 1988, Heavy Goods Vehicles are banned from parking on the footway, although the section is subject to a number of exemptions; in particular an HGV may be parked on the footway when loading/unloading is in progress.

Some urban Local Authorities have adopted powers (through Local Acts) to prohibit parking on footways and verges throughout their areas. This prohibition is usually indicated by signs at the boundaries of the urban area. However, there is no national legislation prohibiting the parking of all vehicles on footways and verges, due to the wide range of circumstances where footway and verge parking occurs; in many cases because drivers have little option but to park on the footway or verge in order to avoid causing disruption to moving traffic.

Parking of cars partly or completely on the footway can be authorised by Traffic Regulation Order. There is a need to ensure that adequate width of footway is retained for pedestrians, particularly those in wheelchairs or with perambulators.

Part 6 of the Traffic Management Act 2004 which came into force in 2008 enables action to be taken when a vehicle is parked alongside a dropped kerb in a Special Enforcement Area. The County Council will enforce where there is clear evidence of an ongoing problem.

7 PUBLICITY AND INFORMATION

The Council will work with the District Councils to ensure that details of the location of all public parking facilities, any use restrictions applicable and the current costs of parking are made available to customers through:

- car parking information leaflets;
- pages on the Councils’ websites.

These will be reviewed on a regular basis and where necessary updated/republished.

The Council will produce an annual report containing the following information:

i. Introduction/background
   - Explanation of CPE, Council’s responsibilities;
   - Brief explanation of process;
   - Policy context, reference back to Council’s transport/parking policy documents and any previous reports.

ii. Summary of significant changes in previous 12 months. Examples:
   - Introduction of CPE;
   - Changes to Councils’ parking and enforcement policies;
- Change/renewal of enforcement deployment;
- Significant changes to patterns and scale of enforcement operation;
- Changes to types of enforcement (e.g. bus lanes, moving orders, clamping/removal).

iii. Operational information

- Income/expenditure;
- Number of PCNs issued on/off street and by town or significant geographic area;
- Number of PCNs issued by higher or lower charge;
- PCNs paid at various rates;
- Number of and outcome of appeals;
- Any other financial and statistical data required by the Guidance.

iv. Effectiveness of operation

- Sample area compliance surveys;
- Changes in accident statistics;
- Changes in traffic flow;
- Success in meeting policy objectives;
- Comparison with previous years;
- Customer feedback including interviews (residents/visitors/businesses).

v. Future plans

- Likely use of any surplus;
- Changes to enforcement policies;
- Likely changes to operation in next 12 months (and beyond).

8 THE COUNTY AND DISTRICT COUNCILS WORKING TOGETHER TO SUPPORT THE LOCAL ECONOMY

8.1 The Question

“How can parking in smaller towns be managed to best support the local economy and the needs of the local residents?”

8.2 The Parking Service

Parking is a service which has to be managed properly. A “free for all” (no restrictions, no charges, no enforcement) approach is not an option in most locations.

A good quality service will meet the needs of all of its customers – shoppers, visitors, workers and residents. The parking stock needs to be allocated to meet their differing needs. A correct allocation will ensure that the stock is used efficiently –
reducing underused locations and reducing the pressure on the more popular sites. Effective enforcement will be a key element.

8.3 Economic Links

It is important to recognise the linkage between parking and the economic vitality and viability of a centre. However, parking is only one factor that will affect whether or not people visit a town. The town’s competitiveness will depend, rather more than business communities usually perceive, upon factors like the quality of the shopping experience; the proximity of competing centres; and the quality of other attractions.

8.4 Integrated Approach

Parking should be a properly integrated element of the key strategic objectives of the Council. This will ensure that appropriate measures are introduced to improve access to the centre by other modes of transport; so that as many people as possible are encouraged to use those alternatives. This will free up parking spaces for the many that do not and may never have alternative modes available to them.

8.5 Key Town Centre Objectives

Typical town centre objectives to which a parking strategy can contribute include:

- A strong economy;
- Improved accessibility;
- Quality environment;
- Improved land use.

8.6 Parking Operational Objectives

The operational objectives of a parking service should include:

- Providing a high quality service for all customers;
- Improving access to the town for all key users – shoppers, visitors, workers, residents;
- A high quality enforcement regime controlling illegal parking and reducing its impact on traffic movement;

8.7 The Customers’ requirements

The customer, whether a shopper, visitor, worker of resident, will have certain expectations:

- That a high quality, well signed car park will be available in a location convenient to his/her requirements;
• That a parking space will be available and that he/she will be able to park for as long as they require;

8.8 Meeting the Customers Requirements

Shoppers

• Needs will depend on the shopping experience available in the town;
• The larger the shopping centre, the longer the shopping stay;
• The shorter the stay, the closer to the shops the shopper will expect to park.

Visitors

• Needs will vary from location to location;
• Day visitors to a tourist destination may require parking for a longer period;
• Will need clear direction signing to the car parks and the visitor attractions.

Workers

• Either full time needing all day parking; or
• Part time needing, perhaps 4 hours parking;
• Parking fees may be a significant cost for low paid workers, who may be tempted to try to locate “free” parking away from the car parks.

Town Centre Residents

• Will seek to park close to home;
• Main needs likely to be late afternoon, evenings and weekends;
• May seek low cost permit parking even where it is not justified.

Local Businesses

• Require access for servicing and deliveries;
• Require convenient, low cost parking for their customers as close to the premises as possible.

Meeting all the Various Requirements

This can be achieved as far as possible by the provision of:

• Integrated management of on and off street parking;
• A well structured charging regime for both on and off street parking;
• A charging structure that reflects the needs of the individual towns;
• A charging structure that reflects the varying needs of all of the users of the service.

To achieve this, a parking service would need to provide suitable off-street parking for commuters together with on-street facilities for shoppers, visitors and residents.
In all cases the tariffs would need to be set at a level which reflects the nature of the town; at a level which will ensure proper management of the parking service whilst not having an adverse effect on the local economy. Tariffs should be set in line with the perceived attractiveness of individual urban areas, with the assumption that the more attractive areas can sustain higher charges. It is also important to remember that in the more rural areas of the county there are few, if any, suitable alternative modes of transport available to residents.

The application of a structured charging regime should seek to maintain and, if possible, enhance the economic vitality and viability of the individual towns without increasing unnecessary competition between centres and the consequent increase in travel.

Tariffs should be reviewed annually.
APPENDIX 1
PARKING ENFORCEMENT POLICY

Contents

1. INTRODUCTION 18

2. Parking Management 19

3. Enforcement Priorities 20

4. A POLICY FOR THE EXERCISE OF DISCRETION BY THE CIVIL ENFORCEMENT OFFICERS 23
   4.1. Introduction .................................................................................................................. 23
   4.2. The CEO and their role ................................................................................................. 23
   4.3. What is it that they cannot do? .................................................................................... 23
   4.4. What can the CEOs do? ............................................................................................... 24

5. POLICY ON THE USE OF ENFORCEMENT AGENTS FOR ROAD TRAFFIC DEBT 25
   5.1. Procedure for recovery at the door .............................................................................. 25
   5.2. Service provisions ......................................................................................................... 26

6. CONSULTATION AND REPORTING POLICY 28
   6.1. Consultation ................................................................................................................. 30

7. DROPPED KERBS AND FOOTWAY CROSSINGS 31

8. FOOTWAY AND VERGE PARKING POLICY 32
   8.1. Introduction .................................................................................................................. 32
   8.2. Details ........................................................................................................................... 32
   8.3. Parking on verges and footways .................................................................................. 33
       8.3.1. Problems 33
       8.3.2. The legal position 34
       8.3.3. Obstruction 34
1. INTRODUCTION

Gloucestershire County Council’s Parking Enforcement Policy is a policy statement, designed to help to manage parking by providing a clear framework for effective parking management activities throughout Gloucestershire.

Parking enforcement in the county is shared between the County Council and the District Councils. The County Council is responsible for the enforcement of on-street parking and the District Councils are responsible for off-street parking.

The policy 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 Gloucestershire on a fair and consistent basis.

The policy helps support a better and safer environment and will generally improve parking conditions in Gloucestershire by:

- meeting the needs of all road users;
- supporting effective parking management;
seeking to improve sustainable access;
meeting environmental objectives;
focus on customer needs;
being comprehensive, including consideration of on- and off-street parking enforcement regimes, on-street controls and parking standards;
co-ordinating and being compatible with neighbouring civil authorities;
providing a clear strategy for effective enforcement; and
ensuring that the needs of disabled people, motorcycles, buses, coaches, business and freight are taken into account, along with loading and signing issues in relation to parking.

The policy aims to support the Council’s wider objectives, e.g.

- to improve traffic management,
- to assist public transport,
- to assist the passage of emergency vehicles,
- to improve road safety,
- to enhance the general street scene, and
- to improve air quality.

The policy seeks to meet the needs of all road users and to clearly prioritise different parking enforcement needs in Gloucestershire. The aim is to manage parking in Gloucestershire on a fair and consistent basis.

2. Parking Management

Illegal parking is inconsiderate, and it can be dangerous. Under civil enforcement, the Council is responsible for all on-street parking enforcement in Gloucestershire, with the exception of high speed roads where the police remain responsible.

The policy supports effective parking management by seeking to:

- Coordinating off-street parking enforcement management to ensure a comprehensive and complementary approach;
- Allocating parking permits/waivers 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 the Council’s information technology system to support an effective and efficient parking management operation.

The aim of civil 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 available for their intended use and to improve the general street scene.

The objectives of civil enforcement can be summarised as:

- Making it safer for drivers and pedestrians with better enforcement leading to clearer roads and pavements;
- Reducing accidents through fewer illegally parked cars;
- Improving traffic flow and accessibility, resulting from the focus of enforcement being on lessening inconsiderate and dangerous illegal parking in order to improve safety and minimise congestion;
- Assisting emergency and service vehicles;
- Helping public transport such as buses;
- Improving the general environment;
- Encouraging the use of other modes of transport such as walking and cycling;

Sensible and safe parking within Gloucestershire will be encouraged, as will greater compliance with the Off-street Regulations and Traffic Regulations as regards parking.

Police resources must be able to concentrate on other priorities. The basis for this is a fair, consistent, transparent, policy-driven and quality-led operational enforcement. Enforcement will be targeted to tackle problem areas. The policy specification provides a schedule and prescribes the frequency of patrol visits, dependent upon the location type. This will ensure a good parking enforcement regime that is both consistent and transparent.

The policy 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 Gloucestershire’s parking regulations.
- Consulting and communicating with both internal and external stakeholders to inform parking management issues.

### 3. Enforcement Priorities

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 guided by the following issues:

- Highway Safety
- Preventing dangers due to parking
Gloucestershire County Council

Guidance on Parking Enforcement

- Near Accident locations such as junctions
- Near Pedestrian Crossings
  - Dangerous or double parking
  - Parking on Pedestrian Footways
  - Parking which restricts movement
  - Preventing obstruction and congestion on:
    - Main access roads into Gloucestershire (Principal Roads)
    - Town Centre shopping streets
    - Public Transport routes
    - Main traffic routes within Gloucestershire
    - Other busy streets e.g. access roads to residential areas or local shopping parades
- Obstruction & Nuisance
- Preventing hindrance to road users at:
  - Bus stops
  - Vehicle accesses
  - Pedestrian access routes
  - Taxi Ranks
  - Grass verges
  - Special entertainment events
  - Areas for deliveries & servicing
- Control and enable the conveyance of goods at:
  - Servicing yards
  - Permitted loading areas
  - Parking Bays
- Control of effective use of permitted parking areas in:
  - County Council Park and Ride Car Parks
  - Disabled Badge Holder Bays
  - On-street Pay & Display bays;
  - Residents parking bays;
  - Limited waiting areas.

The parking enforcement priorities are set out in greater detail in the Appendix. Other enforcement requirements that follow will be balanced and prioritised on an as required basis depending upon 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 in Gloucestershire
• 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 (obstruction and restriction of access where there are no yellow lines), some are joint responsibilities with the Police (zig-zag pedestrian crossings) and the Council will work in partnership with Gloucestershire Police in order to communicate relevant information between both stakeholders.

In parts of Gloucestershire, 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. Footway parking also results in higher maintenance costs for the County Council since footways are not designed to take the weight of motor vehicles and, as such, damage to the pavement can occur. The Council will seek to minimise inappropriate footway parking in Gloucestershire (where enforceable) to ensure that local pedestrian access and amenity is not adversely affected.

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 Gloucestershire’s streets.

The Council’s enforcement operations will target persistent evaders in Gloucestershire and reduce the level of evasion.

Residents’ Parking permits are issued by the Council’s Parking Services for the use of designated parking places in resident parking zones. The County Council’s 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 areas, provided a valid Blue Badge is 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 where it is safe to do so.
4. A POLICY FOR THE EXERCISE OF DISCRETION BY THE CIVIL ENFORCEMENT OFFICERS

4.1. Introduction

The Council’s intention is to operate the civil enforcement parking operation as a partnership with the residents, businesses and visitors. This has the dual aims of providing a better service and of developing a flow of information for the public.

It will also concentrate on learning from the bottom up, by ensuring that local activity and feedback will be continually reflected in the parking restrictions and the quality and services within the car parks.

The key channel of continual feedback will be from the Civil Enforcement Officers (CEOs) and the parking related correspondence from the public.

The Council will approach the exercise of discretion objectively and in accordance with legislation. The Council will publish policies on the exercise of discretion. This document is the key one relating to the exercise of discretion by our staff when operating on-site. Another section within our overall policies concerns the exercise of discretion after a penalty charge notice has been issued, and should be read in conjunction with the content of this document.

