

# **Cambridgeshire County Council**

## **Penalty Charge Notice (PCN) Case Manual.**

## **PCN MANUAL**

### **INTRODUCTION**

This manual is used as a reference by the Parking Enforcement Services Team and covers the majority of the circumstances that are dealt with when a customer makes a challenge or formal representation against the service of a PCN.

Detailed advice for handling challenges and formal representations is given in the PCN Processing Guide, and this manual is intended to supplement that guide, as well as forming the basis for individual decisions to be made.

This manual includes legal information and general information about each subject, together with notes regarding Adjudication cases where the Appeals Services have listed the cases as dealing with common or important issues that may offer useful guidance on similar cases. An explanation of the rulings in each case has been given where it is especially pertinent; otherwise the cases have been listed for guidance and referral if necessary. All Adjudication cases can be found on the PATAS/NPAS and the TPT web sites, [www.parkingandtrafficappeals.gov.uk/NPAS](http://www.parkingandtrafficappeals.gov.uk/NPAS) website, and [www.trafficpenaltytribunal.gov.uk](http://www.trafficpenaltytribunal.gov.uk). The cases are grouped into topics but can be accessed by features, including the case name.

This manual also indicates good practice and what the Parking Enforcement Services Team policies are on dealing with cases.

The Parking Enforcement Services Team are authorised to decide whether or not to serve a PCN. They also determine whether or not to pursue payment of a PCN. When they consider challenges or formal representations against PCNs they act in a quasi-judicial manner and nothing in this manual is intended to act as a definitive instruction on what action to take in all circumstances. The duty of the Parking Enforcement Services Team to use discretion may take precedence over any guidance given in this manual if the circumstances warrant the exercise of that discretion.

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## **BAILIFFS**

Bailiffs are agents of the Court and perform many functions. Executing Warrants is the function that is likely to require their vehicles to be parked for any length of time and this is when they are most likely to receive a PCN.

Warrants of Execution are Court orders for the collection of money or goods of sufficient value to produce the required amount. The bailiff will always have a vehicle nearby as they may have to remove goods from the property to cover the value of the warrant they are enforcing.

They do not need a vehicle nearby for their other activities i.e. if they are serving a summons or serving a Warrant (not actually enforcing it).

Bailiffs carrying out orders of the Court are not automatically exempt from any legislation however, when they are taking goods this will be covered under the loading exemption where the vehicle is parked on a waiting restriction. If the vehicle is parked in a location other than this, discretion will be exercised, where it appears reasonable.

Once a bailiff has seized goods, they have to be listed before the bailiff leaves the premises and this can take some time. In these circumstances they will be expected to provide a Warrant number identification, confirmation of the nature of the goods seized and the address from which they were taken before consideration can be given to cancelling the PCN.

Where it is known that extensive and time-consuming loading is to take place, a waiver should be applied for from the County Council in advance to cover parking.

Any situation that is not contained within these parameters is judged on its individual merits.

## **BANK HOLIDAYS – RESTRICTIONS APPLICABLE**

The following restrictions **only** are enforced on Bank Holidays.

- Single / Double Yellow Lines (and any associated loading restrictions)
- Disabled Bays
- Coach Bays and Bus Stop Clearways
- Taxi Ranks
- Off- Street Car Parks (normal tariffs apply)

## **BANK VISITS**

Claims from individuals or companies that money was being taken to or collected from the bank will not normally be accepted for cancellation of the PCN. Whilst it is appreciated that difficulty may be experienced when visiting banks, the normal loading/unloading, delivery & collection rules apply. (See section on delivering and collecting).

The value of the money involved is not a consideration in these circumstances however, if the vehicle is parked in a location that allows you to load or unload and the delivery or collection involves large amounts of coinage, the PCN may be cancelled if documentary evidence is provided that confirms that the quantity of coinage delivered or collected would have been heavy or bulky.

## **BANKRUPTCY/LIQUIDATION**

Any claim that an individual or company has been adjudged bankrupt or gone into liquidation should be supported by appropriate documentation. This is usually in the form of a letter from the liquidator handling the winding up of the company.

The liquidator will be appointed to handle the winding up arrangements and will be responsible for paying all creditors providing that there are sufficient assets. If the assets are insufficient, part payment of claims may be made.

A claim will be sent to the liquidator advising them how much the debt is for and providing proof of the debt (a copy of the Notice to Owner). The Parking Enforcement Services Team can only ask for the amount shown on the Notice to Owner.

The PCN will be put on an indefinite hold until a creditor meeting has taken place and further information is received from the liquidator.

## **BLOCKED ACCESS**

A motorist who claims that they were unable to gain access to their private or commercial property is not entitled to park in contravention of parking regulations and a PCN will be upheld.

An exception to this is when the driver has to collect the key before they can open a gate or a door. However, this should not take longer than is necessary and it is likely that they will have seen the Civil Enforcement Officer (CEO) and explained the situation. In which case, the CEO should have made the appropriate notes on the hand held computer or in the pocket book.

The Parking Enforcement Services Team has no authority to deal with obstruction unless a PCN can be served for another contravention. The police deal with obstruction but may not become involved where a driver is unable to get access to their property from the road

They will however usually take action where the driver is unable to move their vehicle from the property (i.e. from the garage or drive onto the road).

## **BROKEN DOWN VEHICLES**

A driver can challenge a PCN served but they will be expected to provide acceptable proof along the following lines: -

1. the vehicle had actually broken down
2. the nature of the breakdown
3. the breakdown was unavoidable
4. what action was taken to remedy the situation
5. when and by whom was the action taken

### **Removal of a Vehicle**

It should be noted that if a vehicle is broken down, the driver cannot leave it indefinitely before arranging for it to be removed. A reasonable time will be allowed for the vehicle to be removed. Consideration will also be given as to how the vehicle came to be parked in contravention before it failed to restart.

## **BUS LANES**

**This section has been included for future reference if needed.**

The Legislation allows for Local Authorities to serve a PCN by post to the owner/registered keeper of a vehicle seen in a bus lane.

The contravention is **being in a bus lane**, which means that Local Authorities can serve a PCN to any vehicle seen in a bus lane (stationary or moving). This is actually the first moving contravention that Local Authorities have been allowed to enforce.

The contravention is identified by camera and the PCN is served on the person or company notified by the Driver and Vehicle Licensing Agency.

There are, however, exceptions in the Traffic Regulation Orders, which allow for vehicles to be in a bus lane and these are listed below.

