

# Lincolnshire

## Civil Parking Enforcement Procedures



## FOREWORD

This document aims to help you when parking in Council controlled public car parks and other on street parking places within Lincolnshire. It has been produced by the following local authorities:

- Lincolnshire County Council
- City of Lincoln Council
- North Kesteven District Council
- South Kesteven District Council
- Boston Borough Council
- East Lindsey District Council
- West Lindsey District Council
- South Holland District Council

It explains where you may or may not park and the consequences of parking in inappropriate places.

Transport priorities within Lincolnshire are to improve safety, accessibility, air quality and to reduce congestion. Our parking facilities and the way we manage them contribute to achieving these priorities, and it is important therefore that they are appropriately controlled.

The charter and procedures set out how Lincolnshire Councils will go about enforcing the parking rules.

Our rules will be fair but firm and our aim is to assist you to park, pick up, set down, load and unload conveniently and lawfully.

## PLEASE NOTE

**THIS IS A LAY PERSON'S GUIDE TO HELP MOTORISTS.  
IT SHOULD NOT BE SEEN AS A COMPREHENSIVE STATEMENT  
OF THE LAW OR THE MOTORIST'S RIGHTS.**

## **The Parking Charter**

The Lincolnshire approach to parking enforcement is to be fair but firm and the combined Councils parking charter outlines how we intend to deliver the best possible service to motorists.

### **Fair**

We will explain and communicate the parking rules.

Where possible we will photograph parking contraventions to support the issue of a penalty charge notice.

We will regularly monitor traffic signs and road markings to help motorists parking throughout the County.

We will review the provision of parking services regularly to see how they can be improved.

### **Firm**

We will take consistent enforcement action to deter inconsiderate parking.

We will pursue people who try and evade penalty charges to recover debt owed to the relevant Council.

We will work with our partners and the police to help prevent crime and anti-social behaviour and to protect parking staff against abuse and violence. We intend to seek prosecution of any attempt to threaten or assault any employee involved with parking enforcement.

### **Best possible service**

We will reply quickly to representations against penalty charge notices whilst fully investigating motorists' comments.

We will aim to get penalty charge notices right first time.

We will develop on-line services to improve customer access to information.

Parking Staff will adopt a helpful attitude and a consistent approach to enforcement in order to encourage lawful and considerate parking. Our customer promise is we will always:

Be professional, fair and courteous.

Be polite, calm and understanding.

Be open and honest.

Provide advice on the appeals procedure.

This Parking Charter is developed to compliment each Lincolnshire Councils existing **Customer Charter**.

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## **Contact Details**

In order to submit a challenge in relation to a Penalty Charge Notice, please read the reverse of the PCN to ascertain where such a challenge can be submitted to. All enquires relating to Penalty Charge Notices should therefore be directed to this address. However, for all other enquires please see below.

### **Lincolnshire County Council**

E-mail – [parkingservices@lincolnshire.gov.uk](mailto:parkingservices@lincolnshire.gov.uk) Phone – 01522 552222

Website – [www.lincolnshire.gov.uk](http://www.lincolnshire.gov.uk)

### **Boston Borough Council**

E-Mail - [info@boston.gov.uk](mailto:info@boston.gov.uk) Phone - 01205 314200

Website – [www.boston.gov.uk](http://www.boston.gov.uk)

### **City of Lincoln Council**

E-Mail - [customer.services@lincoln.gov.uk](mailto:customer.services@lincoln.gov.uk) Phone – 01522 881188

Website – [www.lincoln.gov.uk](http://www.lincoln.gov.uk)

### **South Kesteven District Council**

E-Mail - [customerservices@southkesteven.gov.uk](mailto:customerservices@southkesteven.gov.uk) Phone – 01476 406080

Website – [www.southkesteven.gov.uk](http://www.southkesteven.gov.uk)

### **North Kesteven District Council**

E-Mail - [customer\\_services@n-kesteven.gov.uk](mailto:customer_services@n-kesteven.gov.uk) Phone – 01529 414155

Website – [www.n-kesteven.gov.uk](http://www.n-kesteven.gov.uk)

**East Lindsey District Council**

E-Mail - [customerservices@e-lindsey.gov.uk](mailto:customerservices@e-lindsey.gov.uk)

Phone – 01507 601111

Website – [www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)

**West Lindsey District Council**

E-Mail - [customer.services@west-lindsey.gov.uk](mailto:customer.services@west-lindsey.gov.uk)

Phone – 01427 676676

Website – [www.west-lindsey.gov.uk](http://www.west-lindsey.gov.uk)

**South Holland District Council**

E-Mail - [info@sholland.gov.uk](mailto:info@sholland.gov.uk)

Phone – 01775 761161

Website – [www.sholland.gov.uk](http://www.sholland.gov.uk)

# INTRODUCTION

One of the key objectives of Lincolnshire Councils is to manage traffic congestion. The enforcement of parking restrictions is a key component of effective traffic management and key to improving traffic flow.

The purpose of this document is to explain how the Councils within Lincolnshire will deal with day to day management of Civil Parking Enforcement (CPE).

Civil Parking Enforcement means that the responsibility for enforcing the majority of on-street parking restrictions is the responsibility of Lincolnshire County Council rather than the police.

Poor, dangerous, and obstructive parking can pose a danger to pedestrians by blocking pavements and forcing them onto the streets. It also reduces visibility for other motorists and impedes traffic flow.

All residents, visitors and businesses will benefit from better enforcement of parking regulations and the reduction of incorrectly parked vehicles.

As part of implementing the system Lincolnshire Councils have developed new procedures because there are a number of differences between the way that on-street parking regulations have been enforced in the past by the Police, and the way that the regulations will be enforced in the future by the County Council.

These procedures apply to all on-street parking restrictions throughout the County and to the Council operated car parks.

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 specific enforcement procedures and specific circumstances.

- Explain the commonly used abbreviations.

The contents of the document are derived from:

- Legal requirements.

- Current practices.

- Accepted best practice.

- The Traffic Penalty Tribunal (Formerly the National Parking Adjudication Service) and its recommendations with regard to mitigation for parking contraventions.



## 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.

Police traffic wardens were allowed a certain amount of discretion when deciding to carry out enforcement whereas the Civil Enforcement Officers (CEOs) will be working within a stringent set of guidelines governed by the Traffic Management Act and will have limited discretion.

More discretion will be allowed by the processing staff who will consider representations against PCNs. Every representation will be considered on its individual merits taking into account the evidence provided by the motorist as well as the guidance used by staff.

Only authorised officers will be allowed to cancel a PCN. Cancellation may only occur after written representations against the issue of the PCN are received.

It is not possible to document every scenario or circumstance that may exist but this document is intended to demonstrate that enforcement carried out by Lincolnshire Councils is undertaken in a transparent, fair, and unbiased manner.

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

**This is a lay person's guide to help motorists. It should not be seen as a comprehensive statement of law or motorist's rights.**

This document compliments the **3<sup>rd</sup> Lincolnshire Local Transport Plan** which is the long term vision for the County aimed at providing a balanced package of measures to achieve the following:

**Support the economy** through the provision of appropriate parking for retailing, business, tourism and leisure – in the town centre, local centres and on local authority car parks throughout the County.

**Delivering accessibility** for all through the provision of appropriate parking facilities and rigorous enforcement, whilst effectively managing the car park asset, through a programme of maintenance and improvements.