4.2. The CEO and their role

The Council has established criteria for the use of traffic management controls which are represented on the ground by signs and lines made through the mechanism of traffic regulation orders (TROs). It is important for all of the public that these are enforced; that will reduce accidents, improve traffic flow, help residents and create better facilities for both shoppers and business. Similar situations exist in the off street car parks.

The role of the CEO is defined by the Council and they have all attended recognised training courses. It is important that there is a public understanding that they are not there to “just issue tickets”, but are trying to ensure consistent compliance in respect of the parking controls. They have no targets, and in fact our ideal solution would be total compliance with the parking regulations and no parking tickets being issued.

4.3. What is it that they cannot do?

The CEOs cannot comment on
• the parking regulations on street
• the off street regulations in the car parks
• whether other motorists have found the signing difficult to understand
• whether a penalty charge notice which has been issued, may be cancelled
• the Council’s declared policies

4.4. What can the CEOs do?

• listen to the motorist
• write down their concerns
• take a name and address for correspondence to answer the questions

Most importantly, the key elements of the operation are observation and the relevance of current parking restrictions. Many of the current controls were introduced a long time ago, and the Council’s policy will be one of continual change to meet local needs.
5. POLICY ON THE USE OF ENFORCEMENT AGENTS FOR ROAD TRAFFIC DEBT

The Council will manage PCN debt recovery through an arrangement with one or more firms of Enforcement Agents for the recovery of debt. The arrangement will be reviewed regularly.

Before registering any debt, the Council will issue a “pre-debt” letter to the keeper of the vehicle advising that the debt will be registered in 21 days unless the debt is settled. Each case proceeding to this stage will have been vetted by a member of the Council’s staff to approve its issue to Enforcement Agent in accordance with Council rules and procedures.

Each Enforcement Agent arrangement will be based on a strict Code of Practice, agreed between the District Council and the company.

When the Council wishes to instruct a Enforcement Agent it will register the debt electronically with the Traffic Enforcement Centre (TEC) at Northampton County Court. TEC automatically authorises the Council, and seven days later the Council may issue to the Enforcement Agent a warrant of execution, again electronically. The Council will notify the debtor of the registration.

The recovery procedure will adhere to a strict timetable and will consist of the following stages:

- First Letter
- First Visit
- Second Visit
- Outbound Calling
- Enforcement/Clamp Visit
- Removal Visits

Enforcement Agent arrangements with the Council will be supported by a code of conduct, which as a minimum will include the following.

5.1. Procedure for recovery at the door

When a Council issues a warrant to a Enforcement Agent and registers it through TEC, the Enforcement Agent will write a letter notifying the debtor of the warrant and seeking payment, for which the Enforcement Agent is entitled to charge an agreed sum. The letter should generally be seeking recovery of the PCN debt for a parking PCN made up of the amount the Council seeks plus the fee for the warrant paid by the council and the agreed charge for the Enforcement Agent’s letter.

When the Enforcement Agent visits a debtor:
• Enforcement agents must always produce relevant identification on request, such as a badge or ID card, together with a written authorisation to act on behalf of the Council.
• Enforcement agents must act within the law at all times, including all defined legislation and observe all health and safety requirements in carrying out enforcement. They must maintain strict client confidentiality and comply with Data Protection legislation and, where appropriate the Freedom of Information Act.
• Enforcement agents, for the purpose of distress or execution shall, without the use of unlawful force, gain access to the goods. The enforcement agent will produce an inventory of the goods seized and leave it with the debtor, or at the premises, with any other documents that are required by regulations or statute.
• Enforcement agents must carry out their duties in a professional, calm and dignified manner. They must dress appropriately and act with discretion and fairness.
• Enforcement agents must not misrepresent their powers, qualifications, capacities, experience or abilities.
• Enforcement agents must not discriminate unfairly on any grounds including those of age, disability, ethnicity, gender, race, religion or sexual orientation.
• In circumstances where the enforcement agency requires it, and always where there have been previous acts of, or threats of violence by a debtor, a risk assessment should be undertaken prior to the enforcement agent attending a debtor's premises.

If the Enforcement Agent is refused entry to the premises, the Enforcement Agent will advise the debtor of the details of the debt and seek payment; the Enforcement Agent will also advise the debtor that permission will be sought to gain entry unless the debt is settled. Enforcement Agents do not have the power to make forcible entry to a debtor’s premises, but if an Enforcement Agent has gained lawful and peaceful entry (e.g. invited in by the occupier) he has the right to use reasonable force to (a) inspect any part of the premises if refused access, and/or (b) resist being ousted from the premises. In order to gain entry otherwise, a Enforcement Agent has to apply to a court for a warrant to force entry.

5.2. Service provisions

The Enforcement Agent Company must keep detailed records of all activities undertaken on behalf of the Council and this record should be electronic and available to be inspected on-line by the Council at any time. All records will be kept up to date with any relevant changes, within 24 hours of the change occurring.
If the Council decides it is appropriate and prior to any enforcement action being undertaken, the Enforcement Agent will subject each case to a DVLA verification of details of vehicle ownership.

The Enforcement Agent will provide a telephone service during normal office hours to deal with enquiries and payments from debtors.

The Enforcement Agent will accept payments in cash, credit or debit card, postal orders, giro bank, bankers draft and by internet payment, and will always issue receipts.
6. CONSULTATION AND REPORTING POLICY

The Council recognises its responsibility for monitoring its parking policies, the Civil Parking Enforcement (CPE) regime, and associated regulatory framework (including penalty charge levels). These will be appraised when Local Transport Plans (LTP) are reviewed.

Appraisals will take account of any relevant information that has been collected as part of the parking enforcement process, in particular about the practical effectiveness of the scheme. This information will include feedback from interviews with the Civil Enforcement Officers (CEOs), who are in a unique position to identify changes to parking patterns, and with back office staff, who deal with challenges and representations and the reasons for them.

The Council will consult locally on parking policies when they are appraised. The Council will seek the views of people and businesses with a range of different parking needs as well as taking into account the views of the police.

The regular appraisal will take account of:

- existing and predicted levels of demand for parking;
- the availability and pricing of on- and off-street parking places;
- the justification for, and accuracy of, existing traffic orders;
- the adequacy, accuracy and quality of traffic signing and road markings which restrict or permit parking;
- the level of enforcement necessary to achieve the Council’s wishes for compliance;
- the levels of penalty charges;
- the need to resource the operation effectively and ensure that all parking staff are appropriately trained; and
- impact on traffic flow.

As a part of this appraisal, the Council will ensure that detailed operational policies remain appropriate and will tell the public about any changes to them.

The Council recognises that the efficiency and effectiveness of the CPE regime can be improved by maintaining a regular dialogue with the police, neighbouring authorities, the Driver and Vehicle Licensing Agency (DVLA), the Traffic Enforcement Centre (TEC) and representatives of road user groups.

In particular, the Council will maintain good relations with the police. The police will continue to have responsibility for enforcing endorsable and most types of moving traffic offences, and for taking action against vehicles where security or other traffic policing issues are involved. Regular liaison with the police will help to ensure that
civil and criminal enforcement operate effectively, as well as ensuring that our staff are protected.

As the enforcement authority, the Council will keep abreast of developments in neighbouring authorities' CPE operations and look into the benefits of consistent, and possibly collaborative, approaches to enforcement.

The Council will develop good working relations with the DVLA, in particular with regards receiving keeper information promptly and will consider helping the DVLA track down Vehicle Excise Duty (VED) evaders by notifying them of any vehicles that are not displaying a valid VED disc.

As far as possible, the performance of the CPE parking operations will be judged according to how far our desired transport objectives have been achieved. The Council will base its performance measures, wherever possible, on outcomes rather than outputs. Performance will not be based on the number of PCNs, or such issues. Outcome statistics will include issues such as compliance statistics, the number of appeals, the number and length of contraventions and the localised impact they appear to have had on road safety and congestion.

The Council considers that reporting is an important part of accountability. The transparency given by reporting will help the public to understand and accept better parking enforcement. Monitoring also provides management information for performance evaluation and helps to identify where improvements can be made to the CPE regime. Reports will include the benefits that parking income has helped to pay for.

The Council will produce annual reports about their enforcement activities. The reports will be public documents, and as a minimum, they will cover the financial, statistical and other data set out in this policy statement. The reports will form the annual returns to the Government about the enforcement operation. The Council will also advise the Traffic Penalty Tribunal the details about PCNs they request.

The Council has published a code of practice that their CEOs must follow. It includes the following points:

- the authority is committed to delivering good quality public services;
- the code of practice is to ensure that high quality parking enforcement is delivered fairly and in accordance with the law;
- parking restrictions are there for good reasons — to improve safety, prevent congestion, ensure a fair distribution of parking spaces, and help reduce pollution; and
- parking restrictions will be enforced efficiently, fairly and with proper regard to the needs of motorists in general.
We will monitor our parking enforcement performance to show that it is for traffic management purposes. They will include management information such as:

- measuring the numbers of vehicles that contravene restrictions and how long they contravene them for;
- measuring public transport journey times across the CEA;
- measuring the number and severity of road traffic casualties in the area of enforcement;
- measuring congestion in the area of enforcement;
- frequency of CEO patrols, especially where contraventions are high;
- percentage of PCNs against which appeals are received;
- percentage of successful appeals;

The Council will assess performance against these targets in its annual report which will be published on the Council’s website as a downloadable document.

6.1. Consultation

The Council is required, when considering major changes to its parking policies, to consult with stakeholders. As a minimum, it will consult the following groups:

- those involved in the implementation and operation of parking, including the police, neighbouring local authorities, the DVLA and the Traffic Enforcement Centre;
- wider stakeholders with an interest in parking, including businesses, motoring groups and representative organisations; and
- those who will be affected, including residents, motorists and the general public. We will always include socially excluded groups in such consultation.

Loading and unloading can be a recurrent and difficult problem. The Council will work with delivery companies, local businesses and residents to tackle problems at sites where problems exist.

The Council will publicise its consultation documents and make them available in hard copy and on the web. It will set a deadline for feedback in accordance with its policies on consultative exercises.

After the consultation has closed, the Council will provide a public response which outlines the feedback we received and what we have done to take this feedback on board.
7. DROPPED KERBS AND FOOTWAY CROSSINGS

The arrangements for the provision of dropped kerbs and footway crossings are detailed in the Manual for Gloucestershire Streets.
8. FOOTWAY AND VERGE PARKING POLICY

8.1. Introduction

The Council believes that streets should be more than traffic corridors - they are important for the vibrancy, economic health, and safety of neighbourhoods; they can help to improve community cohesion by bringing people of different ages and backgrounds together in a shared space; they are areas which people can use to get fit through walking and cycling; and they are potential playgrounds for all children but especially those who do not live close to parks and playing fields.

There is a general concern that vehicles parked on the footway are a problem in numerous parts of the County. Footway parking takes many different guises and causes conflict between highway users, residents and pedestrians. Vehicles parked on the footway can cause serious obstructions which in turn create a road safety issue. Vehicles can also cause serious damage to the footway which may result in trip hazards and also unsightly damage to footpaths and verges.

Saturation and obstruction of the highway network by parked vehicles is a major problem and it is not possible to adopt a total solution without recourse to radical actions. It is essential that effective control of parked vehicles is undertaken and the use of the powers given to local authorities under the Civil Parking Enforcement (CPE) umbrella is a powerful tool in determining solutions to local problems, often through the introduction of residents parking schemes.

Footway parking can be obtrusive, obstructive and destructive in any area it occurs. However it can also relieve the pressure on the surrounding highway network and provide a clearer passage for users of the highway. For these reasons it is important that a local balance is achieved when determining the allowable level of footway parking in any area and in some cases, street by street.

8.2. Details

Within the powers contained in CPE it is possible for a Highway Authority to introduce footway parking policies and to adopt enforcement policies to suit the local needs. The highway authority has the power to decide when and where to enforce footway parking but currently only where waiting restrictions are in place.

Where restrictions are not in place it is still the responsibility of the police to enforce in cases of dangerous parking and serious obstruction. However parking on the footway itself, while not causing an obstruction is not an offence, and it is only the act of driving on the footway that the police can enforce in these circumstances where no restrictions are in place.
Following the introduction of the Traffic Management Act 2004 an additional contravention code was added to the list of available contraventions:

- CODE 62 – Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway.

Therefore to control footway parking using CPE, there must be a waiting restriction adjacent to the footway and the vehicle must be parked on designated highway. It is usually, but not always, the case that back of footway is the extent of the highway and the restriction covers from the highway boundary to centre line of road. This allows full enforcement of the verge/footway where restrictions are in force at the time of the contravention. For example a single yellow line 8am to 6pm would not be enforceable in the evenings under CPE.

Where footway parking is not controlled by restrictions and is causing damage to the highway verge then the local authority could take measures to prevent parking. This can be by the introduction of physical barriers or by new Traffic Regulation Orders such as no waiting at any time.

### 8.3. Parking on verges and footways

Most grass verges adjacent to roads form part of the public highway and therefore come under the responsibility of The County Council as traffic authority. One of the responsibilities of the traffic authority is to keep verges safe and unobstructed, particularly at road junctions where clear visibility for road users is important.

Local issues will always need to be taken into consideration by highways officers when recommending whether footway parking is acceptable or not in specific locations’ these may include where soft verges contain public utility apparatus and where damage could be caused.

### 8.3.1. Problems

Parking on verges and footways can cause many problems, including:

- Obstructing vulnerable road users who use the verge or footway
- Obstructing road users entering and leaving properties
- Reducing visibility at junctions
-导致环境损害并显得不美观，尤其是在恶劣天气期间
8.3.2. The legal position

It is not an offence in law to park a motor vehicle, other than an HGV, on a grass verge unless it causes an obstruction or a Traffic Regulation Order (TRO) or byelaw is in force prohibiting it.