- A Bus (public service vehicle, school bus, work bus or a vehicle adapted to carry more than 8 passengers (excluding the driver)).
- A Pedal Cycle.
- A Taxi.
- A Dial-a-ride bus.
- To enable a person to get on or off a vehicle.

- To enable goods to be loaded on or from the vehicle.
- Any vehicle crossing the bus lane to get to or from any adjacent road or any vehicular access to premises adjacent to the bus lane.

**The regulations do not also apply in respect of a vehicle in a bus lane if the vehicle is being used in –**

- The service of a local authority for the purpose of refuse collection.
- The pursuance of any statutory duty of the Post Office for the purpose of collecting or delivering letters provided the vehicle bears the Royal Mail livery.
- In connection with the maintenance with the removal of any obstruction to traffic.
- In connection with the maintenance, improvement or reconstruction of any road.
- In connection with the maintenance, improvement or construction of any street furniture.
- In connection with any building operation or demolition.
- In connection with the laying, erection, alteration of any sewer, gas, electricity, water or telecommunications supplies.

**A vehicle may also be in a bus lane**

- To avoid an accident.
- To allow a person to get or give help in respect of an accident or emergency or take action for public safety.
- To comply with any requirement resulting from works or an emergency in any part of the road adjoining the bus lane.
- If the vehicle is being used for ambulance, fire brigade or police purposes.

**BUS STOPS**

PCNs will be served to vehicles waiting in a restricted bus stop and to buses that are not boarding and alighting.

**CABS AND MINI-CABS**

Taxis and private hire vehicles are permitted to board or alight passengers for as long as necessary for the purpose. There is not an automatic exemption for the driver to assist passengers into premises and leave the taxi or private hire vehicles unattended. If a licensed cab is left unattended a PCN may be served however, if mitigating circumstances are provided they will be treated on their own merits.

**COMPLAINTS AGAINST CIVIL ENFORCEMENT OFFICERS (CEOs)**

Formal, usually written, allegations that a CEO has made an error or served a PCN incorrectly will be dealt with by the Parking Enforcement Services Team who will investigate the matter and reply.

Any allegations of misconduct or rudeness will be taken seriously and the Parking Enforcement Services Team will liaise with the enforcement contractor and ensure a thorough investigation is carried out. At the conclusion a full reply will be sent to the customer once a full investigation has taken place.

Recorded complaints against CEOs enables issues to be identified and this also assists in monitoring the enforcement contractor and identifying training requirements.

## **CONTRAVENTION CODES AND DESCRIPTIONS**

### **APPENDIX A**

#### **HIGHER LEVEL CONTRAVENTIONS - ON STREET**

<b><u>Code</u></b>	<b><u>Description</u></b>
<b>1</b>	Parked in a restricted street during prescribed hours
<b>2</b>	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force
<b>12</b>	Parked in a residents' or shared use parking place or zone without clearly displaying either a permit or voucher or pay and display ticket issued for that place
<b>16</b>	Parked in a permit space without displaying a valid permit
<b>18</b>	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited
<b>21</b>	Parked in a suspended bay/space or part of bay/space
<b>23</b>	Parked in a parking place or area not designated for that class of vehicle
<b>25</b>	Parked in a loading place during restricted hours without loading
<b>40</b>	Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge in the prescribed manner
<b>45</b>	Parked on a taxi rank
<b>46</b>	Stopping where prohibited (on a clearway)
<b>47</b>	Stopped on a restricted bus stop/stand
<b>99</b>	Stopped on a pedestrian crossing and/or crossing area marked by zig-zags

#### **HIGHER LEVEL CONTRAVENTIONS - OFF STREET**

<b>74</b>	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited
<b>81</b>	Parked in a restricted area in a car park
<b>85</b>	Parked in a permit bay without clearly displaying a valid permit

<b>87</b>	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge in the prescribed manner
<b>89</b>	Vehicle parked exceeds maximum weight and/or height and/or length permitted in the area
<b>91</b>	Parked in a car park or area not designated for that class of vehicle
<b>92</b>	Parked causing an obstruction

### **LOWER LEVEL CONTRAVENTIONS - ON STREET**

<b><u>Code</u></b>	<b><u>Description</u></b>
<b>5</b>	Parked after the expiry of paid for time
<b>6</b>	Parked without clearly displaying a valid pay & display ticket or voucher
<b>7</b>	Parked with payment made to extend the stay beyond initial time
<b>19</b>	Parked in a residents' or shared use parking place or zone displaying an invalid permit, an invalid voucher or an invalid pay & display ticket
<b>22</b>	Re-parked in the same parking place within one hour* of leaving
<b>24</b>	Not parked correctly within the markings of the bay or space
<b>30</b>	Parked for longer than permitted
<b>63</b>	Parked with engine running where prohibited

### **LOWER LEVEL CONTRAVENTIONS - OFF STREET**

<b>80</b>	Parked for longer than the maximum period permitted
<b>82</b>	Parked after the expiry of paid for time
<b>83</b>	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock
<b>84</b>	Parked with additional payment made to extend the stay beyond time first purchased
<b>86</b>	Parked beyond the bay markings
<b>90</b>	Re-parked within one hour* of leaving a bay or space in a car park
<b>93</b>	Parked in car park when closed
<b>95</b>	Parked in a parking place for a purpose other than the designated purpose for the parking place
<b>96</b>	Parked with engine running where prohibited

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

CPZ signs are located on the entrance roads to a CPZ and inform a motorist of the days and times when the Zone is operational. The CPZ sign refers to all of the restricted parking within the Zone unless there is a sign or time plate adjacent to the line or bay giving different hours of operation. This would not however apply to double yellow lines, as there is no legal requirement for a sign. Double yellow lines are restricted to, 'No waiting at any time'. All motorists are expected to be aware of this as it is explained in the Highway Code.

There is no requirement for a separate time plate adjacent to the line or bay where the restriction is the same.

Any requests from drivers that a PCN should be cancelled on the grounds that they were unaware that they parked in a CPZ will be rejected unless there is evidence that the CPZ entry sign was missing, defaced or obscured.

## **COUNCIL OFFICERS ON DUTY**

Council vehicles must abide by the parking restrictions and a CEO will serve a PCN where contraventions occur.

Preferential treatment will not be given to Council vehicles, or to Council employees using their own vehicles for business purposes. If the driver is seen and claims to be a Council employee, the CEO will note this in their pocket book but this will not prevent the service of a PCN if the vehicle is contravening parking restrictions.