Creating **safer roads and tackling congestion** on the County's roads by keeping them free of obstruction caused by inappropriate parking, in line with the Network Management Duty.

Provide strong encouragement to people to help create **better air quality and reducing carbon** by improving sustainable travel choices and influencing the level of travel by car for short 'in town' journeys.

## Section 2

### GUIDANCE ON HOW TO PARK

Parking incorrectly, such as on double and single yellow lines, in a bus lane or at a bus stop, across mandatory cycle lanes or in residents' parking bays, even for a few minutes, can cause inconvenience and even danger to other road users and pedestrians. Lincolnshire Councils hope that by enforcing parking regulations motorists will be more inclined to park safely and in compliance with parking regulations. 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 wholly within the bay markings and displayed any permits or blue badge and clock if required.

Make sure that none of your vehicles wheels are resting on the yellow line(s).

Do not assume that by parking behind yellow lines (i.e on the footway or verge) you are not parking in contravention of a traffic regulation order. Areas where you think you may be legally allowed to park will in fact be part of the highway and will be enforced as such.

In pay and display car parks always make sure you read the signage and comply.

In car parks always make sure you purchase the appropriate time in accordance with the instructions on the signage. Ensure you allow for possible delays when purchasing the length of stay.

In pay and display car parks always make sure you clearly display your pay and display ticket if you chose that method of payment.

Do not stay longer than is permitted by the signs or overstay the time you have purchased.

Do not block entrances to private properties – dropped kerbs.

Do not park across dropped kerbs that are provided to ease crossing for pedestrians, cyclists and mobility impaired people.

Do not double park. – i.e. do not park more than 50cm away from the kerb.

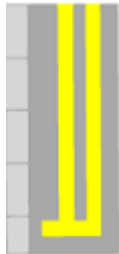
Do not park on footways.

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:

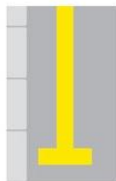
### Double yellow lines



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 sign for a permanent double yellow line restriction. Parking behind a yellow line on the verge or footway may result in the issue of a PCN if it is classed as Highway. However, some double yellow line restrictions may operate on a seasonal basis, meaning that they will only be enforced during the times specified on the adjoining sign. An example sign can be seen on the left.

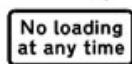


### Single Yellow Lines



Along the edge of the road mean you can't wait during the times shown on the adjacent sign. Parking behind a yellow line on the verge or footway may result in the issue of a PCN if it is classed as Highway. However, you may stop while passengers get into or out of the vehicle and to load and unload, **unless** there are also loading restrictions.

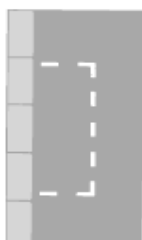
### Loading Restrictions



These 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

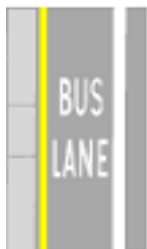


Limit waiting is shown by bay markings and signs that indicate the maximum amount of time that you may park in the bay.

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. No return restrictions allow spaces to be used more frequently, increasing access to shops and services.

### Bus Lanes



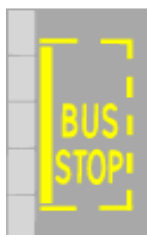
You must not drive or stop in a bus lane during its period of operation. Taxis and cyclists may be allowed to use bus lanes and this will be displayed on the signs.

### Loading Bays



These 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.

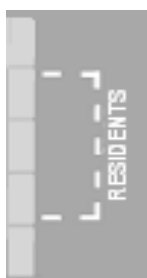
There are also Bus stands on the highway. Again, you must not park on Bus Stands during the period of operation.

### 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.

Both the Police and Council can enforce this contravention. Police action takes precedent as it is an endorsable offence.

## **'School Keep Clear' 'Zig-Zag' markings**

Stopping on "School Keep Clear" zig-zag markings outside school entrances is inconsiderate and potentially dangerous.

Keeping the road clear outside schools gives children a clear view in both directions before crossing.

'No stopping' regulations, displayed on nearby signs, are enforced.

## **Dropped Kerbs**

A dropped kerb is a location where the kerb has been reduced in height to gain access to private property or to assist members of the public such as parents with pushchairs or prams, and wheelchair users to cross the carriageway more easily.

Drivers are not permitted to park their vehicles in a manner that will obstruct a dropped footway. A Penalty Charge Notice may be issued if a vehicle is parked obstructing a dropped kerb.

## **Double Parking**

Double parking is the more commonly known term for when a vehicle waits / is parked more than 50cm from the kerbside and not within a designated parking space.

A Penalty Charge Notice may be issued if a vehicle is double parked.

For further guidance refer to the current version of the Highway Code.

Link:- [The Highway Code](#)

Website:- [http://www.direct.gov.uk/en/TravelAndTransport/Highwaycode/DG\\_070202](http://www.direct.gov.uk/en/TravelAndTransport/Highwaycode/DG_070202)

## Section 3

# **PENALTY CHARGE NOTICES & THE PROCESSING SYSTEM**

The regulations made under Part 6 of the Traffic Management Act 2004 enable an authority in England, once they have been given the relevant power by the Secretary of State, to enforce parking contraventions within a particular geographical area.

Lincolnshire County Council is responsible for enforcing on-street parking regulations within the whole of the County and each District Council is responsible within their own off-street car parks.

Enforcement primarily becomes the responsibility of the Local Authority but the police remain responsible for endorsable offences such as dangerous parking, obstruction, failure to comply with police "no parking" signs placed in emergencies, and any vehicle where security or other traffic policing issues are involved, including the need to close roads or set up diversions. Parking offences at pedestrian crossings or zigzag lines may be enforced by the police or the authority but any action by the police takes precedence.

If the penalty charge remains unpaid after a certain time it becomes a civil debt due to the authority and enforceable through a streamlined version of the normal civil debt recovery process in the County Court.

A motorist wishing to contest liability for a penalty charge may make representations to the relevant Lincolnshire Council as identified on the reverse of the penalty charge notice and, if these are rejected, may have grounds to appeal to an independent adjudicator. The adjudicator's decision may be reconsidered by another adjudicator but there is no right of further appeal through the courts except on a point of law.

Endorsable parking offences (broadly those involving dangerous or obstructive parking) and some other parking offences remain criminal and can only be enforced by the police service, through the courts, with fines accruing to the exchequer.

The Penalty Charge Notice will be enforced through the County Court if it remains unpaid and a debt collection agency (bailiff) may be employed to recover the debt.

### **The Role of the Civil Enforcement Officers (CEOs).**

The CEOs have powers to place Penalty Charge Notices (PCNs) on vehicles that do not comply with parking regulations.

Our CEOs are easily recognisable by their uniforms. You may often see them on patrol on their own, you may see trainee officers, or those receiving on-the-job assessment with another member of staff.

Lincolnshire Councils are committed to training their staff to the highest standards and encourages the development of skills in customer relations.

Before the issue of a PCN and depending on the circumstances, CEOs will usually observe vehicles to see if loading or unloading is taking place. However this observation time does not apply to streets with loading prohibitions, bays for specific users such as

disabled drivers and doctors, or to suspended bays where instant PCNs will be issued. (See Appendix A for more information on observation times)

Although CEOs are there primarily to issue PCNs - they may give directions and often act as the 'eyes and ears' for the Council across a range of services including reporting defects to signs and lines.