Section 19 of the Road Traffic Act 1988 prohibits parking by HGV's. An HGV (or heavy commercial vehicle) means any goods vehicle, which has an operating weight exceeding 7.5 tonnes.

In light of the above it is an offence to park an HGV on a verge adjacent to a road irrespective of the presence or absence of waiting restrictions and in areas such as GCC where a Civil Enforcement Area (CEA) is in force, the offence is decriminalised and can be enforced by the traffic authority rather than the police.

8.3.3. Obstruction

Whilst there is no blanket prohibition on parking on verges, a particular incident of verge parking may be considered dangerous or obstructive or cause damage and may constitute a criminal offence under one or other of the following statutory provisions:

- Section 28 Town Police Clauses Act 1847 - willfully causing an obstruction to any public footpath or public thoroughfare.
- Regulation 103 Road Vehicles (Construction and Use) Regulations 1986 - vehicles causing unnecessary obstruction of the road (including verge).
- Section 22 Road Traffic Act 1988 - leaving vehicles in a dangerous position on the road (including verge).
- Section 137 Highways Act 1980 willful obstruction of the free passage along a highway.
- Section 72 Highways Act 1835 - driving on any footpath or causeway by the side of any road made or set apart for the use or accommodation of foot passengers.
- Section 131(1)(c) Highways Act 1980 - deposits anything whatsoever on a highway so it would damage the highway.

Allegations concerning any of the above possible offences would be a matter for the police to investigate and enforce, rather than the traffic authority.

8.3.4. Traffic Regulation Orders (TROs)

Where waiting restrictions are in place by virtue of a TRO and signs and lines are in place to give lawful effect to the restrictions, these apply to any part of the width of a road. A road for the purposes of the RTRA means "any length of highway or road to
which the public has access" and therefore is much broader in its meaning than "carriageway".

Unless otherwise stated in the TRO, the restrictions shown by the kerbside lines and signs apply to the whole width of the road up to the boundary of the adjacent properties, so this would include the verge.

If parking on the verge is deemed acceptable or appropriate, but needs to be restricted on the carriageway, a TRO can be drafted to exclude the verge so that the restrictions affect only the carriageway. Each case needs to be considered on its merits rather than applying a blanket policy to parking on verges.

Where parking on verges is permitted by exemption to a TRO, this would not override powers retained by the police to deal with the criminal offences that may be committed under the various statutory provisions set out above, Enforcement in this regard may not always be a priority.

8.3.5. Process to provide an exemption or implement a scheme to permit verge parking

The procedure for amending and/or making TROs is set down in statute. This requires specific consultation, publication of proposals in local newspapers and specified objection periods. Implementation may be expedited where the traffic authority wish to carry out an "experimental scheme of traffic control" and make and/or amend TROs under Section 9 RTRA. This defers certain elements of the process although the overall timescale and costs to make the experimental TRO permanent are not reduced.

The whole TRO process can be lengthy and exceed 12 weeks at a minimum, a cost will be incurred. The additional cost of providing signing and lining to make the TRO enforceable, together with any other costs for physical measures to prevent verge damage could be significant and will depend on the specific site details.

In view of these costs and the timescales involved, the promotion of a TRO to allow verge parking, where it would otherwise be restricted, is likely to be a low priority unless there were significant casualty reduction benefits to be achieved. It would also be beneficial to ensure that entry onto or of a verge or footway where parking is permitted is via a legitimate dropped kerb access and where none exists verge/footway parking should be deemed unacceptable.

8.3.6. Bollards/posts

Bollards/posts and verge marker posts only work where their need is respected. Widespread installation, plus maintenance needs, would have significant resource implications for the County Council.
BUS LANE ENFORCEMENT POLICY

Powers were granted for civil enforcement of traffic contraventions by approved local authorities in the Traffic Management Act 2004.

The County Council is an approved local authority under the Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005 for the purposes of S.144 of the Transport Act 2000 (Civil Penalties for Bus Lane Contraventions).

The cameras and recording systems have been approved under The Bus Lanes (Approved Devices) (England) Order 2005.

S.144 of the Transport Act 2000 provides the necessary powers to enable the Secretary of State by regulation to make provision for the imposition of penalty charges in respect of bus lane contraventions. The County Council decided to impose a penalty charge of £60 under these powers.

Penalty Charge Notices are issued under the Road Traffic Regulation Act 1984 and S.144(5) of the Transport Act 2000.
9. POLICY FOR SUSPENSIONS, AND WAIVERS

The Council, in certain defined circumstances, will allow a vehicle or vehicles, by the issue of a waiver, to park lawfully in what otherwise would be a contravention of a TRO. It may issue waivers to businesses and/or the Council’s Services to permit parking at specified locations for specified durations.

Where agreed by Parking Services, and in accordance with the Council’s policies, parking places may be suspended either in total or for the purpose of reserving those places for particular vehicles and/or applicants.

All applications for waivers, suspensions, permits and season tickets will, in the first place, be referred to the appropriate service provider employed by the Council’s Parking Services. Parking Services will give further advice if the provider has any doubts in regard to an application.

The Council is authorised by The Local Authorities (Transport Charges) Regulations 1998 [S.I. 1998 No. 948] to make charges for these services but it is appreciated that these are limited to the cost of dealing with the matters and cannot include any profit element or any potential loss of income.

As a matter of general policy, Parking Services is to be advised of road closures as these may affect the decision process in issuing and managing dispensations and suspensions.

9.1. Definitions

A suspension is defined as “a parking bay that has had the traffic regulation order suspended for an agreed time period.” For example a “pay and display” or disabled bay.

A waiver refers to a driver been given a waiver to park at a specific location on a length of road where there is a traffic regulation order - for example, a waiting restriction.

Parking Services will ensure that each parking attendant is notified daily of dispensations and suspensions within their patrol areas. The parking attendant will check each location and enforce contraventions seen.

Dispensations will not be agreed where there is possible danger to pedestrian or highway safety. Instances where dispensations will not be agreed are

- On bends
• On brow of hills
• On clearways or fast flowing roads
• Adjacent to pedestrian crossing points
• Where demand for waivers exceeds the supply of parking spaces in the view of the Councils Parking Services
• Adjacent to school entrances
• Where pedestrian or driver sight line visibility is impaired.
• Parking Services will be responsible for the following:
  • Prior to the commencement of the suspension Parking Services will erect suitable advanced warning plates on each available post or column within the restricted area to provide notice of suspensions or dispensations.
  • Prior to the commencement of the suspension Parking Services will, where appropriate, cone or barrier off the area concerned.
  • Ensuring that the advanced warning plate is in place throughout the period.
  • Removal of advanced warning plate, cones and or barriers at the end of the period of suspension.

Each request for a suspension or waiver will be noted and logged by Parking Services or the service provider so nominated by the Council.

9.2. Waivers

A waiver authorises a vehicle (or vehicles) to park in contravention of a TRO. It allows parking where alternative arrangements cannot be made for the following principal reasons:

• Loading/ unloading where this activity is either normally prohibited or the permitted period is insufficient; or
• Situations where alternative arrangements would be unsatisfactory.

A waivers does not permit general ‘parking’. It does not allow the vehicle to remain in the restricted/ prohibited area once the waivers’s purpose has been fulfilled. At that time the motorist is required to park elsewhere and lawfully.

Based on the above qualification and subject to the Council’s policy, waivers can be issued in the following circumstances:

• Furniture removals;
• Building/ maintenance/ repair works where close proximity to the site is essential;
• Goods deliveries in respect of which it is reasonable to allow longer than that normally permitted by the regulations;
• The hearse and chief mourners’ vehicles at funerals;
• The bridal and attendants’ vehicles at weddings;
- Vehicles essential to filming operations;
- Other circumstances in which Parking Services may reasonably regard the requirement to be essential.

Dispensations will not be issued for:

- Applications where parking may adversely affect disabled/ doctors/ business bays, taxi ranks, bus stops or tram movement;
- Applications where loading restrictions are in place if the waiver is requested during the restricted period(s);
- Locations within 50 metres of a signal controlled junction, the entry/ exit pedestrian crossing marking, on a footway and/or other locations where parking may cause danger to pedestrians and road users, and / or serious obstruction / traffic flow impediment ;
- Requests where there are doubts concerning the validity of the application;
- Applications in respect of vehicles where waivers have been issued more than twice within the four weeks before the date of the application. The Parking Section has discretion to vary this ban if it is considered that it is otherwise reasonable to approve the application.
- Where demand for waivers exceeds the supply of parking spaces in the view of the Council’s Parking Services

Except in extenuating circumstances dispensations should not be issued for continuous periods in excess of five days and should not authorise parking for more than two vehicles at any one location unless Parking Services is satisfied that the road width and length and precise location permit this safely.

The conditions of use, which accompany the waiver, must be brought to the applicant’s attention, who must also be advised to display the document clearly on the lower near side of the vehicle’s windscreen or have registered the vehicle on the County Council’s virtual permit and waiver system.

9.3. Suspensions

It will be necessary from time to time to suspend parking places including residents’ and other permit bays. The authority to do this is provided under Sections 14 and 46 of RTRA 84.

The action is taken when it is considered necessary to suspend the parking places for:

- traffic movement and safety;
- essential building/ maintenance works;
- furniture removals;
- filming;
Gloucestershire County Council  

Guidance on Parking Enforcement

- special events;
- weddings or funerals.

Suspensions will not be issued for:

- requests where there are doubts concerning the validity of the application;
- applications in respect of vehicles where suspensions have been issued more than twice within the four weeks before the date of the application. The Council has discretion to vary this ban if it is considered that it is otherwise reasonable to approve the application.

The suspension procedure embraces:

- Receiving notice of the requirement;
- Considering and, if appropriate, investigating the need for the suspension;
- Approving or rejecting the application;
- Obtaining payment if applicable;
- Recording the suspension;
- Warning local residents;
- Implementing the suspension on street;
- Removing the suspension equipment on street on completion.

The suspension does not permanently remove the legal status of the parking place. Its only affect is to remove it (or the designated part of it) from use during the suspension period.

9.4. Application

Applications for Suspensions and Waivers are to be made in the form specified by the County Councils and advertised on the Councils web site or on request by phone or letter from the Councils Parking Services.

Applications should be received at least 10 working days before the required date to enable the Council to determine the appropriateness of the application before approval is given, applications received within the 10 day period will be considered at the Councils discretion. Parking Services and their service providers have discretion to deal with more urgent applications within a shorter notice period if it is reasonable to do so.

10 days notice is not mandatory in regard to emergencies or in respect of statutory undertakings under Section 14 of RTRA 84 although in the normal course of events, Parking Services will be notified in advance.

Emergencies may embrace action taken by the police to suspend parking places immediately and without notice for matters of security and public safety. A
contravention of a police suspension would normally be dealt with by the police as a criminal matter.

If the application is approved any appropriate charge must be paid before the suspension or waiver is implemented.

Each day, as applicable, Parking Services will prepare a daily suspensions plan containing:

- Details of advance warning notices to be placed;
- Details in regard to required leafleting;
- Details of suspensions to be implemented the next parking control day;
- Details of suspensions to be lifted before the next parking control day.

No charges are made in respect of:

- Requests from the emergency services in regard to emergency situations;
- Funerals;
- Charity event vehicles
- Armed forces vehicles
- Suspensions needed to accommodate traffic or parking requirements during agreed major events. However, the Council may wish to consider that charges should be made for regular suspensions [e.g. football matches] bearing in mind the ongoing cost of work carried out for these.

Parking Services will maintain monthly statistics with regard to:

- Numbers and locations of waivers, suspensions and exemptions both implemented and lifted;
- Numbers and precise times and locations in regard to advance warnings and leafleting.

10. BLUE BADGE ENFORCEMENT POLICY

The Blue Badge scheme is designed to give registered severely visually impaired people and those who are unable or virtually unable to walk the ability to park close to the facilities and services they need to use, so as to improve their lifestyle, independence and freedom of choice.
All badges issued are blue and are usable in all European Union countries (EU). For greater security and to help prevent abuse of parking privileges, the badge holder’s photograph is printed onto the back of the badge.

**Who is eligible for a badge**

Under current regulations governing the scheme badges may be issued without further assessment to disabled people if they:

- receive the higher rate of the mobility component of Disability Living Allowance (DLA) (help with getting about)
- are registered severely sight impaired;
- receive a War Pensioners Mobility Supplement;
- receive an Armed Forces Compensation Award.

**Other people may be issued a badge if their disability is:**

- permanent and substantial and makes them unable or virtually unable to walk,
- if they have a severe disability in both upper limbs, regularly drive a motor vehicle but cannot operate, or have considerable difficulty operating, all or some types of parking meters or pay and display equipment.

**Children under three years of age**

Children under three years of age may be eligible for a badge if they need to have bulky medical equipment with them at all times, such as an oxygen supply, or if they have a specific condition which may require them to be near a vehicle, either to receive treatment in the vehicle, or be transported quickly to a place where they can be treated, such as hospital.

10.1. **Parking information**

The Blue Badge must be displayed, and in England and Wales the special blue parking disc must also be displayed showing the time of arrival. There should be an interval of at least one hour from a previous period of waiting before the same vehicle can be parked in the same road or part of a road on the same day.

Badge holders may park free of charge and without time limit at parking meters on-street and ‘pay-and-display’ on-street parking, unless a local traffic order specifying a time limit for holders of disabled parking badges, such as a ban on loading, is in force.