Liveried vehicles performing statutory functions are covered by an exemption, and this will include working on the highway. However, if there is no evidence to suggest that the vehicle is actively being used in pursuit of that function, a PCN will be served.

Emergency situations will be dealt with according to the circumstances and must be supported by a letter from the head of department

## **COURT DELAYS**

Any requests for cancellation of a PCN from police officers, solicitors, barristers, witnesses or members of the public who have been delayed because a court hearing was delayed or took longer than expected will not usually be allowed.

However, consideration will be given to a member of the public who appears in court and is unable to return to the vehicle because he or she has been sent to prison. In these circumstances the PCN may be cancelled provided that proof has been supplied.

## **DENTAL APPOINTMENTS**

If the claim is that an appointment was delayed or that treatment took longer than expected, consideration will be given to the time of the appointment and the time purchased upon arrival. It is not uncommon for appointments to be delayed and it is sensible for people to over-estimate rather than under-estimate the time required.

If an emergency situation arises or the patient has needed more extensive treatment than was predicted, documentary evidence from the dentist will be requested to confirm this so that consideration can be given to cancelling the PCN.

## **DIPLOMATIC VEHICLES**

PCNs will be served where vehicles contravene parking regulations and display diplomat plates (usually in the format of three numbers, followed by 'X' or 'D' and another three numbers).

Any request for cancellation of a PCN will be assessed on its own merits.

## **DISABLED DRIVERS/PASSENGERS**

People with mobility problems can be issued with blue disabled badges. In Cambridgeshire these can be obtained from the County Council subject to application criteria.

Blue badges issued by any other local authority (including other countries in Europe) are also valid.

Under the terms of the Blue Badge regulations, badge holders may park -

- In designated disabled parking bays.
- In on - street pay and display bays and resident bays without time limit subject to suspension of these bays (drivers should regularly check to see that bays are not suspended). Certain car parks may also offer designated blue badge spaces and/or allow limited free parking for badge holders.
- For up to 3 hours on a single or double yellow line with the badge correctly displayed (\*with expiry date externally visible) and the clock set to show the time of arrival, and where loading restrictions are not in force and where the vehicle is not causing an obvious obstruction. A PCN will be served if the time shown on the clock has been exceeded or the clock is not correctly displayed.

A PCN may be served where the blue badge is not properly displayed on the dashboard/windscreen so that the \*details can be easily seen by the CEO. The CEO must

make full notes of the manner in which the badge is displayed and should take a photograph.

Blue badge holders may not park -

- Where loading restrictions are in force.
- On bus stops.
- On school zigzag areas and pedestrian crossings (zebra, pelican, toucan and puffin crossings), including areas marked by zigzag lines.
- In taxi ranks.
- In a suspended bay
- Where it would cause an obstruction
- In a bay specifically reserved for other users e.g. motorcycle bay, loading bay, medical/doctor bay

Valid Blue Badge holders unsure of where parking is and is not permitted need to read the leaflet that accompanies a Blue Badge.

Where a CEO suspects that a blue badge is being used fraudulently they will ask to see the Blue Badge or, if the driver is not present they will make a detailed note of the circumstances and the badge details and ensure this information is passed to the Contract Monitoring Manager at the end of the shift.

'The Institute of Advanced Motorists' website details how, when and where to use the blue badge in Europe. This information is available by visiting [www.iam.org.uk/motoringtrust/advice/parking/bluebadgeusersparkingineurope.htm](http://www.iam.org.uk/motoringtrust/advice/parking/bluebadgeusersparkingineurope.htm)

If the relevant information on the Blue Badge is not legible from outside the vehicle or the Blue Badge is not clearly displayed, the PCN may be cancelled on the first occasion once confirmation is received that the Blue Badge is valid.

If a PCN is cancelled as a goodwill gesture, we may not cancel any further PCN's issued in similar circumstances unless there are mitigating circumstances where it could be advisable to exercise discretion.

A PCN may not be cancelled if a blue badge/vehicle are wrongly used (e.g. where an exemption does not apply).

## **DRINK DRIVING OR OTHER ARREST**

Where a CEO observes a vehicle parked in contravention they will serve a PCN. If it then transpires that the police had arrested the driver of the vehicle it will then be necessary for the driver to show:

- How and why the vehicle was parked/left in contravention
- What action was taken to move the vehicle as soon as was reasonably practicable.

In all case of arrest claims, the driver will be asked to provide documentary evidence from the Police that confirms the date, time and location of the arrest.

This also applies in cases where a person has been to visit a doctor or a hospital and is subsequently detained and sectioned under the Mental Health Act. The PCN may be cancelled after confirmation is received from the GP or doctor concerned.

### **EXEMPT VEHICLES**

The following vehicles are exempt from the regulations in all circumstances, provided that they are OBSERVED being used for their proper purpose, and ONLY PARKED IN CONTRAVENTION for as long as is reasonably necessary –

- Vehicles being used for fire brigade, police or ambulance purposes.
- A vehicle being used in the service of a local authority in pursuit of its statutory powers or duties, providing that it is necessary for the vehicle to park there.

The following vehicles are exempt in the circumstances shown below however, in all cases there should be evidence that the exempt activity is taking place and that the vehicle concerned is actively engaged in this activity.

If the CEO observes no exempt activity a Penalty Charge Notice will be served, and may be upheld unless acceptable evidence is provided to the Parking Enforcement Services Team.

- Post Office and other vehicles whilst engaged on the delivery or collection of postal packages.
- UTILITIES (E.G. Electricity Company, Gas Company, Thames Water Authority, British Telecom or other telecommunication companies) whilst engaged in laying or undertaking repairs to pipes or cables etc only on the public highway.
- ◆ Public Service vehicles, Transport bodies and other companies whilst waiting at an authorised stopping place, terminal or turning point.
- Furniture Removal vehicles whilst removing furniture
- Official vehicles being used in connection with a wedding or funeral.
- Vehicles engaged in building, excavating or demolition works in circumstances whilst the vehicle is actively in use for the purpose.
- Vehicles being used in connection with the removal of any obstruction to traffic.

Most exempt vehicles are Liveried, not private cars or vans, and the exemption does not automatically extend to contractor's vehicles unless specified.