Civil Enforcement Officers (CEOs) work within a stringent set of guidelines governed by the Traffic Management Act. They have limited discretion, for example, they may offer advice about where to park if the situation allows such advice to be given. Further discretion will be allowed by the Notice Processing Officers who will consider representations against PCNs taking into account the evidence provided by the motorist as well as the guidance provided.

## **Penalty Charge Notice (PCN)**

The Penalty Charge Notice is the terminology used for what is often referred to as a 'parking ticket'.

The level of the Penalty Charge is set nationally. There are two levels of penalty charge depending on the severity of the parking contravention. The two levels are:

£70 for a higher level contravention

£50 for a lower level contravention

(See section 4 for more information on higher and lower bands and the next page for information on discount periods)

The PCN is 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 have a unique reference number and will identify details of the contravention and information on how to deal with the PCN.

## **If you receive a Penalty Charge Notice**

Once a PCN is issued or is in the process of being issued the CEO cannot cancel the notice and it may be sent to you in the post if you drive away or refuse to accept it.

More discretion is allowed by the Notice Processing Officers who consider representations against PCNs, taking into account the evidence provided by the motorist against the Council guidance procedures.

Lincolnshire Councils urge every motorist who is issued a Penalty Charge Notice to deal with it quickly.

PCN's are processed using a set of national procedures and timescales.

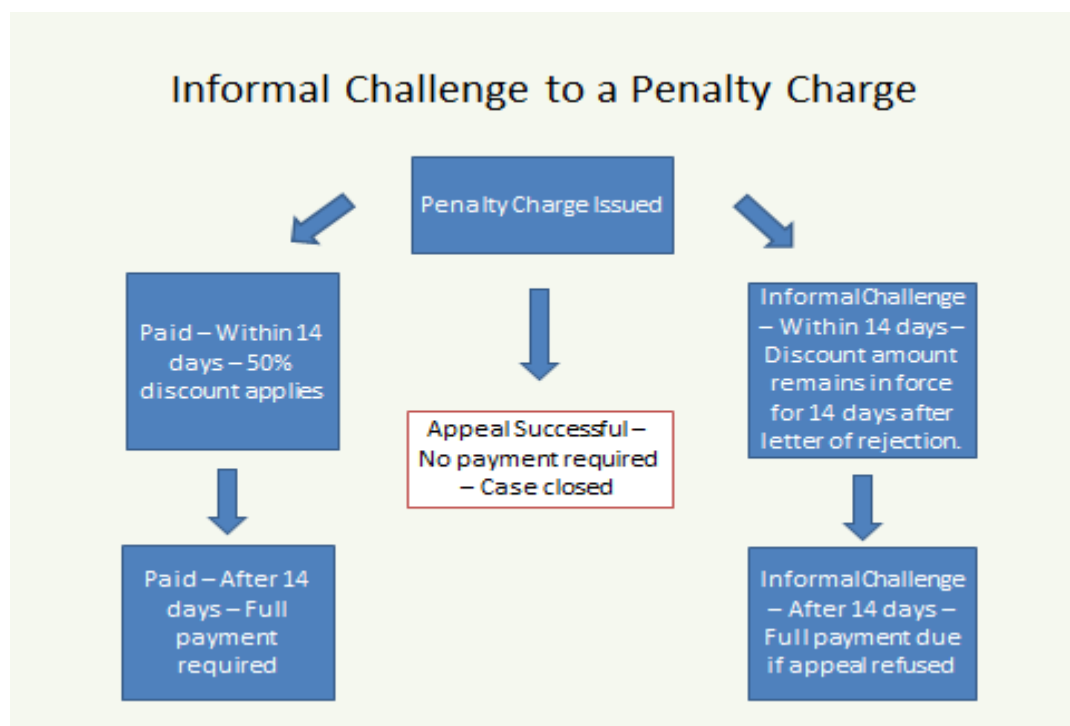
## Penalty Charge Notice – Discount Period:

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

You can pay the penalty charge straight away using the payment details on the Penalty Charge Notice; or, if you believe that the penalty charge should not have been issued you may challenge the issue of the PCN in writing as described on the Penalty Charge Notice.

## Challenge the issue of a PCN

This document provides guidance on Lincolnshire Councils procedures. It is not possible to document every scenario or circumstance that may exist but it is intended to demonstrate that enforcement carried out by each Council is undertaken in a transparent, fair, and consistent manner. Within 28 days of serving of a PCN the owner of the vehicle may make an informal written challenge against the PCN, however if the challenge is made within 14 days of the serving of the PCN a discount of 50% to the charge will apply. Therefore it is recommended that if an informal challenge is made, it is done at the **earliest opportunity** to ensure the discount period is applied.



Within this challenge the owner can mention any mitigating circumstances to the relevant Council as challenging the validity of the PCN.

The relevant Council will endeavour to respond, in writing, within 14 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 the informal challenge is received more than 14 days from serving the PCN the discount period will not apply and the full PCN Rate will be payable in the event of the challenge being rejected.



If an informal challenge made within the 14 day discount period is rejected the discounted rate will be restarted and last for 14 days from the date of the informal challenge rejection letter.

The written notification from the relevant Council will contain the reasons why a decision to reject the informal challenge has been reached.

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 relevant Council. However, it should be noted that formal representations may only be made once a Notice to Owner (NtO) document has been served by the Council. (Notice to Owner is covered later in this section)

## **Challenges Accompanied by Payment**

Please do **NOT** send payment with any challenge you wish to make. Payment will usually be regarded as closing the case.

## **DVLA Enquiry**

If a PCN remains unpaid for 28 days the relevant Council will make an enquiry to DVLA to ascertain the identity of the owner of the vehicle. This enquiry is made electronically via the Councils parking enforcement system.

The response from DVLA is also electronic and is automatically fed into the relevant Councils system. Responses are usually received within 3 days of enquiry.

## **Registered Owner Liability**

The following extract from 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.*

*(4) 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(1); and*

*b) "the material time" means the time when the contravention giving rise to the penalty charge is said to have occurred.'*

**See Section 4 - Motorist Not the Owner/Keeper, or Had Sold the Vehicle at the Time of the Contravention**

## **Notice to Owner (NtO)**

Once the DVLA identify the registered owner of the vehicle a Notice to Owner document 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.

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.

When it is claimed that the PCN was not received the computer 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.

To determine whether the information recorded by the CEO confirms that the PCN was attached to the vehicle.

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.

\*Section 66(1) of the Road Traffic Act provides that the liability remains with the owner of the vehicle even if the Notice is subsequently removed by, for example, by the weather, or by an unauthorised person.

## **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 relevant Council. This representation must be made within 28 days of receipt of the NtO. Formal Representation can only be made on the following grounds (this is explained to the motorist on the documentation):-

That the alleged contravention did not occur.

That the recipient:

never was the owner of the vehicle in question;

had ceased to be its owner before the date on which the alleged contravention occurred; or became its owner after that date.

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

That the recipient is a vehicle-hire firm and:

the vehicle in question was at the material time hired from that firm under a vehicle hiring agreement; and

the person hiring it had signed a statement of liability acknowledging his liability in respect of any PCN served in respect of any contravention involving the vehicle.

