



EAST RIDING
OF YORKSHIRE COUNCIL

Civil Parking Enforcement Procedures



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1.0 Introduction

The introduction of Civil Parking Enforcement (CPE) will result in the East Riding of Yorkshire Council being responsible for enforcing all on-street parking controls throughout the authority instead of Humberside Police. As such this document sets out how the Council intends to enforce the new CPE parking system through a number of detailed Parking Enforcement Procedures. In addition to outlining the various enforcement procedures, this document also provides a background to CPE and guidance on good parking practice.

In terms of the general approach to parking enforcement in the East Riding of Yorkshire Council, under the new CPE system it is intended that enforcement will be ‘firm but fair’. As such the main objective of CPE will not be to gain revenue, but to achieve the following benefits:

- Encourage safe and sensible parking
- Ease congestion on roads
- Improve safety for drivers and pedestrians
- Improve access to shops, offices, schools and other premises
- Improve the general environment
- Provide a single responsible authority for parking
- Integrate off-street (car parks) with on-street parking enforcement
- Enable the Council to provide effective enforcement of new and existing restrictions
- Improve enforcement of disabled and permit holder bays

It should be noted that Civil Enforcement Officers (CEO) will not be set targets in issuing a specific number of Penalty Charge Notices (PCN) when undertaking their duties and income generated will be used to fund the scheme’s operational costs. Under the Road Traffic Regulation Act 1984, the application of any surplus from on street parking is limited to meeting the cost of providing and maintaining parking facilities, highway improvement schemes and public passenger transport services.

In the next section, Section 2, this document provides guidance on good parking practice in order to remind people of how to park correctly, considerately and within the law. In Section 3, a background to CPE is provided and for ease of reference, Section 4 includes the various parking enforcement procedures alphabetically. In the final section, Section 5, a glossary of common CPE terms has been provided and these are based on those defined by the Traffic Penalty Tribunal (TPT). In Annex A, details of the standard parking contraventions and observation times have also been included.

2.0 Guidance on Good Parking Practice

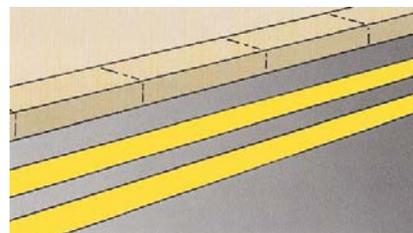
Indiscriminate and uncontrolled parking causes congestion, obstruction, road safety problems and adversely affects a town centre's commercial viability. As such the purpose of this next section is to set out guidance on good parking practice, in order to remind drivers of how to park correctly and avoid the issuing of a Penalty Charge Notice (PCN).

When parking drivers should consider the following:

- Always check the lines on the road and where applicable the signs by the side of road
- Always make sure that you have parked within the bay markings
- Make sure that none of your vehicles wheels are resting on 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 (TRO).
- In pay and display car parks always make sure that you read the signage and comply with the instructions
- In pay and display car parks always make sure that you purchase the appropriate time in accordance with the instructions on the signage
- In pay and display car parks always make sure that you clearly display your pay and display ticket as required
- Do not stay longer than is permitted by the signs or overstay the time you have purchased
- Do not block entrances to private properties or where dropped kerbs are present for vehicular access
- Do not park across dropped kerbs that are provided to ease crossing for pedestrians, cyclists and mobility impaired people
- Do not park more than 50cm away from the kerb
- Do not park on footways (unless the markings permit parking on the footway)
- 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

In terms of parking restrictions, the following are some of the most common signing and lining restrictions in place on the highway network:

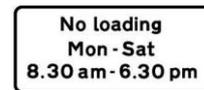
The presence of **Double Yellow Lines** along the edge of the road means 'no waiting at any time'. However, you may stop while passengers get into or out of the vehicle and to undertake loading and/or unloading, unless there are also loading restrictions in place. Parking behind a yellow line on the verge or footway may result in the issue of a PCN if it is classed as Highway. Sign plates are not normally provided next to double yellow lines.