Badge holders may be exempt from limits on parking times imposed on other users - check the local signs for information. Badge holders may usually park on single or double yellow lines for up to three hours in England and Wales, or without any time limit in Scotland, except where there is a ban on loading or unloading, and at a few locations where local schemes apply.
10.2. **Disabled parking bays**

Blue Badge holders may be entitled to an on-street parking bay. Details of the arrangements for the provision of disabled parking bay markings are set out in the Transport Asset Management Plan.
### APPENDIX

**HIERARCHY OF PARKING ENFORCEMENT**

<table>
<thead>
<tr>
<th>Highway Safety</th>
<th>Near Accident locations such as junctions.</th>
<th>PRIORITY</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preventing dangers due to parking:</td>
<td>Near Pedestrian Crossings</td>
<td>PRIORITY HIGH</td>
<td>Mainly preventing danger to pedestrians at crossing places. (This includes the offence of stopping on white zigzag markings, which now also remains a police enforcement function.)</td>
</tr>
<tr>
<td>Dangerous or double parking</td>
<td>PRIORITY HIGH</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>On Pedestrian Footways</td>
<td>PRIORITY MEDIUM</td>
<td>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. This also applies where there are no yellow line restrictions in the Traffic Regulation Orders.</td>
<td></td>
</tr>
<tr>
<td>Aid to Movement</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preventing obstruction and congestion on:</td>
<td>Main access roads (Principal Roads).</td>
<td>PRIORITY</td>
<td>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.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Town Centre shopping streets</td>
<td>PRIORITY</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Public Transport routes</td>
<td>PRIORITY</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Main traffic routes within Gloucestershire (Non-principal Roads)</td>
<td>PRIORITY MEDIUM</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Other busy streets (Access Roads to Residential Areas/Local Shopping Parades)</td>
<td>PRIORITY LOW</td>
<td>Mainly enforcement of single and double yellow line restrictions to enable traffic to flow freely and not be hindered by illegally parked vehicles.</td>
<td></td>
</tr>
</tbody>
</table>

**Obstruction & Nuisance**

<table>
<thead>
<tr>
<th>Preventing hindrance to road users at:</th>
<th>Bus stops</th>
<th>PRIORITY HIGH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bus stops</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Vehicle accesses</td>
<td>PRIORITY HIGH</td>
<td>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 driveways without yellow line restrictions will still be a police function.</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Pedestrian access routes</td>
<td>PRIORITY MEDIUM</td>
<td>Mainly enforcement of single and double yellow line restrictions where numbers of pedestrians are walking, such as shopping areas and pedestrian prioritised streets.</td>
</tr>
<tr>
<td></td>
<td>PRIORITY</td>
<td>Mainly enforcement of single and double yellow line restrictions at Taxi Ranks to prevent obstruction.</td>
</tr>
<tr>
<td>----------------------</td>
<td>----------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Taxi Ranks</td>
<td>MEDIUM</td>
<td></td>
</tr>
<tr>
<td>Grass verges</td>
<td>LOW</td>
<td>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.</td>
</tr>
</tbody>
</table>
**Special entertainment events** | **PRIORITY LOW** | This is primarily where large events such as football or firework displays cause short term visitors to park vehicles in side/residential streets contravention of waiting restrictions, excluding temporary No Waiting cones placed at such events, which is still a police function.

---

**Deliveries & Servicing**

<table>
<thead>
<tr>
<th>Control and enable the conveyance of goods at:</th>
<th>Servicing yards</th>
<th><strong>PRIORITY MEDIUM</strong></th>
<th>Enforcement of single and double yellow line restrictions to enable effective use and access to service yards.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted loading areas</td>
<td><strong>PRIORITY MEDIUM</strong></td>
<td>Enforcement of single and double yellow line restrictions to enable effective use and access to loading bays.</td>
<td></td>
</tr>
</tbody>
</table>

---

**Parking Bays**
Control effective use of permitted parking areas in:

<table>
<thead>
<tr>
<th></th>
<th>On-street Pay &amp; Display</th>
<th>PRIORITY MEDIUM</th>
<th>Issue PCN for infringement of on street parking Orders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disabled Badge Holder Bays</td>
<td>PRIORITY MEDIUM</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>Residents parking</td>
<td>PRIORITY MEDIUM</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Limited waiting</td>
<td>PRIORITY LOW</td>
<td>Enforce infringement of on street parking Orders where there is no fee but parking is time restricted.</td>
<td></td>
</tr>
</tbody>
</table>
GLOUCESTERSHIRE
CIVIL PARKING ENFORCEMENT PROCEDURES
FOR ON-STREET PARKING
APPENDIX 2
CIVIL PARKING ENFORCEMENT PROCEDURES FOR ON-STREET PARKING

Contents

1. INTRODUCTION 1

2. HOW TO PARK 1

3. PCN RECOVERY SYSTEM FLOW CHART 5

4. OBSERVATION TIMES 5

5. SPECIFIC PROCEDURES 13

5.1. Abandoned Vehicles: ................................................................. 13

5.2. Bank Holidays – Restrictions Applicable: ................................. 13

5.3. Bank Visits: .............................................................................. 14

5.4. Blocked Access: ........................................................................ 14

5.5. Blocked Exit from a Parking Place .............................................. 14

5.6. Blue Badges – See “Disabled Drivers/Passengers” ..................... 14

5.7. Breakdown Organisations ......................................................... 14

5.8. Broken Down Vehicles: (Also see “Vandalised Vehicles”) ......... 15

5.9. Builders / Tradesmen ................................................................ 16

5.10. Bus Stops .................................................................................. 16

5.11. Care Organisations ................................................................. 16

5.12. Cars for Sale/Hire: ................................................................. 17

5.13. Challenge against Issue of PCN ............................................... 17

5.14. Challenges / Representations Accompanied by Payment .......... 17

5.15. CEOs’ Pocket Book / Notebook ............................................... 17

5.16. Clamping & Removal ............................................................. 18

5.17. Contracted Out Enforcement .................................................. 18

5.18. Council Officers on Duty & Members: ................................... 18

5.19. Court Attendance – Defendants: ........................................... 18

5.20. Court Attendance – Jury Service or Witness: ......................... 18
5.21. Dental / Doctors Appointments ................................................................. 19
5.22. Description of Vehicle – On PCN ................................................................. 19
5.23. Diplomatic Vehicles: .................................................................................. 20
5.24. Disabled Drivers/Passengers: ..................................................................... 20
5.25. Dispensations & Suspensions: ................................................................. 21
5.26. Double Parking ......................................................................................... 22
5.27. Drink Driving or Other Arrest .................................................................. 22
5.28. Dropping Off - Picking Up Passengers ...................................................... 23
5.29. Emergency Duties ...................................................................................... 23
5.30. Enforcement Agents (formerly known as Bailiffs) ...................................... 23
5.31. Estate Agents ............................................................................................. 25
5.32. Exempt Vehicles: ...................................................................................... 25
5.33. Fire-fighters on Call .................................................................................. 25
5.34. Footway Parking ....................................................................................... 25
5.35. Formal Representation against Issue of PCN ......................................... 25
5.36. Funerals: .................................................................................................. 26
5.37. Garages – Vehicles Left Unattended: ....................................................... 26
5.38. Glaziers: .................................................................................................... 26
5.39. Government Department Vehicles: .......................................................... 26
5.40. Hackney Carriages / Private Hire Vehicles (PHVs) .................................. 26
5.41. Hazardous Chemicals/Substances ............................................................ 27
5.42. Hiring Agreement ..................................................................................... 27
5.43. Holidays: .................................................................................................. 27
5.44. Suspended Bay .......................................................................................... 28
5.45. Residential Zone Parking using a Visitors Voucher: .................................. 28
5.46. Intervention in Challenge & Representation Processes by Members and other Officers .................................................................................. 28
5.47. Legislation: ............................................................................................... 29
5.48. Loading / Unloading ................................................................. 29
5.49. Location – Incorrect ............................................................... 29
5.50. Lost Keys: ............................................................................... 29
5.51. Medical Emergencies: .............................................................. 30
5.52. Mis-Spelling Of Owner’s Name: ............................................... 30
5.53. Mitigating Circumstances: ...................................................... 30
5.54. Mobile Phones: ....................................................................... 31
5.55. Motorcycle Bays: ..................................................................... 31
5.56. Motorist Claims of Feeling Unwell .......................................... 31
5.57. Motorist Not the Owner/Keeper, or Had Sold the Vehicle at the Time of the Contravention ............................................................... 31
5.58. Notice of Rejection or Acceptance of Formal Representation ........ 31
5.59. Observation Period – Prior To Issue Of PCN .............................. 32
5.60. Pay & Display Ticket Machines – Did Not Realise There Was One There: ................................................................. 32
5.61. Pay & Display Ticket Machines – Not Working .......................... 32
5.62. Pay & Display Tickets: ................................................................ 32
5.63. Penalty Charge Notice – Discount Period: .................................. 33
5.64. Penalty Charge Notice - Early Issue Of ..................................... 34
5.65. Penalty Charge Notice – Incorrect Vehicle Location .................. 34
5.66. Penalty Charge Notices – Removed from Vehicle / Not Received .... 35
5.67. Penalty Charge Notices – Time to Pay / Instalment Payments ........ 35
5.68. Penalty Charge Notice – Vehicle Driven Away Prior to PCN Being Served ................................................................. 36
5.69. Penalty Charge Rate .................................................................. 36
5.70. Plumbers, Electricians, Gas Fitters: .......................................... 36
5.71. Police Officers on Duty .............................................................. 36
5.72. Police Officer Gave Permission To Park ..................................... 36
5.73. Pregnancy – Parents with Young Children: .................................. 37
5.74. Previous Records of Parking Contraventions .............................. 37
5.75. Private Property ........................................................................................................... 37
5.76. Public Service Vehicles (PSVs) ................................................................................... 37
5.77. Public Utility Vehicles: ............................................................................................... 37
5.78. Registered Owner Liability .......................................................................................... 37
5.79. Residents' Parking (On-Street) .................................................................................. 38
5.80. Road Signs / Markings – Missing, Obscured or Broken ........................................... 38
5.81. Royal Mail and Universal Service Provider Vehicles: .............................................. 39
5.82. Security .......................................................................................................................... 39
5.83. Security Vans: ............................................................................................................. 40
5.84. Street Traders .............................................................................................................. 40
5.85. Suspended Bays: ......................................................................................................... 40
5.86. Tariff – Rises in Parking Charges not Publicised ...................................................... 40
5.87. Taxi Ranks .................................................................................................................... 40
5.88. Time/Date Calibration of Handheld: ............................................................................ 41
5.89. Unauthorised Movement of a Vehicle: ....................................................................... 41
5.90. Uniforms – CEOs: ....................................................................................................... 41
5.91. Vandalised Vehicle: .................................................................................................... 41
5.92. Vehicles Left Unattended To Gain Access: ................................................................. 41
5.93. Vehicle Stolen .............................................................................................................. 42
5.94. Visitor to Britain ........................................................................................................... 42
5.95. Voluntary Patient Transport Vehicles: ....................................................................... 42

6. DEFINITIONS: 42
6.46. Charge Certificate ....................................................................................................... 43
6.47. Debt Registration: ...................................................................................................... 43
6.48. Debt Registration – Notice of .................................................................................... 43
6.49. Dispensation ................................................................................................................. 43
6.50. Driver & Vehicle Licensing Agency (DVLA) ............................................................. 43
6.51. Goods – Definition of When Related To Loading / Unloading ... 43
6.52. Non-Fee Paying Enquiry & Response to DVLA – VQ4 & VQ5 ... 44
6.53. Notice to Owner (NTO) ... 44
6.54. Penalty Charge Notice (PCN) ... 44
6.55. Registered Owner ... 45
6.56. Suspension of Parking Bay ... 45
6.57. Traffic Enforcement Centre (TEC) ... 45
6.58. Traffic Penalties Tribunal (formally National Parking Adjudication Service): ... 45

7. ABBREVIATIONS 46
1. INTRODUCTION

Civil Parking Enforcement (CPE) means that the responsibility for enforcing the majority of on-street parking restrictions is the responsibility of the local traffic authority rather than the police. These procedures apply to all on-street parking restrictions where CPE powers have been adopted, with the exception of certain excluded roads, and to the Councils’ off-street car parks where Orders apply.

This document aims to:

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

The contents of the document are derived from:

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

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

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

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

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

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

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

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

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

**Double yellow lines**

along the edge of the road mean no waiting at any time. However, you may stop while passengers get into or out of the vehicle and to load and unload, **unless** there are also loading restrictions. There is no requirement to erect a sign for a permanent double yellow line restriction.

**Single Yellow Lines**

along the edge of the road mean you can't wait during the times shown on the adjacent sign.

However, you may stop while passengers get into or out of the vehicle and to load and unload, **unless** there are also loading restrictions.
Loading Restrictions
are shown by yellow lines on the kerb or at the edge of the
carriageway. They indicate that loading or unloading is prohibited
during the times shown on the signs.

Double yellow lines on the kerb mean no loading or unloading at
any time.

Limited Waiting Bays
are shown by bay markings and signs that indicate the maximum
amount of time that you may park in the bay.

Please take note of the 'No Return' information displayed on the
sign. This means that you are not permitted to return to the limited
waiting bay within the time specified. CEOs will log all vehicles
parked in limited waiting bays to ensure that they do not return to
the bay within the specified timescale. Vehicles returning to the
bay within the specified timescale will be issued with a PCN.

Bus Lanes
You must not drive or stop in a bus lane during its period of
operation. Taxis and cyclists are usually allowed to use bus lanes.

Loading Bays
are white 'bays' marked with the words 'Loading only' and a sign
with the white on blue 'trolley' symbol. A sign will show the times
when the bay can be used and whether loading and unloading is
restricted to certain types of vehicles. Vehicles may not park here if
they are not loading or unloading.

Bus Stop Clearways
You must not park in a bus stop clearway during its period of
operation. The period of operation will be shown on the adjoining
signage.