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

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

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

In the case where a PCN was served by post on the basis that a CEO was prevented by some person from fixing it to the vehicle concerned or handing it to the owner or person in charge of the vehicle, that no CEO was so prevented.

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

Consider representations made on mitigating grounds.

## **Notice of Rejection or Acceptance of Formal Representation:**

Within a maximum of 56 days (however decision notices will be served within 21 days whenever possible) of receipt of a formal representation from the owner of the vehicle the relevant Council will endeavour to send out a written Notice of Acceptance or Rejection:

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

Notice of Rejection: This formally rejects the representation and gives detailed reasons why the relevant 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 Penalty Tribunal. – This representation must be made within 28 days of receipt of the notice of rejection.

## **Representations accompanied by Payment:**

Please do NOT send payment with any representation you wish to make. Payment will usually be regarded as closing the case.

## **Traffic Penalty Tribunal**

If no agreement can be reached between the relevant Council and the appellant, an independent adjudication service (the Traffic Penalty Tribunal) will deal with the appeal. There is no charge for this service.

Details of the Traffic Penalty Tribunal can be found on their web site:

[www.trafficpenaltytribunal.gov.uk](http://www.trafficpenaltytribunal.gov.uk)

This is 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 Penalty Tribunal within 28 days of the rejection.

The Traffic Penalty Tribunal will organise a hearing and appoint an independent adjudicator to review the case and make an independent decision that is binding on both parties.

A hearing can be held entirely by post, over the telephone or in person.

## **Charge Certificate:**

If a motorist fails to deal with the PCN or fails to accept a decision by the relevant Council or Tribunal Service the motorist may ultimately receive a Charge Certificate.

A Charge Certificate is issued:

28 days after a Notice to Owner (NtO) is issued and no Formal Representation is received.

28 days after a Notice of Rejection to a Formal Representation is sent where no appeal has been made to the Traffic Penalty Tribunal.

18 days after any appeal to the Traffic Penalty Tribunal is withdrawn (i.e. withdrawn before the hearing)

28 days after the rejection of an appeal by the Traffic Penalty Tribunal.

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 of the full increased amount.

### **Debt Registration:**

If the registered owner of the vehicle does not respond to the Charge Certificate within 14 days, the relevant Council will register the debt at The Traffic Enforcement Centre (TEC), and a Notice of Registration will be served. A £7 registration fee will be added plus any costs awarded by an Adjudicator at the Traffic Penalty Tribunal.

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.

### **Notice of Debt Registration**

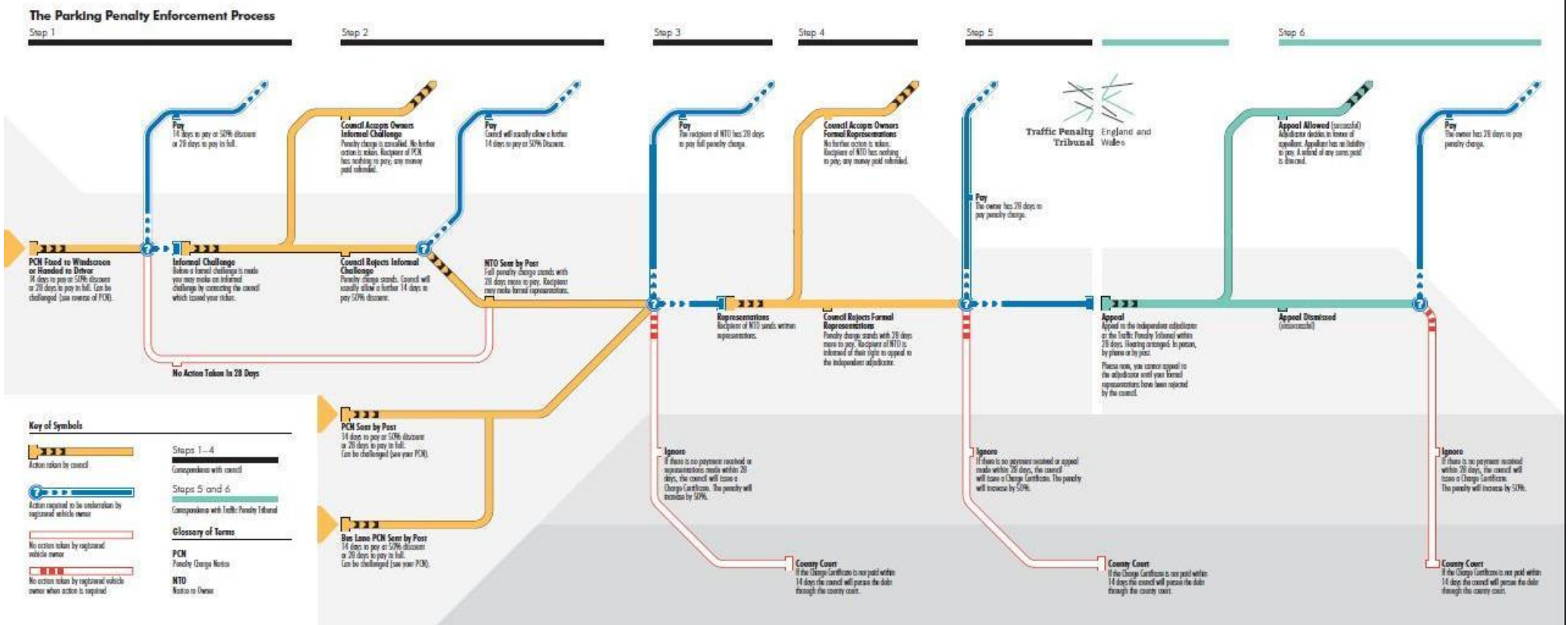
Once the debt has been registered at TEC an Order for Recovery and Witness Statement Form is sent to the debtor advising him/her that they have 21 days in which to pay the amount owed or sign a witness statement.

Failure to do either will lead to a Warrant of Control being applied for by the relevant Council at TEC. Once issued this will enable the relevant Council to instruct Enforcement Agents to collect the debt on their behalf.

The Enforcement Agents (bailiffs) will add their charges further increasing the value of the notice.

# SIMPLIFIED PCN PROCESSING SYSTEM FLOW CHART

The following diagram provides a diagrammatical representation of the legislative framework for dealing with a PCN. Please visit the PATROL website at <http://www.patrol-uk.info/site/index.php> or [http://www.patrol-uk.info/downloads/Process\\_Map.pdf](http://www.patrol-uk.info/downloads/Process_Map.pdf) for further information:



## Section 4

### **SPECIFIC PROCEDURES**

This section covers specific procedures developed from experience, best practise and legislation. It is organised in alphabetical order.

#### **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. 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 relevant 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.

Similar procedures will apply should electronic pocket books be utilised.

#### **Clamping & Removal**

Lincolnshire Councils have applied for the power to clamp and subsequently remove vehicles parking in contravention of parking restrictions. Lincolnshire County Council does not intend to use the powers granted for clamping, in line with current national best practice for areas outside of large conurbations. There may be occasions, such as large scale events, where the removal of vehicles is required to ensure traffic flow is maintained. However prior to such a policy being enacted, permission from the appropriate members of the Council will be sought.

#### **Complaints against CEOs**

Allegations that a CEO has made an error whilst issuing a PCN will be investigated under the normal representations or challenge procedures and a formal written notice of acceptance or rejection will be sent within the stipulated timescale.