There are other exemptions in the Traffic Regulation Orders that do not relate to specific vehicles, but apply to any vehicle in particular circumstances. These are;

- Where the driver is prevented from circumstances beyond THEIR control from moving the vehicle. (This obviously covers a vehicle breakdown, but may cover other circumstances too – each case will need to be assessed on its own merits).
- Where the vehicle needs to wait in order to avoid an accident.
- Where the vehicle is boarding or alighting passengers
- Where the vehicle is loading and unloading. (See section on loading and unloading).

Generally, Adjudicators have held that where a driver receives a PCN and is claiming an exemption from the restrictions, as listed above, the burden of proof rests with the driver and they should be able to produce evidence that supports this claim. If they can do so, the PCN will be cancelled. However, it is not always possible for a driver to produce proof and each case will need to be considered on its own merits.

## **FREEDOM OF INFORMATION**

We are committed to providing as much information as possible and publish our annual reports directly on our website. Any general parking related queries can be directed to the Contract Monitoring Team by contacting us directly on (01223) 727914 or via email at [parkingcontrol.cambridgeshire.gov.uk](mailto:parkingcontrol.cambridgeshire.gov.uk).

In some cases it may be necessary or you may wish to make a request under the Freedom of Information Act. The Freedom of Information Act provides rights of access to information held by public authorities.

The Council has a Publication Scheme showing what information it routinely makes available and you can request information referred to in the Scheme at any time. A copy of the Council's Publication Scheme in PDF is available on the County Council website and can be accessed along with further information on how to make a request by typing 'Freedom of Information' in the website search field.

If you have any questions please contact the Freedom of Information Officer on 0845 045 5200 or e-mail:- [foi@cambridgeshire.gov.uk](mailto:foi@cambridgeshire.gov.uk)

## **FUNERALS/WEDDINGS**

We recognise that weddings and funerals are important events in the local calendar. Only the official wedding cars (i.e. The Bridal party) are exempt whilst the wedding ceremony takes place. Similarly only the official hearse and any other car provided by the Funeral Director are exempt whilst the funeral takes place.

Visitors to either a funeral or a wedding should park in an appropriate parking place and not in contravention.

CEOs policing parking restrictions in the vicinity of a wedding or funeral will be available to give advice on the best parking arrangements and will provide a contact for the Parking Enforcement Services Team if there are any queries.

Vehicles are permitted to allow passengers only to embark/disembark.

## **GARAGES – VEHICLES LEFT FOR ATTENTION**

Whilst a PCN should be paid by the driver who left the vehicle in contravention of the regulations, if the driver does not pay, it then becomes the responsibility of the registered keeper and remains so.

If the registered keeper of the vehicle cannot get a garage to pay the PCN, the registered keeper is legally liable for the payment of the PCN and cannot claim they were not driving the vehicle at the time. Nor can they legitimately claim that the vehicle was in control of the garage at the time.

The PCN will be upheld however, the first that many drivers will know of a PCN is when they receive the Notice to Owner, and we may offer the discounted amount at this stage if representations are made.

The precedent case that determined the liability of garages and owners for PCNs is-

### *Francis –v- Wandsworth*

The High Court held that for a change of keeper to be effective for the purposes of transferring liability for payment of a Penalty Charge Notice, the change had to be of such a nature that the vehicle would be re-registered in the new keeper's name by the DVLA. This ruling was specifically regarding a case where an Adjudicator had held that a garage, which had a car at their premises temporarily for repairs, could be considered to be the legal keeper and so liable for any Penalty Charge Notices issued to the vehicle. The High Court decision overturned this decision and ruled that the vehicle owner remained liable, not the garage.

## **GLAZIERS**

For safety reasons, and the transportation of glass, glazier's vehicles will often need to be parked close to the premises on which they are working.

In cases where glazier's vehicles are parked adjacent to the premises, CEOs will observe if the glass is of a size e.g. shop window, which would warrant adjacent parking. Glaziers will be exempt from the regulations in these cases whilst the window is made safe/secure. Otherwise, the vehicle should be parked in an appropriate parking place in line with the restrictions in place.

In most cases, however, it is reasonable to assume that a waiver or a suspension should be obtained, particularly for all day pre-planned jobs, e.g. replacement windows.

## **GOVERNMENT DEPARTMENTS**

Unless evidence in the form of a letter on headed notepaper from a senior officer can be provided to confirm that the purpose for leaving the vehicle parked in contravention was in exceptional, circumstances the PCN will be upheld. The types of exceptional circumstances where discretion may be appropriate are; vehicles used for security purposes or vehicles used for observation and surveillance (mainly applicable to customs and excise).

It should be remembered, however, that government departments are not normally exempt from the parking restrictions.

## **HAZARDOUS CHEMICALS/SUBSTANCES**

Claims by companies that toxic or highly dangerous substances were being used in an emergency will be considered further once documentary evidence is provided to confirm this.

A waiver or suspension should be applied for if the work is not an emergency.

## **HIRING AGREEMENTS**

Where a company have made representations on the ground that they are a hire firm and have supplied details, the provisions relating to hiring agreements as contained in the Road Traffic (Owner Liability) Regulations 1975, will apply.

Where the hiring period is for a fixed period less than 6 months, the hiring agreement must contain the following information.

### **A. Particulars of the person signing the statement of liability**

- Full name
- Date of birth
- Permanent address
- Address at the time of hiring (if different from above)
- Details of driving licence - serial number or driver's number, issuing authority, expiry date.

### **B. Particulars of hiring agreement.**

- Registration number of the hire vehicle
- Make of hire vehicle

- Registration mark of any substitute vehicles
- Make of any substitute vehicles
- Time and date of commencement of hiring period
- Time and date of expiry of hiring period
- Time and date of commencement of any extension
- Time and date of expiry of any extension

In all cases the hirer must sign a statement of liability in respect of PCNs or which can be construed to apply to PCNs.

These provisions are mandatory and any failure to comply with all these requirements is fatal and the agreement is not then a proper “hiring agreement” within the terms of the Act. If the hire company fails to comply with these requirements, they become liable for payment of the PCN.

Where the hirer is a company or corporate body, it is not necessary to provide the driver’s date of birth or details relating to the driver’s licence.

The above requirements also apply to circumstances where a courtesy car is “loaned” to a driver.

It must be remembered that a computerised print out of the hire details is not acceptable.

Where the hiring/leasing period is in excess of 6 months, the hire company should clearly explain that the agreement is for a period exceeding 6 months. There is no obligation for the hire/leasing company to provide a copy of the hire/lease agreement, however, they are required to provide the name and address of the hirer/lessee together with the details of the period and term of lease including the date of commencement.