There are also Bus stands on the highway. Again, you must not
park on Bus Stands during the period of operation.
Taxi Ranks
You must not park in a Taxi Rank during its period of operation. The period of operation will be shown on the adjoining signage.

Parking Bays for Specific Use
You must not park in parking spaces reserved for specific users such as Doctors, Blue badge holders or residents, unless you are entitled to do so. Signs will indicate who is allowed to park and when the restrictions are in operation.

Pedestrian Crossing Zig-Zags
You must not park on a pedestrian crossing or in the area covered by the zig-zag markings. These markings are installed specifically to maintain pedestrian safety.

Parking on the Footway where permitted
In some locations it is permitted to park partly or wholly on the footway. There will be bay markings to show how the vehicle should be parked. To ensure that pedestrians are not obstructed vehicles parked even slightly farther onto the footway than shown by the bay markings may be issued with a penalty charge notice.

Always use the current version of the Highway Code.
3. PCN RECOVERY SYSTEM FLOW CHART

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

4. OBSERVATION TIMES

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

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

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

Discretion

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

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

<table>
<thead>
<tr>
<th>Code</th>
<th>Observation Time</th>
<th>Contravention</th>
<th>Charge Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>CV 10 mins*</td>
<td><strong>Parked in a restricted street during prescribed hours.</strong></td>
<td>Higher</td>
</tr>
<tr>
<td></td>
<td>PMC 5 mins*</td>
<td>The contravention occurs when a vehicle waits / is parked on single or double yellow lines during the prescribed hours of enforcement.</td>
<td></td>
</tr>
<tr>
<td>02</td>
<td>0 min</td>
<td><strong>Parking or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force.</strong></td>
<td>Higher</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when a vehicle waits / is parked on single or double yellow lines accompanied by a no loading ban signified by yellow kerb/carriageway markings during the prescribed hours of enforcement.</td>
<td></td>
</tr>
<tr>
<td>05</td>
<td>10 min grace plus 3 mins observation</td>
<td><strong>Parked after the expiry of paid for time</strong></td>
<td>Lower</td>
</tr>
<tr>
<td></td>
<td></td>
<td>This contravention occurs when a vehicle is seen to be parked in a pay and display bay after the expiry of the pay and display ticket, or not having a valid cashless parking event.</td>
<td></td>
</tr>
<tr>
<td>06</td>
<td>10 min grace plus 3 mins observation</td>
<td><strong>Parked without clearly displaying a valid pay &amp; display ticket or voucher</strong></td>
<td>Lower</td>
</tr>
<tr>
<td></td>
<td></td>
<td>This contravention occurs when a vehicle is seen parked in a pay and display bay without displaying a valid ticket or voucher.</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>5 min</td>
<td><strong>Parked in residents’ parking space or zone without clearly displaying a valid resident’s parking permit.</strong></td>
<td>Lower</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when a vehicle waits / is parked within the confines of a residents parking bay/space without a residents parking permit being on display within the vehicle.</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>5 min</td>
<td><strong>Parked in a permit space without displaying a valid permit.</strong></td>
<td>Higher</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when a vehicle waits / is parked within the confines of a permit bay/space, such as a doctors bay / space, without a valid parking permit being on display within the vehicle.</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>CV 10 min*</td>
<td><strong>Parked in a loading gap marked by a yellow line.</strong></td>
<td>Higher</td>
</tr>
<tr>
<td></td>
<td>PMC 5 min*</td>
<td>The contravention occurs when a vehicle waits / is parked in a loading gap which is marked by a yellow line. The yellow line will run between two marked bays such as residents or doctors.</td>
<td></td>
</tr>
</tbody>
</table>
permit bays. The two marked bays will only have single white markings to signify the end of each bay. If the end of the marked bays is signified by double white markings the yellow line between the bays is classed as a restricted street and a PCN will be issued for a 01 contravention.

<table>
<thead>
<tr>
<th>21</th>
<th>5 min</th>
<th><strong>Parked in a suspended bay/ space or part of bay/ space.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when a vehicle waits / is parked in any part of a suspended bay or parking space. The suspension will be signified by suspension signage such as a placard and/or cones, post and flags. The signage will be placed within the bay / space to be suspended if at all possible. If this is not possible the signage will be placed as close as is reasonably practicable to the bays / spaces to be suspended.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>22</th>
<th>5 min</th>
<th><strong>Re-parked in the same parking place or zone within one hour (or other specified time) of leaving.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when a vehicle returns to the same parking space within the specified time of leaving the space. This contravention can only be enforced when signage relating to the parking space clearly states that returning within the specified time is not permitted.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>24</th>
<th>5 min</th>
<th><strong>Not parked correctly within the markings of the bay or space.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when one or more wheels of a vehicle are seen to be parked outside of the markings of a parking bay / space. The fact that the wheels of the vehicle are parked outside of the markings of the parking bay / space means that other parts of the vehicle will be encroaching on the available room in adjacent bays / spaces or causing an obstruction</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>25</th>
<th>CV 10 min*</th>
<th><strong>Parked in a loading place during restricted hours without loading.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PMC 5 min*</td>
<td>The contravention occurs when a vehicle waits / is parked within an area / marked bay designated as a loading place without any loading/unloading activity being observed by the CEO.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>26</th>
<th>0 min</th>
<th><strong>Vehicle parked more than 50 cm (or other specified distance) from the kerb and not within a designated parking space.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when a vehicle waits / is parked more than 50cm from the kerbside and not within a designated parking space. This contravention is more commonly known as double parking.</td>
</tr>
<tr>
<td>Code</td>
<td>Duration</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>----------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>27</td>
<td>0 min</td>
<td><strong>Parked adjacent to a dropped footway.</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when a vehicle waits / is parked adjacent to a dropped footway. Drivers are not permitted to park their vehicles in a manner that will obstruct a dropped footway. A dropped footway often enables easier access to premises and also enables members of the public such as parents with pushchairs or prams, and wheelchair users to cross the carriageway more easily.</td>
</tr>
<tr>
<td>30</td>
<td>3 min</td>
<td><strong>Parked for longer than permitted.</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when a vehicle waits / is parked within a free parking bay / space for longer than is permitted. Adjacent signage to the bay / space informs the driver of the vehicle exactly how long they may park for free.</td>
</tr>
<tr>
<td>40</td>
<td>0 min</td>
<td><strong>Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge.</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when a vehicle waits / is parked within a designated disabled person's parking bay / space without clearly displaying a valid disabled person's badge. A PCN may be issued for this contravention for the following reasons:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No valid disabled person's badge is observed in the vehicle</td>
</tr>
<tr>
<td></td>
<td></td>
<td>If the disabled person's badge is illegible / obscured.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The disabled person's badge has expired.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>If the clock that accompanies a disabled person badge is not displayed along with the badge (where there is a limit on the amount of time that the badge holder may park).</td>
</tr>
<tr>
<td>42</td>
<td>0 min</td>
<td><strong>Parked in parking place designated for police vehicles.</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when a vehicle waits / is parked within any part of the markings of a designated police bay.</td>
</tr>
<tr>
<td>45</td>
<td>0 min</td>
<td><strong>Parked on a taxi rank.</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when a vehicle waits / is parked within any part of a taxi rank. Taxi ranks are clearly distinguished by the yellow carriageway markings surrounding the rank and the word ‘taxi’. Adjacent signage will state the maximum number of taxis that may wait on the rank.</td>
</tr>
<tr>
<td>46</td>
<td>0 min</td>
<td><strong>Stopped where prohibited (on a red route or clearway).</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when a vehicle waits / is parked on any part of a clearway. Distinguished by signage visible when entering the clearway.</td>
</tr>
<tr>
<td>47</td>
<td>0 min</td>
<td><strong>Parked on a restricted bus stop/stand.</strong></td>
</tr>
</tbody>
</table>
The contravention occurs when a vehicle waits / is parked within any part of a restricted bus stop/stand. Bus stops / stands are clearly distinguished by the yellow carriageway markings surrounding the stop / stand and sometimes the words ‘bus stop’ or ‘bus stand’ within the markings. Signage adjacent to the bus stop / stand will display the prescribed hours of enforcement.

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>61</td>
<td>0 min</td>
<td><strong>A heavy commercial vehicle wholly or partly on a footway, verge or land between two carriageways.</strong></td>
<td>Higher</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when one or more wheels of a vehicle over 7.5 tonnes waits / is parked on a footway, verge or land between two carriageways. Heavy commercial vehicles parked on the footway can endanger members of the public by forcing them to walk in the carriageway. The weight of these vehicles also results in damage to the footway occurring.</td>
<td></td>
</tr>
<tr>
<td>62</td>
<td>0 min</td>
<td><strong>Parked with one or more wheels on any part of an urban road other than a carriageway (footway parking)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when a vehicle waits / is parked on an urban road with one or more wheels resting on a footway, land between two carriageways, grass verge or space.</td>
<td></td>
</tr>
<tr>
<td>99</td>
<td>0 min</td>
<td><strong>Stopped on a pedestrian crossing and/or crossing area marked by zig-zags.</strong></td>
<td>Higher</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when a vehicle waits / is parked on a pedestrian crossing and/or crossing area that is marked by zig-zag markings. Parking near to or on pedestrian crossings endangers the lives of pedestrians by obstructing their view and the view of approaching vehicles.</td>
<td></td>
</tr>
</tbody>
</table>

**Off-Street Contraventions (Car Parks)**

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>70</td>
<td>CV 10 min*</td>
<td><strong>Parked in a loading area during restricted hours without reasonable excuse.</strong></td>
<td>Higher</td>
</tr>
<tr>
<td></td>
<td>PMC 5 min*</td>
<td>The contravention occurs when a vehicle waits / is parked within an area / marked bay designated as a loading area without any loading/unloading activity being observed by the CEO.</td>
<td></td>
</tr>
<tr>
<td>73</td>
<td>10 min Grace Plus 3 min observation</td>
<td><strong>Parked without payment of the parking charge</strong></td>
<td>Lower</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when a vehicle waits / is parked without payment of the relevant parking charge. The parking charge will be clearly displayed on signage within the Car Park.</td>
<td></td>
</tr>
<tr>
<td>74</td>
<td>0 min</td>
<td><strong>Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when</strong></td>
<td>Higher</td>
</tr>
</tbody>
</table>
prohibited.  
The contravention occurs when a vehicle waits / is parked in a parking place within a car park and the vehicle is being used in connection with the sale or offering or exposing for sale of goods. This contravention can only be enforced when signage relating to the parking place clearly states that using the vehicle for this purpose is not permitted.

<table>
<thead>
<tr>
<th>80</th>
<th>10 min Grace Plus 3 min observation</th>
<th>Parked for longer than maximum period permitted.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when a vehicle waits / is parked within a free parking bay / space for longer than is permitted. Adjacent signage to the bay / space informs the driver of the vehicle exactly how long they may park for free.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>81</th>
<th>0 min</th>
<th>Parked in a restricted area in a car park.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when a vehicle waits / is parked in a clearly marked restricted area within a car park. There will be surface markings and adjacent signage to signify the restricted area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>82</th>
<th>10 min Grace plus 3 min observation</th>
<th>Parked after the expiry of time paid for in a pay &amp; display car park.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when the pay and display ticket seen inside a vehicle shows that the time paid for has expired.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>83</th>
<th>5 min</th>
<th>Parked in a pay &amp; display car park without clearly displaying a valid pay &amp; display ticket**.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when a clearly displayed pay and display ticket cannot be seen inside a vehicle parked in a pay and display car park.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A PCN may be issued for this contravention for the following reasons:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No pay and display ticket can be seen inside the vehicle.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The details on the pay and display ticket are illegible / obscured.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The pay and display ticket on display is face down resulting in no details being visible to the CEO.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The pay and display ticket has fallen onto the floor of the vehicle resulting in no details being visible to the CEO.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>84</th>
<th>0 min</th>
<th>Parked with additional payment made to extend the stay beyond time first purchased.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when another pay and display ticket has been purchased and subsequently displayed in the vehicle resulting in the vehicle being parked in the same parking bay / space after the expiry time of the first pay and display ticket</td>
</tr>
<tr>
<td>Code</td>
<td>Min</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>-----</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>85</td>
<td>10</td>
<td><strong>Parked in a permit bay without clearly displaying a valid permit.</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when a vehicle waits / is parked within the confines of a permit bay/space within a car park without a parking permit being on display within the vehicle.</td>
</tr>
<tr>
<td>86</td>
<td>0</td>
<td><strong>Parked beyond the bay markings.</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when one or more wheels of a vehicle are seen to be parked outside of the markings of a parking bay / space within a car park. The fact that the wheels of the vehicle are parked outside of the markings of the parking bay / space means that other parts of the vehicle will be encroaching on the available room in adjacent bays / spaces.</td>
</tr>
<tr>
<td>87</td>
<td>0</td>
<td><strong>Parked in a disabled person’s parking space without clearly displaying a valid disabled person’s badge.</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when a vehicle waits / is parked within a designated disabled person’s parking bay / space within a car park without clearly displaying a valid disabled person’s badge. A PCN may be issued for this contravention for the following reasons: No valid disabled person’s badge is observed in the vehicle. If the disabled person’s badge is illegible / obscured. The disabled person’s badge has expired. If the clock that accompanies a disabled person badge is not displayed along with the badge (where there is a limit on the amount of time that the badge holder may park).</td>
</tr>
<tr>
<td>89</td>
<td>0</td>
<td><strong>Vehicle parked exceeds maximum weight and/or height permitted in the area.</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when a vehicle that is either too heavy or too high is seen to be waiting / parked within a car park. The height and weight restrictions for the car park will be clearly displayed on the entry signage to the car park.</td>
</tr>
<tr>
<td>90</td>
<td>0</td>
<td><strong>Re-parked within the specified time of leaving a bay or space in a car park.</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>The contravention occurs when a vehicle returns to the same parking bay / space in a car park within the specified time of leaving the parking bay / space. This contravention can only be enforced when signage relating to the parking space clearly displayed.</td>
</tr>
<tr>
<td></td>
<td>Time</td>
<td>Description</td>
</tr>
<tr>
<td>---</td>
<td>--------</td>
<td>------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>91</td>
<td>0 min</td>
<td><strong>Parked in an area not designated for that class of vehicle.</strong>&lt;br&gt;The contravention occurs when a vehicle is parked in an area of a car park that is not designated for that class of vehicle. An example of this would be where a car is parked in a motorcycle bay, or a motorcycle is parked within a cycle area.</td>
</tr>
<tr>
<td>92</td>
<td>0 min</td>
<td><strong>Parked causing an obstruction.</strong>&lt;br&gt;The contravention occurs when a vehicle waits / is parked within a car park in a manner that is causing obstruction to other users of the car park.</td>
</tr>
<tr>
<td>93</td>
<td>10 min Grace plus 3 min observation</td>
<td><strong>Parked in a car park when closed.</strong>&lt;br&gt;The contravention occurs when a vehicle waits / is parked in a car park outside of the car parks normal hours of operation.</td>
</tr>
<tr>
<td>94</td>
<td>10 min Grace plus 3 min observation</td>
<td><strong>Parked in a pay and display car park without clearly displaying two valid pay and display tickets when required.</strong>&lt;br&gt;The contravention occurs when a vehicle waits / is parked in a car park without two valid pay and display tickets being displayed in the vehicle. An example of this may be where a driver has to purchase two pay and display tickets at the same time - one pay and display ticket to park during the day, and a second pay and display ticket to park overnight.</td>
</tr>
<tr>
<td>95</td>
<td>0 min</td>
<td><strong>Parked in a parking place for a purpose other than the designated purpose for the parking place.</strong>&lt;br&gt;The contravention occurs when a vehicle waits / is parked in a parking place within a car park for a purpose other than that designated for the parking place. An example of this may be where a parking place within a car park is designated for the purpose of charging electronic vehicles yet a vehicle is parked in the designated space selling goods.</td>
</tr>
<tr>
<td>96</td>
<td>0 min</td>
<td><strong>Parked with engine running where prohibited.</strong>&lt;br&gt;The contravention occurs when a vehicle waits / is parked with the engine of the vehicle running within a car park where leaving the engine running is prohibited. Signage adjacent to the parking place will signify the restriction.</td>
</tr>
</tbody>
</table>