Any allegation of misconduct or rudeness made against a member of the enforcement staff will be investigated and dealt with in accordance with the relevant Councils Formal Complaints Procedure. The findings of the investigation will be communicated to the complainant, in writing, within the stipulated timescale. If appropriate the relevant Councils Disciplinary Policy will also be implemented.

## 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.

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

**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, the relevant Council will proceed with enforcement, even if DVLA records show a different colour for the vehicle.

**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.

**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. Subsequently if the difference is irreconcilable the relevant Council may consider cancelling the PCN.

## 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.

An Annual Report is required to be sent to the Secretary of State on relation to any PCNs issued to Diplomatic vehicles.





## **Dispensations & Suspensions**

### DISPENSATIONS (Waivers):

In order to carry out works to adjacent properties it is occasionally necessary for vehicles to park on waiting restrictions. In these cases a Parking Waiver should be arranged with the relevant Council.

A parking waiver that is conspicuously displayed in the vehicle windscreen enables a vehicle to be parked as near as possible to the desired location, it does not allow parking on;

- a loading restriction during its hours of operation (marked by yellow kerb lines)
- a bus stop
- a taxi rank
- school keep clear markings
- anywhere that would cause an obstruction or a road safety hazard

Failure to comply with these conditions may result in a Penalty Charge Notice being issued.

Vehicles must be moved on the instruction of a Civil Parking Enforcement Officer or Police Officer.

### SUSPENSIONS:

Parking bays and designated parking bays, on or off-street, may be suspended.

Essential maintenance is often difficult due to parked vehicles. The use of suspensions, whilst inconveniencing residents and displacing parking temporarily is an effective way to ensure essential maintenance is undertaken. For instance, if the relevant Council can improve access to service gullies and drains the Council can minimise the risk of flooding.

This includes the suspension of bays in off-street car parks. There may be an administration charge for dispensations and suspensions.

## **Exempt Vehicles**

Certain vehicles used to carry out statutory functions or to deliver help during emergencies are exempt from some common restrictions. The appropriate bodies have been approached and a system put in place to ensure that such exemptions are used fairly.

## **Challenge & Representation Processes**

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

To preserve the integrity of these procedures they will be managed and carried out by the appropriate appointed officers within the Parking Service. Whilst MP's, Councillors and senior council staff can request information on behalf of a constituent / member of the public, they cannot apply undue pressure designed to unduly influence the decision by virtue of their position alone.

## **Legislation**

The Traffic Management Act (2004) refers to the statutory acts governing parking enforcement. 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 relevant Council will make reference to specific, relevant paragraphs and will quote them word for word within any correspondence. The Council will not supply full copies of the relevant acts, which can be obtained from the HMSO or, in the case of the TMA 2004 Act, 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 relevant 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. No legal advice will be given.

## **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.

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

Lincolnshire Councils 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.

In all events it is for the appellant to demonstrate that the resumption of ownership should not apply.

## **Moving Traffic Offences**

The principle of enforcing moving traffic contraventions by CCTV is a relatively new concept. In accordance with the Department for Transport's policy on moving traffic offences Lincolnshire Councils will consider this matter if the law is passed in the future.

## **Observation Period – Prior To Issue Of PCN**

Prior to the issue of a PCN the CEOs will, for some contraventions, allow a period of time to elapse between first observing the vehicle parked in contravention of the regulations 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 if an observation period is required.

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.

Some Contraventions do not require an observation period and can be issued immediately. Guidance on observation periods is provided in Appendix A.

## **Penalty Charge Notice - Early Issue Of**

Any claims that a PCN was issued before the time that a contravention is deemed to have been committed requires careful investigation. The issue of PCNs is controlled by 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 an observation period prior to allowing a PCN to be issued. These times will appear on the PCN itself as "Time First Seen" and "Time of Issue". The computer system will prevent any subsequent alteration to these times. 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 most cases an observation and issue time will be recorded unless the contravention does not require an observation period.

## **Penalty Charge Notice – Incorrect Vehicle Location**

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

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

The motorist provides evidence that conclusively shows that the vehicle was not at the location at the time the contravention is deemed to have occurred.

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.

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.

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

It is an offence under the Traffic Management Act 2004 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 the relevant Council receive correspondence claiming that the PCN was not received, the Council will examine the evidence recorded by the CEO. If it is accepted that the PCN was not received the relevant Council 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% (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.

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

As a general rule the relevant Council will neither offer extensions in 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 relevant 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.

An application must be in writing and will be responded to within 8 working days.

The application must contain a proposal for payment and be accompanied by any evidence supporting the claim of financial hardship.

The relevant Councils response will signify acceptance or rejection of the proposal.

A rejection will be accompanied by the relevant Councils counter proposal which will be the final offer based on:

Where the debt involves multiple PCNs the relevant Council will expect the settlement of at least one per month.

Payments will be applied to the oldest PCN first thereby preventing the payment of discounted PCNs first.

Otherwise a minimum payment of £10 per week. Wherever possible payment to be made by post-dated cheques to be held by the relevant Council for presentation on the due dates.

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

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

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

## **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.

## **Penalty Charge Rate**

The PCN rates have been set at £70 and £50 for Lincolnshire, dependent on the type of parking contravention committed. Any increase will only be possible by guidance 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. The relevant Council 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.

## **Permits (or Passes or Tickets) In Car Parks**

Season tickets are available for use in some Local Authority car parks. For details please contact the relevant Parking Service. Contact details are on page 6.

## **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.

## **Time/Date Calibration of Handheld Computers**

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

## **Trunk Roads and Roads Owned by Ministry of Defence**

Trunk roads are the responsibility of the Highways Agency (HA) and Police to enforce. In Lincolnshire the following roads are excluded from the Civil Enforcement Area:

A46 'Lincoln to Newark' – From the roundabout junction between the A46 Dual Carriageway and A57 Saxilby Road / Carholme Road (SK95344,72777) to common county boundary between Lincolnshire and Nottinghamshire (SK 86005,60805)

'A section of the A1' – From the common county boundary between Lincolnshire and Nottinghamshire (SK 82626,48483) to the common county boundary between Lincolnshire and Leicestershire (SK 93922,18919)

'A52 Grantham to Nottingham – From the junction between the A52 and A1 (SK 88796,36375) to the common county boundary between Lincolnshire and Leicestershire (SK 83355,38260)

Roads owned by the Ministry of Defence are exempt from the powers of civil parking enforcement in Lincolnshire.

## **Uniforms – CEOs**

The RTRA 1984 (Sect63A[4]) states: "Parking Attendants in Greater London shall wear such uniform as the Secretary of State may determine when exercising prescribed functions, and shall not exercise any of those functions when not in uniform".

The Secretary of State has determined that: "London Parking Attendants' uniforms must be readily distinguishable from those worn by the police and Traffic Warden Services and must include the following":

Clear identification that the wearer is a Parking Attendant.

Clear identification of the Local Authority on whose behalf the Parking Attendant is acting.

A Personalised number to identify the Parking Attendant which may contain

letters as well as numbers.

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

The Lincolnshire Specification for uniform is:

The CEO will wear either the tabard or jacket whilst patrolling. The back of these items will have "Parking Enforcement" or similar phrase displayed; the front will display the relevant Council logo. The tabard or jacket will clearly display the CEO identification number.