The points made above about the information to be included in a hiring agreement were outlined in the following Adjudication case –

*Autolease Ltd –v- London Borough of Barnet*

Other cases that confirm these requirements are –

*Global Transport –v- London Borough of Harrow*

*West Wallasey –v- London Borough of Hammersmith and Fulham*

*S F PLC –v- Sandwell Metropolitan Borough Council*

**Note** – although many hiring companies are reluctant to supply the agreement, and some Local Authorities do not require it, the Adjudicators have made it plain that Councils are entitled to see the agreement, with the particulars listed above, before they can transfer liability.

## **HOSPITAL VISITS**

In cases where the driver of a vehicle is claiming an emergency visit to a hospital, the PCN may be cancelled provided sufficient details have been provided and the emergency is considered by the Parking Enforcement Services Team to be genuine.

If the patient was admitted, confirmation will be sought in the form of a letter from the GP or the hospital (this is normally readily available).

Similarly, where a driver is visiting a sick relative as an emergency visit, proof of a similar nature will be sought.

It is important that the date(s) of the hospital visit/stay covers the date on which the PCN was served. If there is a discrepancy, the ticket may not be cancelled.

Where there is a pre-arranged appointment and the driver is claiming that they were delayed in returning to the vehicle, the PCN will be upheld, unless an emergency had developed during the appointment, in which case further evidence will be requested.

## **LOADING AND UNLOADING**

If a CEO considers a vehicle may be loading or unloading, then a minimum 5-minute observation time will be given before a PCN is served.

If during this time no activity is noted, the CEO will assume the vehicle is not involved in any loading or unloading activity. Loading/unloading may be allowed for commercial purposes or if the items/goods being loaded or unloaded are not easily portable. Loading and unloading of items/goods is considered to be taking the items/goods to and from the vehicle but does not cover paying for goods, packing, unpacking or assembly. Stopping to go to the toilet (except for a genuine medical emergency), for a conversation or for any other activity not involved in the actual moving of the items is also not considered part of the process.

By the end of this period the CEO must have seen some evidence of loading/unloading otherwise a PCN will be served.

Loading and unloading is permitted –

- On single or double yellow lines where a loading restriction is not in operation.
- In loading bays.
- Where there are no restrictions

Loading and unloading is not permitted –

- At bus stops, taxi ranks, on clearways where stopping is prohibited e.g. in doctor/hospital/ambulance bays.
  - Where kerb markings indicate no stopping, loading or parking restrictions.
  - On zigzag markings either on an approach/exit to a pedestrian crossing or outside a school.
  - In suspended bays.
  - In an area where parking is likely to cause an obstruction.
- 
- Some relevant Adjudication decisions are –
  - Jane Packer Flowers –v- Westminster City Council.
  - This is the definitive decision on loading and the information given above derives from this decision.
  - Norell –v- Westminster City Council (see section on ‘Footway Parking’)
  - Mr. H –v- Manchester City Council
  - Although the driver was loading and unloading, this activity did not include a period of over 10 minutes whilst printed material he was collecting was completed.
  - Mr. L –v- Oxfordshire County Council
  - The driver took a large bundle of washing to a launderette for a service wash. This was classed as loading and unloading, but he left the launderette to purchase some washing powder. This activity did not fall within the loading exemption.
  - Mr. B –v- Buckinghamshire County Council
  - Mrs B, who was pregnant at the time was collecting a helium cylinder, and required help from the proprietor loading it into the vehicle. She had to wait whilst the proprietor served another customer and was away from the vehicle for about 10 minutes. The Adjudicator accepted this was part of the collection process.

### **MIS-SPELLING OF OWNER NAME**

The Driver and Vehicle Licensing Agency supply the majority of the information regarding vehicle ownership. In view of this, the mis-spelling of a name and address on a Notice to Owner does not invalidate it nor does it discharge the liability of the person receiving it. The onus is still on the genuine owner to deal with the matter.

However, if a mis-spelling is discovered, it is essential that the owner details on the PCN processing system are changed to ensure that any further legal documentation that may be sent is correctly addressed. If, however, the mis-spelling is severe i.e. the correct name is radically different from the name shown, it will be more appropriate to cancel the PCN or amend the details and send another Notice to Owner.

## **MITIGATING CIRCUMSTANCES**

Every case will be treated on its merits however, some examples are shown below:

### **Delays**

Delays due to shop/bank queues, meetings taking longer than expected etc are not grounds for cancellation of a PCN. It is better to over-estimate the amount of time needed, rather than under-estimate and risk incurring a PCN.

If the delay was related to an emergency situation i.e. sudden sickness, stopping to assist in an emergency situation and any other such cases, a degree of leniency will be exercised however; we may request documentary evidence to confirm this.

### **Children**

Cases involving hospital, doctor's visits with sick children and delays due to sudden illness will be treated on their own merits.

### **Emergencies**

An emergency is an unforeseen situation, which prevented a driver from moving their vehicle. They are usually of a medical nature and leniency will be exercised where it is felt that the driver could not have foreseen the situation and had no chance to return to the vehicle.

There is an exemption for drivers who were unable to move their vehicle due to 'circumstances beyond their control. We will consider whether or not the circumstances fall into that category.

Where a driver makes a claim for cancellation on the grounds that either they or a passenger were taken ill or injured in any way, proof will be requested in the form of a letter from the GP/doctor. If the letter does not cover the date of the PCN, or it relates to a pre-arranged doctor's visit the ticket may not be cancelled. There may also be cases where it is clear from the proof submitted that the driver had been advised not to drive, and if this is the case, the PCN will be upheld.

People suffering from Crohn's disease or Colitis will be required to provide documentary evidence to confirm their medical condition. . If documentary evidence is received and it confirms that the person suffers from this medical condition the PCN will be cancelled.

Other urgent toilet visits will not normally permit cancellation of a PCN unless mitigating medical circumstances applied.

## **MOTORCYCLE BAYS**

Any vehicle other than a motorcycle is not usually permitted to park in a motorcycle bay for any purpose.

If a CEO serves a PCN for the contravention of being parked in a parking place or area not designated for that class of vehicle the PCN may not be cancelled.

Motorcycles may park free of charge in the motorcycle bays provided. If they park in a permit bay or in a pay and display bay, they must purchase a permit or pay and display ticket, as any other motorist would be required to do, and ensure that it is properly displayed.