*CV = Commercial Vehicle - 10 min observation.<br>*PMC = Private Motor Car including estate cars – 5 min observation.<br>An ‘instant’ PCN may always be issued in circumstances where the CEO concerned has evidence,
5. SPECIFIC PROCEDURES

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

5.1. Abandoned Vehicles:

Where a vehicle remains parked, in a restricted area, for a period during which more than 3 PCNs are issued for the same contravention and the PCNs are not removed from the vehicle. The CEO will report the vehicle as potentially abandoned and it will be dealt with by the District Council’s abandoned vehicle section under the provisions of Refuse Disposal (Amenity) Act1978.

The following criteria will to help to identify Abandoned Vehicles:

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

Whilst the vehicle is being dealt with as potentially abandoned no further PCNs will be issued. Issued PCNs will be enforced against the registered owner of the vehicle in the normal way. The District Council and Police abandoned vehicles protocols shall apply and the CEOs and Police Officers will fulfil their agreed specified actions in respect thereof.

5.2. Bank Holidays – Restrictions Applicable:

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

It is only in designated parking bays (limited waiting, loading, shared use bays, pay & display etc.), that restrictions may be lifted on Bank Holidays. Reference should be made to the relevant signs and lines on the highway and kerbside.

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

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

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

5.4. Blocked Access:

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

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

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

5.5. Blocked Exit from a Parking Place:

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

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

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

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

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

5.7. Breakdown Organisations

Vehicles being used in conjunction with the repair or recovery of broken down vehicles will be exempt from the regulations as long as they can be seen to be actively involved in such.
Vehicles parked for long periods with no activity observed are subject to the same restrictions as ordinary motorists.

5.8. Broken Down Vehicles: (Also see “Vandalised Vehicles”)

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

1. Garage Receipt, on headed paper, properly completed and indicating repair of the alleged fault within a reasonable time of the contravention.
2. Till receipt for purchase of seemingly relevant spare parts purchased on or soon after the date of contravention.
3. Confirmatory letter from the RAC, AA or other similar motoring organisation.
4. Confirmation from the CEO that the vehicle was obviously broken down.

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

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

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

1. FLAT BATTERY:
   
a) The receipt for the purchase of a new battery or parts that could cause a flat battery (alternator, solenoid etc.), should be requested. The receipt should not pre-date the date of the contravention or postdate it by an unreasonable length of time.
   
b) In cases where it is alleged that the vehicle was bump/jump started and no other evidence received, the PCN should be enforced. (NB. Vehicles with automatic transmission cannot be bump started).
   
c) If no evidence is forthcoming, the PCN should be enforced.

Consideration should also be given as to how the vehicle became illegally parked in the first instance i.e. was it pushed from an unrestricted area or was it parked in contravention of a restriction before the breakdown occurred?

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

3. OVERHEATING:
a) All cases where it is claimed that the vehicle had overheated due to lack of water should be enforced unless it is directly attributable to a mechanical fault such as: broken fan belt, cracked radiator, burst hose, faulty water pump or thermostat. In such cases evidence of repair must be produced.
b) Overheating caused by heavy traffic or hot weather will not be accepted as a valid excuse.

4. **RUNNING OUT OF FUEL:**
   a) Unless this is due to a mechanical / electrical fault evidenced by repair all PCNs are to be enforced.

5.9. **Builders / Tradesmen:**

1. Waiting restrictions: Parking will only be allowed whilst loading / unloading of tools or materials are taking place. At all other times the vehicle must be moved to a permitted parking area or a dispensation obtained if appropriate.
2. On-Street Residential Parking Zones: Trade vehicles can only park if they are loading/unloading, have a valid visitor’s voucher, have a business parking voucher or waiver or where limited waiting is allowed without a voucher – there will be a need to check the signs to determine how long the vehicle can be parked for. If a visitor voucher is not available for any reason the tradesman may apply to the appropriate Council for a dispensation.

5.10. **Bus Stops:**

Bus stops can either be restricted or unrestricted:

1. Restricted: A restricted bus stop will show yellow lines and a time plate showing the hours of operation.
2. Unrestricted: An unrestricted bus stop will not have a time plate but may show advisory road markings.
   A bus stop restriction cannot be transferred to a temporary bus stop unless the Temporary bus stop is fully signed in accordance with the regulations. PCNs issued to any vehicle, other than buses, waiting in a restricted bus stop should be enforced.

5.11. **Care Organisations:**

Numerous care organisations are operating within Gloucestershire. Each will often display badges issued by the various organisations but, due to the variety of badges in circulation none are recognised by the Gloucestershire Councils as valid authority to park.

Parking on Yellow Lines: Carers are not exempt from yellow line restrictions and must not contravene them. No dispensation will be issued to carers to enable them to park on a yellow line except in a medical emergency in which case the PCN may be cancelled after consideration of the evidence available.
5.12. Cars for Sale/Hire:

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

5.13. Challenge against Issue of PCN:

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

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

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

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

5.14. Challenges / Representations Accompanied by Payment:

The Council states that members of the public can either pay or challenge the PCN but cannot do both. Where members of the public submit a challenge or representation accompanied by payment, payment will be accepted and the case closed. We will write to you to confirm and explain this. Payment must be in full and for the required amount. Only under exceptional circumstances will the Council apply discretion to consider a challenge or representation which is accompanied by payment. In these exceptional situations, payment will be held until the case is considered. If the challenge or representation is successful payment will be returned with a statement explaining the reasons why the decision was made. If the representation is rejected, we will accept payment, close the case and write to you.

5.15. CEOs’ Pocket Book / Notebook:

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

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

5.16. **Clamping & Removal:**

The Council has the power to clamp and subsequently remove vehicles parking in contravention of parking restrictions. However, it is not the intention, at this time, to carry out clamping or removal in Gloucestershire although this decision may be reviewed in the future.

5.17. **Contracted Out Enforcement**

The Council has chosen to contract out the enforcement duties and complaints against CEOs will be referred to the contract manager for investigation. If the complaint is made to the council it will be the council that responds to the complaint after the matter has been fully investigated. If there is a need for this matter to be investigated within a disciplinary process the contractor will follow their own internal procedure and advise the council of the outcome. A contractor must have in place a fair disciplinary procedure in line with current employment and equal opportunities legislation.

5.18. **Council Officers on Duty & Members:**

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

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

5.19. **Court Attendance – Defendants:**

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

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

5.20. **Court Attendance – Jury Service or Witness:**

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

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

5.21. Dental / Doctors Appointments:

If the claim is made that, due to a delay in the appointment time or that treatment took longer than anticipated and this resulted in a PCN being issued for overstaying the parking time allowed, consideration should be given to the validity of the claim. Such claims should be supported by written confirmation from the dentist or doctor that the delay was caused for reasons outside of the driver’s control.

However, the Council must be satisfied that the driver allowed long enough when deciding where to park or when purchasing a ticket for normal delays experienced whilst attending such appointments.

5.22. Description of Vehicle – On PCN:

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

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

2. Incorrect colour: If the colour is incorrectly recorded consideration should be given to cancellation of the PCN as follows:
   a) Widely differing Colours: A blue car recorded as red car can obviously not be explained, and consideration should be given to cancellation of the PCN. This error may, however, indicate a re-spray not advised to DVLA. If the colour recorded by the CEO is backed up by photographic evidence taken at the time of the alleged contravention, we will proceed with enforcement, even if DVLA records show a different colour for the vehicle.
   b) Similar Colours: Similar colours are often mistaken for each other especially in poor light. Many metallic colours can be seen differently by different people i.e. Silver as Blue, Black as Grey. Solid colours such as white differ widely from model to model and can be seen as Cream. Many blues can be seen as green and vice-versa. Where there is a close relationship between the colours then the PCN should be pursued.
3. **Incorrect make:** Although many manufacturers produce different models that look very similar it would be very difficult to enforce a PCN issued to a Vauxhall which turned out to be a Ford. The CEO will check the tax disc of the vehicle before issuing a PCN. This should show the correct make of vehicle. If a subsequent tax disc check is irreconcilable we may consider cancelling the PCN.

5.23. **Diplomatic Vehicles:**

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

PCNs issued to ‘D’ and ‘X’ plate vehicles should automatically be cancelled upon input to the processing system although, should the driver subsequently decide to make payment, it will be accepted.

5.24. **Disabled Drivers/Passengers:**

Blue badges are issued to either a disabled driver or a disabled passenger. They can only be used when the vehicle is being used to transport the disabled person. It is not permitted to use the badge for any other purpose e.g. shopping for the disabled person when they, themselves, are not being transported in the vehicle to carry out the shopping. Blue badges must be clearly and properly displayed whilst the vehicle is parked. The Blue badge must be on the dashboard or the fascia of the vehicle where it can be seen through the windscreen. The front of the badge must be displayed, with the wheelchair symbol visible. If there is no fascia or dashboard in the vehicle, the badge must be displayed in a prominent position. The Blue badge should always be displayed along with the disabled badge time clock.

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

Providing the Disabled Badge is clearly and properly displayed the Badge Holder can park in:
- Limited parking areas: For a period not exceeding hours.
- Yellow Lines: For a period not exceeding 3 hours.
- Resident Parking Zones: In accordance with the relevant Traffic Regulation Order.

Disabled Badge Holders are not allowed to park in:
• Any area where there is a loading restriction.
• Any area specifically reserved for other vehicles or purpose i.e. Taxi Ranks, reserved spaces in car parks, Bus Stops or Goods vehicle loading bays etc.

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

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

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

5.25. Dispensations & Suspensions:

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

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

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

Dispensations may be granted for other reasons.

SUSPENSIONS: Designated parking bays, on or off-street, may be suspended.

Suspension of bays in off-street car parks need to be discussed with the appropriate District Council and a charge for the suspension will be made on a commercial basis.

5.26. Double Parking:

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

5.27. Drink Driving or Other Arrest:

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

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

5.28. Dropping Off - Picking Up Passengers:

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

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

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

5.29. Emergency Duties:

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

2. Medical Emergency: Doctors, nurses, midwives engaged on emergency duties are, wherever possible, expected to park legally in accordance with local restrictions. Should a PCN be issued it will be cancelled only upon evidence of the emergency being provided. Regular or programmed visits will not be considered an emergency.

3. Non-Liveried Vehicles such as private vehicles being used by the Councils’ staff. Such vehicles are, wherever possible expected to park legally in accordance with local restrictions. Should a PCN be issued it will be cancelled only upon evidence of the emergency being provided. Regular or programmed visits will not be considered an emergency.

5.30. Enforcement Agents (formerly known as Bailiffs):

Enforcement Agents, as agents of the court, are court officers. Of the many functions they perform, executing warrants is one that is likely to concern us most. These are court orders for the collection of money and/or goods of sufficient value to produce the required amount.

Following the adoption of the Tribunals Courts and Enforcement Act in 2007 (the TCE Act) the Taking Control of Goods Regulations 2013 (the TCoG Regulations) will took effect from the 6th of April 2014 which, along with other statutory changes, is intended to have a dramatic effect on the way debts are recovered by Local Authorities across England and Wales.