# **SPECIFIC CIRCUMSTANCES, THE USE OF DISCRETION and MITIGATION**

This section covers specific circumstances developed from experience, best practise and legislation. It is organised in alphabetical order.

Discretion is exercised when it is felt that although a penalty charge was issued correctly, certain circumstances may lead the council to cancel. This does not mean that a blanket set of rules applies to the use of discretion; each case is taken upon its merits.

## **Abandoned Vehicles**

Where a vehicle remains parked, in a restricted area, for a period during which multiple PCNs are issued (multiple = 3) for the same contravention and the PCNs are not removed from the vehicle. The CEO will report the vehicle as potentially abandoned and it will be dealt with by the relevant Council.

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

- 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.

## **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.

## **Bank Visits**

Claims from individuals or companies that because money is being taken to or from a bank a PCN 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 only exemption that will apply is in relation to bullion vehicles whilst loading / unloading large quantities of coin and cash boxes.



## **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 the observation period 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.

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

## **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.

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

## **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.

## **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:

A garage receipt, on headed paper, properly completed and indicating repair of the alleged fault within a reasonable time of the contravention.

Till receipt for purchase of seemingly relevant spare parts purchased on or soon after the date of contravention.

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

Confirmation from the 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.

#### FLAT BATTERY:

The receipt for the purchase of a new battery or parts that could cause a flat battery (alternator, solenoid etc.), should be requested. The receipt should not pre-date the date of the contravention or postdate it by an unreasonable length of time.

In cases where it is alleged that the vehicle was bump/jump started and no other evidence received, the PCN should be enforced. (NB. Vehicles with automatic transmission cannot be bump started).

If no evidence is forthcoming, the PCN should be enforced.

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

#### FLAT TYRE:

It is reasonable to expect that in the event of a flat tyre the driver would be with the vehicle and making efforts to change the vehicle's wheel. If the vehicle is left unattended a PCN will be issued and will be cancelled only if it subsequently transpires that the driver was: Elderly, disabled or infirm and had gone to obtain assistance. In such instances evidence from the assisting party is required.

If the wheel could not be changed because of a mechanical difficulty evidence must be produced from the attending breakdown service supporting this.

Failure to carry a spare wheel is not sufficient reason to cancel a PCN.

#### OVERHEATING:

All cases where it is claimed that the vehicle had overheated due to lack of water should be enforced unless it is directly attributable to a mechanical fault such as: broken fan belt, cracked radiator, burst hose, faulty water pump or thermostat. In such cases evidence of repair must be produced.

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

## RUNNING OUT OF FUEL:

Unless this is due to a mechanical / electrical fault evidenced by repair all PCNs are to be enforced.

## Builders / Tradesmen

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.

On-Street Residential Parking Zones: Trade vehicles can only park if they are loading / unloading or unless specific dispensation has been sought and authorised.

## Bus Stops

Bus stops can either be restricted or unrestricted:

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

Unrestricted: An unrestricted bus stop will not have a time plate but may show advisory road markings.

A bus stop restriction cannot be transferred to a temporary bus stop unless the temporary bus stop is fully signed in accordance with the regulations. PCNs issued to any vehicle, other than buses, waiting in a restricted bus stop should be enforced.

## Caravans and Trailers

Caravans and Trailers not attached to a motor vehicles and parked in contravention of a Traffic Regulation Order should be reported to the Council's Customer Services who will direct the query to the relevant service.

## Care Organisations

Numerous care organisations are now operating within the County. Each will often display badges issued by the various organisations but, due to the variety of badges in circulation none are recognised by Lincolnshire County Council as valid authorities to park.

Parking in Council operated Car Parks within Lincolnshire: It is not felt that there is a need for carers to park within Council car parks free of charge. Consequently permits are not issued for this purpose.

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, including that from examining doctor.

Resident Parking Places will be considered on an individual case by case basis.

## **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.

Other legislation is available to the Council for dealing with this issue.

## **Council Officers & Members on Duty**

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

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. If the Council Officer or a contracted employee working on behalf of the Council is carrying out a statutory duty connected to the Highway, then the vehicle is exempt whilst the work takes place.

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.

Request for Cancellation of PCN: This will only be considered in the case of emergency and must be supported by written confirmation from the relative Director.

## **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 Council car park or limited parking bay.

In such instances the relevant 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.

## **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 relevant Council 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.

## **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 relevant 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.

## **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.

Providing the Disabled Badge is clearly and properly displayed the Badge Holder can park in:

Yellow Lines: For a period not exceeding 3 hours provided it is safe to do so and in accordance with the Highway code.

Shared Parking / Resident Parking Zones:

Residents parking places – Unrestricted, so long as the Disabled Badge is on display.

Designated parking spaces within Car Parks owned or operated by local authorities in Lincolnshire: where charges may still apply.

Disabled Badge Holders are not allowed to park in:

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.

Failure to do so will result in a PCN being issued for the contravention of the relative parking restriction.

When considering the matter the relevant Council will take into account previous contraventions by the same vehicle owner and/or badge holder for failure to display a disabled badge:-

<b>FAILURE TO DISPLAY VALID BLUE BADGE</b>	
FAILED TO DISPLAY	NOTICE TO BE <b>UPHELD</b> . IF THE VALID BADGE IS PRODUCED THE NOTICE MAY BE <b>WAIVED</b> BUT ONLY ON ONE OCCASION PER BADGE OWNER
EXPIRED BADGE	NOTICE TO BE <b>UPHELD</b> . DISCRETION MAY BE EXERCISED IF VALID PERMIT IS PRODUCED WITHIN ONE MONTH OF EXPIRY DATE.
BADGE FACE DOWN	IF THE VALID BADGE IS PRODUCED THE NOTICE MAY BE <b>WAIVED</b> BUT ONLY ON ONE OCCASION PER BADGE OWNER.
BADGE ON FLOOR	NOTICE TO BE <b>UPHELD</b> . IF THE VALID BADGE IS PRODUCED THE NOTICE MAY BE <b>WAIVED</b> BUT ONLY ON ONE OCCASION PER BADGE OWNER.
CLOCK TIME SET INCORRECTLY (ON STREET ONLY)	NOTICE TO BE <b>UPHELD</b> . DISCRETION TO WAIVE THE CHARGE MAY BE EXERCISED IF ARRIVAL TIME SHOWN IS LESS THAN 15 MINUTES FROM TIME OF OBSERVATION.
CLOCK TIME EXPIRED (ON STREET ONLY)	NOTICE TO BE <b>UPHELD</b> . DISCRETION TO WAIVE THE CHARGE MAY BE EXERCISED IF TIME SHOWN IS LESS THAN 15 MINUTES FROM TIME OF OBSERVATION.
BADGE WITH NO CLOCK (ON STREET ONLY)	ON ONE OCCASION PER BADGE OWNER DISCRETION WILL BE EXERCISED. THEREAFTER MITIGATING CIRCUMSTANCES WILL BE TAKEN INTO CONSIDERATION.

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 and if it is believed that the Blue Badge is being misused or abused, to seize the Blue Badge. It is an offence to fail to produce a badge when requested to do so by any of these authorised persons. CEOs employed by each Council will receive specific training on how the inspection of Blue Badges should take place.

## **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 will be issued a PCN using the 26 contravention code by the CEO.