CEOs will serve PCNs to any motorcycle not displaying a valid permit/pay and display ticket in these circumstances.

## **NOTICE TO OWNER (NtO)**

The service of a PCN by a CEO is a statutory process by virtue of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007, Part 2, Penalty Charges Regulation 9. Whilst the Act enables an enforcement authority to serve a PCN in respect of a decriminalised parking contravention, the Act also has a comprehensive appeals procedure and a Notice to Owner (NtO) is the start of the legal appeals procedure.

The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, Part 5, Enforcement of Penalty Charges, regulation 19 states that where a PCN has been served, if it has not been paid within 28 days, the enforcement authority concerned may serve a NtO on the person who they believe to be the owner of the vehicle on the date of the contravention. This is the first legal notice that the owner may have received concerning a PCN and hence further enforcement action also hinges on the dispatch and receipt of an NtO.

The NtO must state the following, which is mandatory:

- The date that the PCN was served
- The amount payable
- The grounds on which the CEO believed that a contravention had occurred.
- That the PCN must be paid before the 28 day period of the date on which the NtO was served.
- That failure to make payment may lead to an increased charge.
- The amount of the increased charge.
- That the person on whom the NtO is served may be entitled to make representations against the PCN.
- That the person may appeal against the authority's decision to an adjudicator within the permitted timescales.

Representations can only be made by the recipient of the NtO and must be received by the Council within 28 days of the NtO date. The Council may disregard any representations received outside this 28 day period.

Representations can be made on the following grounds:

- That the contravention never occurred
- The recipient never owned the vehicle in question, had ceased to be the owner before the date of the contravention or became the owner of the vehicle after the date of the contravention.
- That the vehicle had been taken without the OWNER'S/recipient's consent.
- That the recipient is a hire company and they have provided the name and address of the hirer
- That the penalty charge exceeded the relevant amount
- That there has been a procedural impropriety on the part of the enforcement authority
- That the relevant Order was invalid.
- The PCN has been paid

The grounds shown above are not exclusive and all representations will be considered, even where they do not appear to fit into any of the grounds given above.

When representations have been made on the ground that the recipient never owned the vehicle, had ceased to be the owner before the date of the contravention or became the owner after the date of the contravention, the recipient must give the name and address of the person who bought/sold the vehicle and the date of the sale purchase. The recipient should also provide proof in the form of a receipt for the sale or purchase or a copy of the DVLA registration form. In some circumstances the provision of a name and address may be all that is required. Where no evidence is supplied the representation may be rejected. If representations are made on the ground the recipient is a hire company and they have supplied details, they must give the name and address of the hirer, and enclose a copy of the hiring agreement and statement of liability.

There is one case that has clarified the legal position regarding owner liability, in a ruling that was issued by the High Court –

*Francis –v- Wandsworth*

The High Court held that for a change of keeper to be effective for the purposes of transferring liability for payment of a PCN, the change had to be of such a nature that the vehicle would be re-registered in the new keeper's name by the DVLA. This ruling was specifically regarding a case where an Adjudicator had held that a garage that had a car at their premises temporarily for repairs could be considered to be the legal keeper and so liable for any PCNs issued to the vehicle. The High Court decision overturned this decision and ruled that the vehicle owner remained liable, not the garage.

### **NtO RETURNED BEYOND PERMITTED PERIOD OF 28 DAYS FROM DATE OF SERVICE OF NOTICE**

The Traffic Management Act allows the recipient of an NtO a maximum of 28 days from the date of service of the Notice to make a formal representation to the enforcement authority.

We will not generally accept representations made beyond this time period; rare exceptions could include those instances where we are satisfied that circumstances beyond the recipients control may have prevented them from knowing earlier about the existence of the NtO/and or being able to respond within the permitted time period.

In any event we may disregard any notice received 84 days or more from the date of service of the Notice, regardless of the stated circumstances.

### **NtO COMPLETED AND RETURNED WHERE “OTHER GROUNDS” FOR REPRESENTATION BOX IS TICKED AND COMPLETED.**

Whilst there are no formal stipulated or specifically prescribed laid down grounds for completing this box we will consider any additional relevant information provided in the following circumstances: -

- Where it can be shown to our satisfaction that our enforcement action may have been discriminatory/not even-handed.
- Where there are genuine, proven and compelling medical circumstances that can be demonstrated to have contributed to the parking contravention occurring in the first instance or perhaps going unnoticed.
- Where some other wholly unforeseen event/situation of a necessary and/or emergency nature can be demonstrated to have contributed to the parking contravention occurring in the first instance or perhaps going unnoticed.

In any event we will require acceptable documentary evidence to support the “other grounds” for representation box, where it is ticked and properly and fully completed.

### **PATIENTS VISITING DOCTORS**

If a claim is made that the visit to the doctor was an emergency, involving either the driver or passenger, evidence will be sought unless sufficient proof has already been supplied.

If the appointment has been pre-arranged, or the visit is non-emergency, it will be treated in the same manner as visits to dentists.

## **PAY AND DISPLAY BAYS**

These are bays that are controlled by a pay and display machine, which will usually cover several bays in the road. Car parks may also be controlled by various types of pay and display machine. Although the types of machine may differ, the regulations regarding paying and displaying, whether on street or in a car park are generally similar.

A driver using a pay and display machine is required to have sufficient change available to get out of the car, walk to the machine, and insert coins. No time is allowed to go for change, and this precedent has been established and upheld in past adjudications.

The Traffic Regulation Orders usually require that the pay and display ticket be purchased in one operation (the driver cannot stay in the same bay and purchase a further ticket if they subsequently realise they have not paid enough, or wish to stay longer than allowed by the original ticket - 'meter feeding').

Where a driver has purchased two tickets due to a problem with the first ticket, such as coins not registering properly, providing that the total amount paid was sufficient to cover the length of time parked, the PCN may be cancelled.

A pay and display ticket must be clearly displayed in the vehicle so that it can be seen easily by a CEO.

If a PCN is served and a valid pay and display ticket is not produced covering the time the vehicle was parked, the PCN will be upheld.

If a valid pay and display ticket is provided, the PCN may be cancelled on the first occasion however, we may not cancel any further PCNs issued in similar circumstances.

### **Faulty Machines.**

Where a driver claims that a machine is not functioning properly, and maintenance records or the CEO notebook confirm this, the PCN will be cancelled.