The legislative changes were introduced because of a desire for a modern, single piece of “bailiff law” to cover all types of enforcement of debts; this follows pressure from the Law
Commission and others, leading to the Beatson Report in 2000 and further consideration by working groups convened by the Ministry of Justice (MoJ).

The Human Rights Act 2010 requires that any interference with anyone’s home and possessions be backed by a law that is “accessible and precise”. At the time of writing this briefing paper some regulations are still to be published, for example the Certification and “Transitionary” Regulations.

The term Bailiff now falls out of use and for the first time Bailiffs, now Enforcement Agents are required to be trained and “certificated”.

The new process is intended to:

a. Control “aggressive bailiffs”.

b. Empower and incentivise creditor and enforcement agents to collect with minimum of doorstep confrontation.

c. Simplify and standardise the law so debtors are not confused.

d. Simplify and standardise the fees charged to achieve consistency and transparency within the industry

e. Retain a principal of enforcement by being able to remove and sell goods

The new process will;

a. Create three distinct stages of debt recovery/enforcement, each with a “once only” charge

b. The Compliance stage - £75

c. The Enforcement Stage - £325

d. The Taking Control of Goods stage - £101

Charges are made at the start of each stage, and the Compliance Stage charge is levied for each individual debt (outstanding Penalty Charge Notice (PCN)), although subsequent charges can be combined over multiple debts.

Change/simplify some terminology

a. Bailiffs become Enforcement Agents (EA) (Enforcement Agents must now be Certificated – this is the first time that there has been a statutory requirement for bailiffs/EAs to be qualified)

b. Levying Distress becomes Taking Control of Goods (TCoG)

c. Walking Possession agreement becomes a Controlled Goods agreement.(CGA)

The new regulations introduce new powers over debtor’s goods. Goods are now “bound” to the debt at the time the debtor is first contacted and before an EA visits and a Debtor should not dispose of them. For local taxation debts etc this binding occurs when Notice of Enforcement (the first letter from an Enforcement Agent) is received, for Parking Debts the goods are Bound when the instruction (Warrant) is first sent to the EA.

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

5.31.  **Estate Agents:**

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

5.32.  **Exempt Vehicles:**

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

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

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

5.34.  **Footway Parking:**

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

1. Parking partially or wholly on a footway should not take place unless signs permit it.
2. Driving on the footway and obstruction of the footway are endorsable offences and may be enforced by the Police.
3. Most waiting and loading restrictions cover the relevant half of the highway – Centre line to boundary and this includes all footways and verges. A PCN will be issued for contravention of the restriction even if the vehicle is parked wholly behind the yellow line(s).
4. The following vehicles are exempt from any such prohibition only under the circumstances indicated:
   - Marked Vehicles used by Police, Fire and Rescue Service and Ambulance services whilst carrying out emergency duties.
   - Vehicles used for Street / Street Light cleaning and Refuse Collection providing that they are actively involved in the function.
   - Vehicles actively involved in works or maintenance of highway or public utilities.
5. PCNs may also be issued as follows
   - HGVs parked on the footway.
   - Where a Traffic Regulation Order (TRO) specifically restricting parking on a footway exists.

5.35.  **Formal Representation against Issue of PCN:**

The owner of a vehicle is given the opportunity to make a Formal Representation against a PCN once the Notice to Owner (NtO) is sent to him/her by the enforcing Council. This
representation must be made within the period of 28 days beginning with the date of service of the NtO. Formal Representation may be made on the basis that either one or more of the regulatory grounds apply or that there were compelling reasons why in the particular circumstances of the case the PCN should be cancelled.

5.36. Funerals:

PCNs will not be issued in the case of:

- Funerals – For the hearse and cortege vehicles.

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

5.37. Garages – Vehicles Left Unattended:

When a garage employee parks a vehicle on a highway, in contravention of a parking restriction, whilst maintenance of the vehicle is being carried out (i.e. to facilitate vehicle movement within the workshop) any PCN issued will be the responsibility of the vehicle owner. Garages have no right to utilise the highway in such a manner and PCNs should always be enforced in such cases.

5.38. Glaziers:

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

5.39. Government Department Vehicles:

Unless the reason for parking the vehicle was under exceptional circumstances PCNs issued to vehicles owned or operated by Government Departments should be enforced. They are not exempt purely by virtue of the fact that they are operated by a Government Department. If the vehicles are involved in exceptional activities such as surveillance by Customs & Excise or the Benefits Agency, evidence to support this in the form of a written statement from a senior manager on headed notepaper must be supplied. Wherever possible Government Agencies involved in such activities should be encouraged to give the appropriate Council advance notice and details if the vehicle(s) involved.

5.40. Hackney Carriages / Private Hire Vehicles (PHVs):

Hackney Carriages and Private Hire Vehicles operating within the County are licensed by the relevant District Council and carry a numbered license plate that must be displayed on the rear of the vehicle. There is a distinct difference between Hackney Carriages and Private Hire Vehicles (PHV). PHVs are not allowed to ply for hire on the street or display a "TAXI" sign.
Hackney Carriages licensed by local authorities are not allowed to ply for hire within another local authority area. Hackney Carriages and PHVs, like all vehicles, may stop to allow passengers to board or alight for as long as is reasonably necessary for the purpose. It is not an exempted activity to assist passengers into premises and to leave the carriage unattended.

If a licensed Hackney Carriage or PHV is left unattended for more than 10 minutes it is liable to receive a PCN. When considering representations it should be borne in mind that when a Hackney Carriage or PHV is called to an address to pick up passengers the driver should be allowed time to announce his/her arrival.

(See also Taxi Ranks)

5.41. Hazardous Chemicals/Substances:

Claims by companies that toxic or dangerous substances were being delivered or collected from premises and, as a result, a PCN was issued to the vehicle being used should be given careful consideration. If the PCN was issued for contravention of a no waiting restriction it can be established from the CEO’s notes whether the activity of loading was taking place. If no loading activity was taking place the PCN should be enforced. There is no reason, in this case, to differentiate between toxic and non-toxic deliveries as it is the driver’s responsibility to ensure that the vehicle is moved immediately after the loading / unloading activity is complete. (See definition of Loading / Unloading). Ideally if there are serious Health and Safety concerns the authority should be notified prior to the delivery.

If the PCN was issued for contravention of a no loading restriction then, once again, the CEO’s notes should be viewed to establish whether the loading activity was taking place. If so then serious consideration should be given to the cancellation of the PCN in view of the Health & Safety of the public. Any such representation should be accompanied by documentary evidence showing the nature of the goods being delivered.

5.42. Hiring Agreement:

It is within the legislation that, in the case of a hired vehicle, responsibility for a PCN is that of the hirer of the vehicle at the time. Consequently, in this case, the responsibility does not rest with the registered owner, the Hire Company, providing they make formal representation to the Council once the Notice to Owner is received.

It would be helpful if a copy of the relative hire agreement is provided to confirm the identity of the hirer. In all cases this agreement must clearly state: The name and address of the hirer, the start and finish dates for the hire period and the hirer’s signature. It must also include a statement regarding the hirer’s liability for any PCNs incurred during the hire period.

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

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

- **Suspended Bay:**

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

### 5.45. Residential Zone Parking using a Visitors Voucher:

- It is sometimes the case that friends, holidaying together, will use one vehicle and the second vehicle is parked for the duration of the holiday. This occasionally results in a vehicle, belonging to a non-resident, being left in a Residential parking zone displaying a visitor’s voucher.
- Visitor’s vouchers are designed for genuine visitors to a resident’s property and are valid for one day only. Display of vouchers completed in advance is considered to be invalid and PCNs will be issued for this reason.
- The Councils consider these vehicles belong to people who are not genuinely visiting the residential property and, therefore, the PCNs will be enforced.

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

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

The process of dealing with challenges and representations against the issue of PCNs will therefore be carried out in a fair, unbiased and equal manner. These procedures include the ultimate right of all appellants to refer the matter to an independent arbitrator (Traffic Penalties Tribunal). To preserve the integrity of these procedures they will be managed and carried out by Council Officer not directly connected with the actual enforcement operations.
and no undue external pressure shall be brought, by either members of the Councils or other
senior officers, designed to unduly influence the decisions by virtue of their position alone.

5.47. Legislation:

The statutory acts governing parking enforcement are: The Traffic Management Act (2004)
and The Road Traffic Regulation Act (1984). If a driver is querying the legislation it should
be explained to him/her in simple terms. There is no need to supply specific reference unless
especially requested.

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

If the owner is querying the authority behind a specific restriction then reference should be
made to the relevant Traffic Regulation Order, held by the Council. Prior to any
correspondence with the owner this order should be checked to ensure the validity of the
PCN. If any doubt exists then the PCN should be cancelled and the decision communicated
to the owner. The Council is not able to provide any legal advice.

5.48. Loading / Unloading:

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

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

5.49. Location – Incorrect:

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

5.50. Lost Keys:

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

- If the vehicle was parked in a pay & display parking bay, did the loss of the keys prevent purchase of additional parking time?
- If the vehicle was parked on a yellow line, should it have been parked there in the first place?

5.51. Medical Emergencies:

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

5.52. Mis-Spelling Of Owner's Name:

The mis-spelling of the owner's name and/or address on the Notice to Owner does not invalidate it or discharge the liability of the person receiving it. The onus is still on the genuine owner to deal with the matter. Such names and addresses are, in most cases, obtained from the DVLA and are supplied by the owners themselves. It is also incumbent upon the owner to ensure that these are correct. If any mis-spelling is discovered then alterations must be made immediately to ensure that future notices are sent out correctly. When the mis-spelling is severe and is radically different from the correct spelling consideration should be given to the cancellation of the PCN.

5.53. Mitigating Circumstances:

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

1. DELAYS: Delays due to queues at shops, banks etc., meetings taking longer than expected, caught up in crowds etc., are not considered as valid reasons to cancel a PCN. Allowance should be made for such delays when purchasing parking time as they are a regular occurrence and part of normal life. (See emergencies below).

2. CHILDREN / ELDERLY PEOPLE: Claims are often made by people, accompanied by young children or elderly people, that they were delayed because of them. Again this should not be considered as a reason to cancel a PCN because allowance should be made for this when purchasing parking time. (See emergencies below). Claims that PCNs issued whilst children were being dropped-off or collected from schools etc., should not be cancelled unless a reasonable amount of time was not allowed by the CEO. The normal 5 minute observation period should be enough time in such circumstances.

3. EMERGENCIES: An emergency is an unforeseen situation that prevented the driver from moving his/her vehicle. They are usually of a medical nature and leniency should be exercised where it can be seen that the driver could not have foreseen the
situation. Wherever possible such claims should be supported by independent evidence.

5.54. **Mobile Phones:**

The driver of a vehicle that is parked in contravention of any parking regulation whilst using a mobile telephone will only be allowed the relevant observation period in order to complete their call prior to the issue of a PCN. The relevant observation period is dependent on the parking contravention being committed and the type of vehicle – whether it is a private or commercial vehicle. **See Section 4 – Observation Times**

5.55. **Motorcycle Bays:**

On-street motorcycle bays that are correctly marked and included in a Traffic Regulation order will be enforced under CPE using the correct contravention code and suffix. If a car or goods vehicle is parked in a motorcycle bay and the relevant exemptions do not apply the PCN will be enforced.

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

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

**See also Medical Emergencies**

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

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

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

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

31
Within 10 working days of receipt of a formal representation from the owner of the vehicle the enforcing Council will endeavour to send out a written Notice of Acceptance or Rejection:

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

2. Notice of Rejection: This formally rejects the representation and gives detailed reasons why the Council has come to this conclusion. The rejection is also accompanied with the necessary forms and instruction on how a further representation can be made to the independent Traffic Penalties Tribunal. – This representation must be made within 28 days beginning with the date of service of the notice of rejection (subject to extension as provide in the Regulations).

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

Prior to the issue of a PCN the CEOs will, for most contraventions, allow a period of at least 5 minutes for a private vehicle, 10 minutes for a commercial vehicle, to elapse between first observing the vehicle illegally parked and the issue of the PCN. The details of the vehicle will be entered into the CEO’s Hand Held Computer (HHC) when first seen and the computer will prevent issue of the PCN within 5 minutes of that time. However, if the CEO has evidence to suggest that no loading or unloading is taking place either by conversation with the driver or observation (such as the driver going into a betting shop, for example) an immediate penalty charge notice may be issued.

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

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

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

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

Where it is claimed that a machine is not working then reference must be made to both the maintenance records, the CEO’s notes and machine test records (machines are tested before every patrol). If it is confirmed that the machine was not working at the time then consideration will be given to cancelling the PCN. If there was an alternative machine in working order, and in close proximity, then it is reasonable to expect the driver to use this machine.

5.62. **Pay & Display Tickets:**

32
Pay & Display requires the purchase of a ticket at the time of parking for the amount of time required. All tickets display the expiry date and time on them along with the fee paid and car park. The tariff is clearly displayed at each machine. Pay & Display Tickets must be:

1. Clearly displayed whilst the vehicle is parked.
2. For the date shown.
3. Un-expired.
4. For the location indicated
5. For the vehicle indicated – where applicable.

PCNs will be issued for:

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

Representations made because the driver failed to correctly display a valid ticket even though one was held will not be allowed as it is incumbent upon the driver to ensure that the ticket is clearly displayed throughout the time that the vehicle is parked. Representations made because the driver did not have change will not be upheld.

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

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

5.63. Penalty Charge Notice – Discount Period:

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

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

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

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

1. To ensure that previous such claims have not been made by the same person. If there is a history of such claims the discounted period should not be restarted and the full amount paid.
2. To determine whether the information recorded by the CEO confirms that the PCN was attached to the vehicle.
3. To determine whether there is corroborating evidence that the PCN may have been removed illegally by third parties or otherwise.