## **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.

## **Dropped Crossings**

A dropped kerb is a location where the kerb has been reduced in height to gain access to private property or to assist members of the public such as parents with pushchairs or prams, and wheelchair users to cross the carriageway more easily.

Drivers are not permitted to park their vehicles in a manner that will obstruct a dropped footway.

A Penalty Charge Notice may be issued if a vehicle is parked obstructing a dropped kerb.

A penalty will be issued to motorists who park on a dropped crossing where:

the dropped crossing is clearly for pedestrian crossing purposes.

a resident has contacted the council and advised that their driveway is being obstructed.

## **Dropping Off - Picking Up Passengers**

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

As long as the CEO witnesses dropping off or picking up activities a PCN will not be issued. After a predetermined period 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.

## Emergency Duties

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

**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.

**Non-Livered Vehicles** such as private vehicles being used by Council Departments 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.

## Estate Agents

Estate agents are not exempt from parking restrictions.

## Fire-fighters on Call

'Fire-fighter on Call' placards are used by some Fire-fighters 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.

## Footway Parking

This type of parking can damage footways and cause problems for pedestrians. Visually impaired groups and individuals are also very concerned about this behaviour.

Where a yellow line restriction exists on the road, the footway is also covered by the same restriction. Civil Enforcement Officers will be able to issue parking tickets at these locations. The Police have retained powers to deal with obstruction offences where footway parking occurs and there is not a yellow line.

Councils who are operating CPE can consider introducing a regulation and the appropriate signs to ban parking on footways.

## Funerals & Weddings

PCNs will not be issued in the case of:

Funerals – For the hearse and cortege vehicles.

Weddings – Bridal Vehicles.



However, vehicles belonging to mourners or wedding guests should not park in contravention of any parking restriction. Any PCN issued to vehicles associated with a funeral or wedding, will be considered with due respect.

## **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.

## **Glaziers**

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

## **Government Department Vehicles**

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

## **Hackney Carriages / Private Hire Vehicles (PHVs)**

Hackney Carriages and Private Hire Vehicles operating are mainly licensed by Lincolnshire Councils 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 on a rank 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. Drivers should comply with the regulations and guidance within this document.

**(See also Taxi Ranks)**

## **Hatched Markings in Car Parks**

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

## **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. 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.

## **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 relevant Council once the Notice to Owner is received.

This representation must be accompanied by a copy of the relevant hire agreement. In all cases this agreement must clearly state: The name and address of the hirer, the start and finish dates for the hire period and the hirer's signature. It must also include a statement regarding the hirer's liability for any PCNs incurred during the hire period.

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

## **Holidays**

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

Suspended Bay:

The County 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.

## **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:

Loading / Unloading involving the vehicle, is observed by the CEO whilst the vehicle is parked. An observation period will be undertaken and a PCN shall only be issued if no activity is seen during this period.

The goods being delivered or collected comply with the definition of goods.

Time will be allowed for the driver of a goods vehicle to complete delivery paperwork.

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.

## **Location – Incorrect**

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

## **Lost Keys**

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

If the vehicle was parked in a pay & display car park, did the loss of the keys prevent purchase of additional parking time?

If the vehicle was parked on a yellow line, should it have been parked there in the first place?

## **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, the relevant Council 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 motorists claim the relevant Council 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.

## **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 dependant on the parking contravention being committed.

## **Motorcycle Bays**

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

Motorcycles may park in any Council off street car park provided they either park wholly within a marked motorcycle bay or on any other marked bay in the car park. Charges may apply. They may not park on hatched areas where they may cause an obstruction to either pedestrians or other vehicles using the car park.

## **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, the relevant Council 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 the relevant Council may reject the representation. Each case will be treated on its individual merits and the relevant Council will take any previous PCNs issued to the same vehicle owner into account.

## **See also Medical Emergencies**

## **Parents with Young Children**

If the delay was caused by the parent not allowing additional time enough to deal with young children then the PCN should be enforced.

## **Pay & Display Tickets**

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

Clearly displayed whilst the vehicle is parked.

For the date shown.

Un-expired.

For the car park indicated

For the vehicle indicated – where applicable.

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.

## **Pay & Display Ticket Machines – Did Not Realise There Was One There**

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

## **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 the patrol in the car park). 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.

## **Plumbers, Electricians, Gas Fitters**

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

Heavy Equipment: Dealt with as loading / unloading.

## **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.

## **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.

## **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 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.

## **Public Service Vehicles (PSVs)**

In service PSVs may stop anywhere to allow passengers to board the vehicle (unless there are specific exemptions in place)

Out of Service PSVs are not permitted to park in contravention of any restrictions and will be treated the same as any other vehicle.

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.

## **Public Utility Vehicles**

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

## **Residents’ Parking (On-Street)**

Any consideration of a new residents parking scheme will be carried out in line with the Lincolnshire County Council Parking Policy which can be read by clicking [here](#)

### **RESIDENTS’ PERMITS:**

A resident’s permit must be clearly displayed on the windscreen of the vehicle. Permits are only valid in the zones indicated on the permit, for the registration numbers and until the expiry date printed on its face.

Failure to display a resident’s permit when required is a contravention and will result in a PCN being issued which should not be cancelled unless there are mitigating reasons why the permit was not displayed.

Use of a permit in a zone other than those specified on the permit, or after its expiry date is also a contravention for which a PCN will be issued. Again the PCN should not be cancelled unless there are mitigating circumstances that account fully for the contravention.

#### VISITORS' PERMITS:

The Council allows residents to request a temporary permit to facilitate family and friends who are visiting for a number of days.

For the resident scheme in Louth contact:

Transportation Group - Traffic Orders and Searches Team - Road Closures

Communities Directorate  
4th Floor, City Hall  
Lincoln  
LN1 1DN  
Tel: 01522 782070  
Fax: 01522 553149  
Email: [roadclosures@lincolnshire.gov.uk](mailto:roadclosures@lincolnshire.gov.uk)

For resident schemes in Lincoln contact:

Parking Services  
City Hall  
Beaumont Fee  
Lincoln  
Lincolnshire  
LN1 1DD  
Tel: 01522 873497  
Email: [city.services@lincoln.gov.uk](mailto:city.services@lincoln.gov.uk)

For resident scheme in Stamford contact:

South Kesteven District Council  
St Peters Hill,  
Grantham,  
Lincolnshire,  
NG31 6PZ  
Tel: 01476 406080  
Email: [customerservices@southkesteven.gov.uk](mailto:customerservices@southkesteven.gov.uk)

#### LIMITED WAITING

In some residents' parking zones vehicles can be parked for a limited time. The signs in these areas should be checked for the permitted duration.

Vehicles exceeding this duration will be issued with a PCN.

### **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 the observation period 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.

## **Security**

The Chief Constable of Lincolnshire 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.

## **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.

## **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. Specific procedures are in place to consider applications for street trading.

## **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 (by placing the relevant signs at the bay in advance) and, upon investigation the claim is found to be valid the PCN should be cancelled, providing that a valid permit was displayed. It is normally the case that the responsibility for ensuring a vehicle is parked in accordance with any possible suspension rests with the driver. However, it will be the registered owner of the vehicle who is responsible for paying any penalty charge notice issued to the vehicle.

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

## **Taxi Ranks**

The County Council will 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.

Unattended Hackney Carriages will be issued a PCN after an appropriate observation period.