If the maintenance records or the CEO notebook does not confirm this, the PCN may not be cancelled.

The Adjudication cases that apply to purchasing and displaying a ticket are –

#### *Baker –v- Westminster City Council*

The Adjudicator confirmed the requirement not just to purchase a pay and display ticket, but to display it properly on the vehicle.

#### *Mayor –v- London Borough of Camden*

It was confirmed that a driver cannot leave the vehicle to get change for the machine.

## **PLUMBERS**

### **Emergency call out**

It is considered that an emergency lasts only as long as it takes to turn off the mains supply, whether gas, water or electricity. The vehicle should then be moved to a permitted parking place before any subsequent repairs are performed.

Documentary evidence will be requested and the PCN will be treated on its own merits.

### **Heavy Equipment**

Claims that the vehicle had to be parked close to the emergency as it was carrying heavy equipment will be dealt with as loading and unloading.

Further consideration will be given to pump-out situations, where the pump-out equipment needs to be connected to a generator in the vehicle. CEOs will expect to see some related activity of the vehicle being used.

## **POLICE OFFICERS ON DUTY**

PCNs will not be served to marked police vehicles on duty, as they are covered by an exemption.

However, this does not apply unless the vehicle is being used in connection with operational police activities, e.g. a police vehicle parked outside a cafe or at a cash point, where the officers are seen to be purchasing food or getting cash is not covered by the exemption and a PCN may be served.

Many police officers use their own vehicles whilst on duty and in this case, the CEO will not be aware that the vehicle is being used on police business and may serve a PCN.

Any request for cancellation of a PCN should be submitted by way of a letter on official stationery and must be signed by a Chief Superintendent, or another senior officer.

The letter should certify that the vehicle was being used on police business and that it was unavoidable for the officer to park anywhere else. The nature of the business does not have to be disclosed.

The PCN will be cancelled on receipt of the appropriate signed form.

## **POLICE OFFICER/CEO GAVE PERMISSION TO PARK**

Where details of the officer's name or number are given, confirmation will be sought before the PCN is cancelled.

Where the driver gives no details, the PCN will not be cancelled and the driver will be advised that further details are needed in order to justify cancellation.

## **POST OFFICE VEHICLES**

Vehicles officially liveried as belonging to the Post Office, engaged in the delivery of postal packets are exempt and may load or unload where others are not permitted. However, CEOs will serve a PCN if they believe that such vehicles are not engaged in delivery. This exemption does not extend to Parcel Force vehicles.

## **PREGNANCY/MOTHERS WITH YOUNG CHILDREN**

If there was a minor medical emergency such as the child being sick, the case will be treated on its own merits.

Where the driver claims that the delay or reason to park in contravention was caused by pregnancy complications or other difficulties relating to the pregnancy, a letter of confirmation from the GP or hospital will be requested before cancellation is considered.

## **PRIVATE PROPERTY**

Parking on private property, which includes parking on Council housing estates, is not a matter for the parking section to deal with and civil enforcement officers do not enforce the regulations relating to such parking unless the area has been designated as an off-street car park.

Housing estates often have their own resident permit parking scheme and take action against people who park in the estate without a permit, such as clamping and removing vehicles. Drivers who have been clamped or removed should be referred to the appropriate housing office or enforcement agency once the address of the estate has been ascertained.

Telephone callers often do not realise that the estate is controlled by another Council department and assume that the parking department deals with all parking queries. It is therefore important to ascertain the location and ask whether it is a public road or part of a housing estate in order to direct them to the right person.

Permits issued for housing estates are not valid on public roads and those parking outside the estate may therefore receive a ticket. These should be enforced, as they will be made aware in the literature that accompanies their permit, that it is not valid on the public highway.

## **RESIDENT/BUSINESS PERMIT HOLDERS**

If a PCN is served due to a resident or business permit holder parking in the wrong zone or in a restricted location other than a resident bay, the PCN may not be cancelled. .

If the vehicle is parked in a resident bay and the relevant details on the resident/business permit are not legible from outside the vehicle or the resident/business permit has not been clearly displayed, on confirmation that the vehicle has a valid resident/business permit, the PCN may be cancelled on the first occasion.

If a valid resident/business permit is provided, the PCN may be cancelled on the first occasion however, we may not cancel any further PCNs served in similar conditions unless exceptional mitigating circumstances can be proved.

Some permits are vehicle specific and the registration mark of the vehicle in which the permit is to be displayed will be shown on the front. This means that they are not transferable and cannot be used in any other vehicle. If a permit holder changes their vehicle or uses a different vehicle for a short period of time, they must either make arrangements to obtain a replacement permit or use visitor's permits.

If a PCN is served whilst a replacement permit is being obtained, or if the applicant has failed to notify the permit department, the PCN may be upheld.

If a resident has moved into a property that is eligible for a resident permit and a PCN is served prior to a resident permit being received, the PCN may not be cancelled. The vehicle is not permitted to park in a resident permit bay until an application has been approved and a resident permit received and displayed clearly in the vehicle.

### **Visitor Permits.**

A PCN may not be cancelled in circumstances including the following. If the incorrect date or registration number is entered, the correct and complete vehicle registration details and date have not been completed in full for each occasion, the permit has been corrected or altered, the permit has expired, if the permit has not been clearly completed in ink or the permit is not valid for the location that the vehicle is parked in.

If the vehicle is parked in a resident bay and the relevant details on the visitor permit are not legible from outside the vehicle or the visitor permit has not been clearly displayed, on receiving a copy of the visitor permit, the PCN may be cancelled on the first occasion.

If a subsequent PCN is served in similar circumstances, the PCN may be cancelled on the first occasion however, we may not cancel any further PCNs served in similar conditions unless exceptional mitigating circumstances can be proved.

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

### **Yellow Lines and Parking Bays**

In circumstances where a sign is required, if a driver claims that there was no clear sign visible, contrary to the requirement, a site inspection will be arranged. If the signage is found to be missing or defective then the PCN will be cancelled.

If time plates are damaged or defective, providing that their meaning is clear, enforcement action will be taken.

Claims that the driver did not realise where they had parked or that they used the wrong type of bay will not be allowed.

### **Missing ‘T’ Bar markings**

If a motorist can see from where their vehicle is parked that a T marking is missing then the PCN may be cancelled.