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

5.64. Penalty Charge Notice - Early Issue Of:

Any claim that a PCN was issued before the time that a contravention is deemed to have been committed will require careful investigation. The issue of PCNs is controlled by handheld Computers carried by each CEO. These computers have in built clocks, which are calibrated each morning prior to commencement of the patrols. Where appropriate the CEO will impose a five-minute observation period for private vehicles, and a ten-minute observation period for commercial vehicles, prior to allowing a PCN to be issued. These times will appear on the PCN itself as “Time First Seen” and “Time of Issue”. The computer system will prevent any subsequent alteration to these times. The normal procedure is for a CEO to enter the observation details into the computer, then to continue with his/her patrol before returning to the vehicle to complete the issue of the PCN. In all cases a minimum of five/ten minutes must be allowed between observation and issue.

5.65. Penalty Charge Notice – Incorrect Vehicle Location:

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

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

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

The representation may be rejected if:

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

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

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

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

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

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

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

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

• Application must be in writing and will be responded to within 8 working days.
• The application must contain proposal for payment and be accompanied by any evidence supporting the claim of financial hardship.
• The Council’s response will signify acceptance or rejection of the proposal.
• A rejection will be accompanied by the Council’s counter proposal which will be the final offer based on:
  o Where the debt involves multiple PCNs the Council will expect the settlement of at least one per month.
  o Payments will be applied to the oldest PCN first thereby preventing the payment of discounted PCNs first.
o  Otherwise a minimum payment of £10 per week. Wherever possible payment to be made by post-dated cheques to be held by the enforcing Council for presentation on the due dates.

o  Non-payment of any cheque will result in enforcement action being recommenced and all un-banked cheques being returned to the drawer with a letter stating that the arrangement is cancelled.

o  Where payment by cheque is not available, payments by postal order or debit card will only be accepted at the Council's Parking Section.

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

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

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

5.69.  Penalty Charge Rate:

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

5.70.  Plumbers, Electricians, Gas Fitters:

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

Heavy Equipment: Deal with as loading / unloading.

5.71.  Police Officers on Duty:

PCNs should not be issued to marked police vehicles when on official duty. Requests for cancellation of any PCN issued to an unmarked police vehicle must be made by the officer's area Inspector or equivalent. They should contain confirmation that the officer was on official business and that it was inappropriate for the vehicle to be parked elsewhere.

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

5.72.  Police Officer Gave Permission To Park:
Where details of the officer concerned are given, confirmation should be sought prior to cancellation of the PCN. Where these details are not given then the PCN should be enforced unless they are supplied subsequently.

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

5.73. **Pregnancy – Parents with Young Children:**

Generally pregnancy is not considered to be a disability and delays caused by young children should not normally lead to the cancellation of a PCN. However, this is a sensitive area and each case should be treated on its merits. i.e. If the delay was short (up to 10 minutes) or was caused by a minor medical emergency, child being sick or pregnant women feeling unwell, leniency should be shown. If the delay was caused by the parent not allowing additional time enough to deal with young children or her own condition, both of which they are fully aware of, then the PCN should be enforced.

5.74. **Previous Records of Parking Contraventions**

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

5.75. **Private Property:**

Private landlords, residents etc can impose any reasonable restriction on their own property i.e. the need for permits, clamping etc. Enforcement of such restrictions, however, is also their responsibility although it may be subcontracted to other companies. Any person querying such an area should be referred to the relevant landlord or resident.

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

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

5.77. **Public Utility Vehicles:**

See “**Emergencies Duties**” & “**Exempt Vehicles**”

5.78. **Registered Owner Liability:**
The following extract from General Regulation 5 issued further to the Traffic Management Act 2004 outlines who is responsible for paying a penalty charge once issued:

‘Person by whom a penalty charge is to be paid

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

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

5.79. Residents’ Parking (On-Street):

The Council operates a system of “virtual” residents' parking permits and visitor vouchers. These can be purchased by telephone or via the internet. Details of all purchased permits and vouchers are held in the Enforcement Officers’ handheld machines enabling permitted vehicles to be identified.

In some parking zones non-resident vehicles can be parked for limited periods. The signage in these areas should be checked for the permitted duration. Unauthorised vehicles exceeding the permitted parking duration will be issued with a PCN.

5.80. Road Signs / Markings – Missing, Obscured or Broken:

1. Yellow Lines:
a) Where it is claimed that a yellow line(s) is worn away or has been covered by a highway repair the area should be immediately inspected and remedial work undertaken as soon as practicable.
b) Where weather conditions have obscured the lines (e.g. snow) then remedial action to clear the problem will be taken as soon as practicable.
c) If it is confirmed that the claim is valid the PCN should be cancelled. The claim will be considered valid if the motorist could not establish if the restriction considered was in operation. Where the lines can be clearly seen, even though they may be partially worn, the PCN will be enforced but remedial action to renew the lines should be undertaken.

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

3. Obscured Signs:
   a) Information signs accompanying waiting or loading restrictions must be clearly visible at all times. If it is claimed that a sign was obscured and could not be read (e.g. graffiti, weather, and overhanging trees) the sign should be inspected as soon as practicable and remedial action taken. Photographic records from the CEO will be consulted. If the claim is proved to be correct the PCN should be cancelled.
   b) If the sign can be easily read then the PCN should be enforced but the sign should be returned to reasonable condition as soon as is practicable.

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

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

5.81. Royal Mail and Universal Service Provider Vehicles:

Vehicles being used for the collection or delivery of postal packets are exempt from the regulations as long as they can be seen to be actively involved in such. Vehicles parked for more than 10 minutes with no activity observed are subject to the same restrictions as ordinary motorists and a PCN should be issued. Cancellation of a PCN will only be considered if written confirmation is received from the area manager that the vehicle was actively involved in the collection / delivery of mail.

5.82. Security:

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

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

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

5.84. **Street Traders:**

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

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

5.85. **Suspended Bays:**

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

Where a representation is received claiming that a vehicle was parked at the location without having received notice of the suspension and, upon investigation the claim is found to be valid the PCN should be cancelled, providing that a valid permit had been obtained. It is normally the case that the responsibility for ensuring a vehicle is parked in accordance with any possible suspension rests with the driver. However, it will be the registered owner of the vehicle who is responsible for paying any penalty charge notice issued to the vehicle.

However, when a vehicle is parked legally within a designated bay, which is subsequently suspended, it is deemed to be legally parked as it cannot be made illegal retrospectively by the suspension. Vehicles parked when the suspension was placed should be recorded at that time. The owner will have to demonstrate however that, if the vehicle remains parked in contravention of the suspension for a considerable time, (s)he remained unaware of the suspension (e.g. on holiday).

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

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

5.87. **Taxi Ranks:**

District Councils make orders for Hackney Carriage Ranks. A notice is displayed at each rank showing its limits, how many Hackney Carriages may stand on it and any special regulations applicable. Vehicles, other than Hackney Carriages, (including Private Hire Vehicles) parked in such ranks will be issued with a PCN. Any vehicle, including a Hackney
Carriage, parked outside of the rank and in contravention of a parking restriction will be issued with a PCN.

See also “Hackney Carriages / Private Hire Vehicles (PHVs)”

5.88. Time/Date Calibration of Handheld:

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

5.89. Unauthorised Movement of a Vehicle:

1. Stolen Vehicle: Confirmation from the police that the vehicle was reported stolen at the time the PCN was issued including the relative crime report number will result in the PCN being cancelled.

2. Unauthorised use of a vehicle by another family member or a friend is difficult to substantiate and under these circumstances the PCN should be enforced unless it can be demonstrated that the matter was reported to the police prior to or just after the issue of the PCN. Subsequent reports will not lead to the cancellation of the PCN.

5.90. Uniforms – CEOs:

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

In Gloucestershire the Civil Enforcement Officers’ uniforms will consist of the items specified in the Traffic Management Act and will comply with the requirement of BS 471:2003.

5.91. Vandalised Vehicle:

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

1. The Police – quoting the recorded crime number.

2. Motoring Organisation / Garage Service who removed the vehicle from site.

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

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

5.92. Vehicles Left Unattended To Gain Access:
When a driver has to collect a key to gain access to a property this should take no longer than 5 minutes and will be covered by the 5 minutes CEO’s observation time. In such circumstances vehicles should not be left for longer periods or in contravention of a total 'no waiting' or loading restriction. However, each case should be considered on its merits and extenuating circumstances taken into account.

5.93. Vehicle Stolen:

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

5.94. Visitor to Britain:

If a PCN is issued to a vehicle displaying foreign registration plates it should automatically be recognised by the processing system as the registration number will not be in DVLA format. Consideration should be given to cancellation of the PCN but, should payment be made then it should be accepted in the normal way. Equally all correspondence and representations should be dealt with in the normal way. If a PCN is issued to a UK registered vehicle, which has been borrowed or driven by a foreign resident, the PCN should be enforced against the owner(s) as they remain liable for it.

5.95. Voluntary Patient Transport Vehicles:

The display of a “Voluntary Patient Transport” placard does not automatically exempt the holder from parking restrictions. However, all representations or challenges against the issue of a PCN should be given due consideration bearing in mind that this is a voluntary service provided for the elderly and sick so that they can be transported to and from hospitals.

Generally such consideration should extend to:

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

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

6. DEFINITIONS:

The following are definitions of terms commonly used in conjunction with parking enforcement.
6.46. **Charge Certificate:**

A Charge Certificate may be issued:

1. 28 days beginning with the date on which the Notice to Owner (NtO) is served and no Formal Representation is made.
2. 28 days beginning with the date on which the Notice of Rejection to a Formal Representation is served where no appeal has been made to Traffic Penalties Tribunal.
3. 14 days beginning with the date that any appeal to Traffic Penalties Tribunal is withdrawn (i.e. withdrawn before hearing)
4. 28 days beginning with the date the rejection of an appeal by the TRAFFIC PENALTIES TRIBUNAL is served.

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

6.47. **Debt Registration:**

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

6.48. **Debt Registration – Notice of:**

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

6.49. **Dispensation:**

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

6.50. **Driver & Vehicle Licensing Agency (DVLA):**

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

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

6.52. Non-Fee Paying Enquiry & Response to DVLA – VQ4 & VQ5:

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

6.53. Notice to Owner (NTO):

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

6.54. Penalty Charge Notice (PCN):

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

The PCN will identify:

a) The date on which the notice is served;
b) The name of the enforcement authority;
c) The registration mark of the vehicle involved in the alleged contravention;
d) The date & time at which the alleged contravention occurred;
e) The grounds on which the civil enforcement officer serving the notice believes that a penalty charge is payable;
f) The amount of the penalty charge;
g) That the penalty charge must be paid before the end of the 28-day period;
h) That if the penalty charge is paid before the end of 14 days beginning with the date of service of the notice, the penalty charge will be reduced by the amount of any applicable discount;

i) The manner in which the penalty charge must be paid;

j) That if the penalty charge is not paid before the end of the 28-day period, a notice to owner may be served by the enforcement authority on the owner of the vehicle; and

k) That the person on whom the notice to owner is served will be entitled to make representations to the enforcement authority against the penalty charge and may appeal to an adjudicator if those representations are rejected; and

l) That, if representations against the penalty charge are received at such address as may be specified for the purpose before a notice to owner is served, -

   I. those representations will be considered;

   II. but that, if a notice to owner is served notwithstanding those representations, representations against the penalty charge must be made in the form and manner and at the time specified in the notice to owner.

6.55. Registered Owner:

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

6.56. Suspension of Parking Bay:

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

6.57. Traffic Enforcement Centre (TEC):

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

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

- An independent body supported by subscriptions from Local Authorities by means of a levy on each PCN issued.
- Once a formal representation against a PCN has been rejected the owner of the vehicle is given the opportunity to appeal to the Traffic Penalties Tribunal within 28 days of the rejection.
- Traffic Penalties Tribunal will review the case and make an independent decision as to the validity of the ticket based purely on its legality. The Traffic Penalties Tribunal will not take mitigating circumstances into account but will, realistically, expect a Local Authority to do this prior to the matter being sent to them. If they feel that mitigating circumstances do apply they will not uphold the appeal but will make their view known to the Local Authority.
• The Traffic Penalties Tribunal decision is final and binding on both parties but in certain circumstances a judicial challenge may be undertaken.
• To ensure that appeals are not upheld Local Authorities must have watertight cases as any element of doubt will be given to the appellant and the PCN cancelled.

7. ABBREVIATIONS
CEA Civil Enforcement Area
CEO Civil Enforcement Officer
CPE Civil Parking Enforcement
CPZ Controlled Parking Zone
CV Commercial Vehicle
DfT Department for Transport
DVLA Driver and Vehicle Licensing Agency
DYL Double Yellow Lines
ECN Excess Charge Notice
FCO Foreign and Commonwealth Office
FPN Fixed Penalty Notice
HA Highways Agency
HHC Hand Held Computer
HMSO Her Majesty’s Stationary Office
IHT Institute of Highways and Transportation
LTP Local Transport Plan
NoR Notice of Rejection
NtO Notice to Owner
NVQ National Vocational Qualification
NWAAT No Waiting At Any Time
P&D Pay & Display
PCN Penalty Charge Notice
PCSO Police Community Support Officer
PMC Private Motor Car
PNR Private Non-Residential
PSV Public Service Vehicle
RTRA 1984 Road Traffic Regulation Act 1984
SEA Special Enforcement Area
SYL Single Yellow Line
TEC Traffic Enforcement Centre (Northampton County Court)
TMA 2004 Traffic Management Act 2004
TPT Traffic Penalties Tribunal
TRO Traffic Regulation Order
VED Vehicle Excise Duty