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

## **Traffic Regulation Order – Invalid**

Lincolnshire Councils must accept representations made against the issue of a PCN if the Traffic Regulation Order which describes the restriction that the vehicle was parked in contravention of, was legally flawed.

## **Unauthorised Movement of a Vehicle**

Stolen Vehicle:

Confirmation from the police that the vehicle was reported stolen at the time the PCN was issued including the relevant crime report number will result in the PCN being cancelled.

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.

## **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:

The Police – quoting the recorded crime number.

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.

## **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 the observation time allowed. In such circumstances vehicles should not be left for longer periods or in contravention of a total 'no waiting' or loading restriction. However, each case should be considered on its merits and extenuating circumstances taken into account.

## **Vehicle Stolen**

Lincolnshire Councils 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.

## **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. We utilise an independent company to pursue PCN's issued against foreign vehicles. If a PCN is issued to a UK registered vehicle, which has been borrowed or driven by a foreign resident, the PCN should be enforced against the registered owner(s) as they remain liable for it.

## **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:

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

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

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.).

### ABBREVIATIONS

CEA Civil Enforcement Area  
CEO Civil Enforcement Officer  
CPE Civil Parking Enforcement  
CPZ Controlled Parking Zone  
CV Commercial Vehicle  
DfT Department for Transport  
DPE Decriminalised Parking Enforcement  
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  
PPA Permitted Parking Area  
PSV Public Service Vehicle  
RTA 1991 Road Traffic Act 1991  
RTRA 1984 Road Traffic Regulation Act 1984  
SEA Special Enforcement Area  
SLA Service Level Agreement  
SPA Special Parking Area  
SYL Single Yellow Line  
TEC Traffic Enforcement Centre (Northampton County Court)  
TMA 2004 Traffic Management Act 2004  
TPT Traffic Penalty Tribunal  
TRO Traffic Regulation Order  
VED Vehicle Excise Duty

## Appendix A

### Contraventions for which the Higher and the Lower level penalty charges should be made

The Traffic Management Act 2004 has introduced differential Penalty Charge Notices. Notices are categorized as 'Higher' or 'Lower' dependent on the severity of the parking infringement. Higher penalties are payable at £70 and lower penalties at £50. These categories are as determined in National Guidance. The table below indicates where the higher or lower penalties apply.

\* = or other specified time      \*\*\*\* = or other number

#### On-street

Code	Description	Observation times / grace period (minutes)	Contravention Level
01	Parked in a restricted street during prescribed hours	5	Higher
02	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	0	Higher
04	Parked in a meter bay when penalty time is indicated	5	Lower
05	Parked after the expiry of paid for time	10	Lower
06	Parked without clearly displaying a valid pay-and-display ticket or voucher	5	Lower
07	Parked with payment made to extend the stay beyond initial time	5	Lower
08	Parked at an out-of-order meter during controlled hours	0	Lower
09	Parked displaying multiple pay-and-display tickets where prohibited	0	Lower
10	Parked without clearly displaying two**** valid pay-and-display tickets when required	5	Lower
11	Parked without payment of the parking charge	5	Lower
12	Parked in a residents' or shared use parking place without clearing displaying either a permit or voucher or pay and display ticket issued for that place	5, or 10 if vehicle was originally parked legally	Higher
14	Parked in an electric vehicles' charging place during restricted hours without charging	5	Higher
16	Parked in a permit space without displaying a valid permit	5, or 10 if vehicle was originally parked legally	Higher
18	Using a vehicle in a parking place in connection with	5	Higher

	the sale or offering or exposing for sale of goods when prohibited		
19	Parked in a residents' or shared use parking place or zone displaying an invalid permit, or an invalid voucher or an invalid pay-and-display ticket	5, or 10 if vehicle was originally parked legally	<b>Lower</b>
20	Parked in a loading gap marked by a yellow line	5	<b>Higher</b>
21	Parked in a suspended bay/space or part of bay/space	0	<b>Higher</b>
22	Re-parked in the same parking place within one hour* of leaving	5	<b>Lower</b>
23	Parked in a parking place or area not designated for that class of vehicle	5, or 10 if vehicle was originally parked legally	<b>Higher</b>
24	Not parked correctly within the markings of the bay or space	0	<b>Lower</b>
25	Parked in a loading place during restricted hours without loading	10	<b>Higher</b>
26	Vehicle parked more than 50 centimetres from the edge of the carriageway and not within a designated parking place	0	<b>Higher</b>
27	Parked adjacent to a dropped footway	5	<b>Higher</b>
30	Parked for longer than permitted	10	<b>Lower</b>
35	Parked in a disc parking place without clearly displaying a valid disc	5, or 10 if vehicle was originally parked legally	<b>Lower</b>
36	Parked in a disc parking place for longer than permitted	5, or 10 if vehicle was originally parked legally	<b>Lower</b>
40	Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge	0, or 10 if vehicle was originally parked legally	<b>Higher</b>
41	Parked in a parking place designated for diplomatic vehicles	5	<b>Higher</b>
42	Parked in a parking place designated for police vehicles	0	<b>Higher</b>
45	Parked on a taxi rank	0	<b>Higher</b>
46	Stopped where prohibited (on a red route or clearway)	0	<b>Higher</b>
47	Stopped on a restricted bus stop or stand	0	<b>Higher</b>
48	Stopped in a restricted area outside a school	0	<b>Higher</b>
49	Parked wholly or partly on a cycle track	0	<b>Higher</b>
55	A commercial vehicle parked in a restricted street in contravention of the overnight waiting ban	5	<b>Higher</b>
56	Parked in a contravention of a commercial vehicle waiting restriction	0	<b>Higher</b>

57	Parked in contravention of a coach ban	0	Higher
61	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	5	Higher
62	Parked with one or more wheels on any part of an urban road other than a carriageway (footway parking)	0	Higher
63	Parked with engine running where prohibited	0	Lower
99	Stopped on a pedestrian crossing and/or crossing area marked by zig-zags	0	Higher

## Off-street

Code	Description	Observation times / grace period (minutes)	Contravention Level
70	Parked in a loading area during restricted hours without reasonable excuse	10	Higher
73	Parked without payment of the parking charge	10	Lower
74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	0	Higher
80	Parked for longer than the maximum period permitted	10	Lower
81	Parked in a restricted area in a car park	0	Higher
82	Parked after the expiry of paid for time	10	Lower
83	Parked in a car park without clearly displaying a valid pay-and-display ticket or voucher or parking clock	10	Lower
84	Parked with additional payment made to extend the stay beyond time first purchased	0	Lower
85	Parked in a permit bay without clearly displaying a valid permit	0	Higher
86	Parked beyond the bay markings	0	Lower
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	0	Higher
89	Vehicle parked exceeds maximum weight and/or height and/or length permitted in the area	0	Higher
90	Re-parked within one hour* of leaving a bay or space in a car park	0	Lower
91	Parked in a car park or area not designed for that class of vehicle	0	Higher
92	Parked causing an obstruction	0	Higher
93	Parked in car park when closed	0	Lower
94	Parked in a pay-and-display car park without clearly displaying two**** valid pay-and-display tickets when required	10	Lower
95	Parked in a parking place for a purpose other than the designated purpose for the parking place	10	Lower
96	Parked with engine running where prohibited	10	Lower