One Adjudication case contained within NPAS’ 2005 report relates directly the absence of a ‘T Bar’ and general wear and tear of yellow lines -

### ***MISSING T BARS AND WEAR AND TEAR TO YELLOW LINES - BH 957 (2005)***

- The motorist did not dispute having parked on double yellow lines but argued that the restriction could not be enforced because of the poor condition of the lines and the absence of a T bar at the end. The Adjudicator held that lines need not be maintained in perfect condition. The question is whether the state and quality of the lines at any one time make it clear to motorists that double yellow lines are present. The T bar is intended to inform motorists where the restriction begins and ends. The absence of a T bar does not automatically render unenforceable the whole yellow line. Each case will depend upon its own particular facts. However, the absence of a T bar may persuade the Adjudicator that the restriction was not properly signed in the case of a vehicle parked on or near to the end of the restriction.

### **Kerb Markings**

It is usual (except within a Pedestrian Zone) for kerb markings to be in place as a sign that loading is not permitted. However, this is not so in the case of experimental traffic orders although the enforcement authority may use kerb markings anyway.

There are a number of Adjudication cases that have dealt with the adequacy of signs and road markings, most of which confirm the enforcement authority's duty to ensure that road markings and signs are adequate. These are listed below –

*Bladon –v- Westminster City Council (Lincoln Inn Fields)*

The Adjudicator pointed out that the Council must not only comply with the regulations, but also has a duty to act fairly and parking restrictions must be signed in such a way that the motoring public knows of the regulations. Because of the unusual nature of this location, the Council had a duty to ensure that additional signs were put into place in order to discharge its duty to provide adequate information to the motorist.

*Grimwood –v- London Borough of Croydon*

This case deals with the confusion caused by signs that do not need to be in place.

*Letts –v- London Borough of Lambeth (bay markings)*

The Adjudicator confirmed Councils must install bays of adequate size, as the bay in question was smaller than the minimum permitted in the Traffic Signs Regulations of 1994.

*Minier –v- London Borough of Camden*

The absence of the 'T' bar markings did not render the yellow line invalid where it abutted parking bays at either end.

Other cases are –

*Cooper –v- London Borough of Richmond upon Thames*

*Fairburn –v- London Borough of Bexley (new charges)*

*Shannahan –v- London Borough of Croydon & Genco –v- London Borough of Croydon (Wellesley Road Bus Lane – old signage)*

*Ms. B –v- Portsmouth City Council*

*Mr. M –v- Oxfordshire County Council (lack of CPZ zone entry signs)*

*Mr. W –v- Watford Council*

## **SCHOOLS**

The over-riding priority for the enforcement authority around schools is the safety of children, especially on foot.

There are no special arrangements allowing parents to set down and pick up school children in any location and any parents choosing to take their children to school by car must observe the parking restrictions in place.

When picking up or dropping off children the driver must stay with the vehicle at all times unless the children need help getting into or out of the vehicle or the school will not allow them to leave except when handed over to an appropriate adult. The children must be ready to leave on arrival; otherwise the driver must move the vehicle to an appropriate parking place.

If the driver has to wait for the children to be released from school or a teacher wishes to speak to the driver, they must move the vehicle to a parking place and display the correct permit or ticket.

A PCN will be served where a vehicle is observed parked in contravention.

### **SECURITY VANS**

Secure cash vans are occasionally required to be parked in close proximity to the premises where cash is being delivered or picked up, for safety reasons.

Security vans delivering other 'lower priority' items, such as recorded mail, should park in accordance with the restrictions

Where a PCN is served it may be cancelled, providing that the security company provides acceptable suitable proof.

### **SUSPENDED BAYS**

Any vehicles present when a suspension sign is erected will be noted in the CEOs pocket book. Vehicles that park on the notified suspensions will be served with a PCN.

In cases where residents claim that a parking bay was suspended whilst they were on holiday and therefore, they could not move the vehicle, the following evidence is usually required.

- A flight ticket
- A letter from a tour operator
- A copy of the hotel bill

The dates of the suspension and the times at which prior notice was circulated will be checked and if the details do not match or the appropriate evidence cannot be provided, the PCN will be upheld.

### **UNAUTHORISED MOVEMENT OF VEHICLE**

Any movement of a vehicle by a police officer or any instruction to leave a vehicle where it is by a police office is considered to be an authorised movement and any PCNs that are served will be cancelled on the production of relevant documentary evidence.

## **UTILITIES**

UTILITIES are not automatically exempt from the regulations and should make arrangements for bay(s) to be suspended if they are working in the area.

If the UTILITIES OR THEIR APPOINTED CONTRACTORS ARE engaged on emergency work, documentary evidence will be requested to confirm this and the PCN may be cancelled.

Consideration will not be given for UTILITY operatives carrying out routine DUTIES SUCH AS maintenance ON APPLIANCES/INSTALLATIONS or meter reading.

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

When a driver has left their vehicle to collect a key before access to premises can be obtained, the time taken for the activity should not be excessive – 5 minutes would normally be reasonable. Where a CEO has a conversation with the motorist at the time this should be recorded in the CEOs pocket book.

A vehicle should not be left where there is a total prohibition on waiting.

If a PCN is served each case will be treated on its own merits.

## **VEHICLE NOT AT SCENE**

If the owner of a vehicle receives an NtO and claims that their vehicle was not parked in the area, if a photograph taken by the CEO confirms that the Vehicle Registration Number does not correspond with the Vehicle Registration Mark recorded on the handheld computer, the PCN will be cancelled.

If a photograph taken by the CEO confirms that the Vehicle Registration Number does correspond with that recorded on the handheld computer, a copy of the VQ5 will be requested so that a further investigation can take place. CEO's are instructed to note the details printed on the tax disc on display. This information will also be used within the appeals stage.

## **WAIVERS**

If an authorised waiver is issued then the vehicle can park only when the vehicle is in use. If a CEO sees a vehicle with a waiver but does not observe the activity for which the waiver was granted taking place, they will serve a PCN.

The vehicle must display an authorised waiver in the windscreen, which will contain details of the registration number, date and time(s) to which the waiver relates and the location. Any vehicle observed not parked in accordance with the terms of the waiver (e.g. in the wrong location) will be served with a PCN.

## **WRONG MACHINE USED**

Unless there are other mitigating circumstances, a PCN served will normally be upheld where the wrong pay and display machine was used. However, in circumstances where the driver has used a nearby machine and the time period purchased does not exceed the maximum time period at the bay in which the driver actually parked and the tariffs are the same, the PCN may be cancelled.