The presence of **Single Yellow Lines** along the edge of the road means that you cannot wait during the times shown on the adjacent sign plate. However, you may stop while passengers get into or out of the vehicle and to undertake loading and/or unloading, unless there are also loading restrictions in place. Parking behind a yellow line on the verge or footway may result in the issue of a PCN if it is classed as Highway.

Loading Restrictions are shown by yellow lines on the kerb or at the edge of the carriageway. They indicate that loading or unloading is prohibited during the times shown on the adjacent signs. Double yellow lines on the kerb means no loading or unloading at any time.



Limited Waiting Bays are marked with dashed lines that indicate the maximum amount of time a vehicle can stay in the bay.



Also on the sign plate the words 'No Return' are displayed. This means that you are not permitted to return to the limited waiting bay within the time specified. Civil Enforcement Officers (CEO) will log all vehicles parked in limited waiting bays to ensure that they do not return to the bay within the specified timescale. Vehicles returning to the bay within the specified timescale will be issued with a PCN.

Bus Lanes

You must not drive or stop in a bus lane during its period of operation. Taxis and cyclists 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.

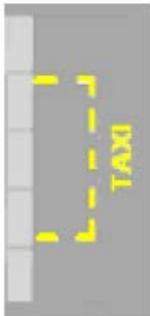


Bus Stop Clearways

You must not park on a bus stop clearway during its period of operation. The period of operation will be shown on the adjacent sign plate.



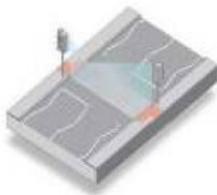
There are also Bus stops on the highway. Again, you must not park in Bus Stops during the period of operation.



Taxi Ranks

You must not park in a Taxi Rank during its period of operation. The period of operation will be shown on the adjacent sign plate.

Parking Bays for Specific Use You must not park in parking bays reserved for specific users such as Doctors, disabled 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 traffic offence.

School Keep Clear' 'Zig-Zag' markings

Stopping on "School Keep Clear" zig-zag markings outside school entrances is inconsiderate and is a safety hazard.

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 or the highway has been raised 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. There are no legal requirements to 'sign' this restriction.

Drivers are not permitted to park their vehicles in a manner that will obstruct a dropped kerb. A PCN may be issued if a vehicle is parked obstructing a dropped kerb. The Council will develop an enforcement procedure that identifies areas of concern and will enforce these accordingly.

Double Parking

Double parking is the more commonly known term when a vehicle waits or is parked more than 50cm from the kerbside and not within a designated parking bay, sometimes next to another parked vehicle. A PCN may be issued if a vehicle is double parked. The Council will develop an enforcement procedure that identifies areas of concern and will enforce them accordingly.

3.0 Background to Civil Parking Enforcement (CPE)

3.1 Overview

The introduction of Civil Parking Enforcement (CPE) will result in a change in parking enforcement, with the East Riding of Yorkshire Council being responsible for enforcing all on-street parking controls throughout the authority instead of the Humberside Police, as well as continuing to enforce off-street car parks.

The main changes with the introduction of CPE are as follows:

- The majority of parking contraventions, including parking on yellow lines and in parking bays, are no longer criminal offences, but will be dealt with under civil law.
- The East Riding of Yorkshire Council will be responsible for enforcing parking controls and will retain income from parking tickets.
- A new type of parking ticket, called a Penalty Charge Notice (PCN) will be introduced.
- Civil Enforcement Officers (CEO) will be introduced in place of the existing Traffic Wardens and Parking Attendants.

Whilst Humberside Police will not be responsible for enforcing any waiting, loading or parking restrictions, they will continue to issue Fixed Penalty Notices for parking on pedestrian crossing zigzags as this offence also carries penalty points. They will also continue to deal with obstruction and all moving traffic offences and they can take action against any vehicle where security or other traffic policing issues are involved.

3.2 Civil Enforcement Officers (CEO)

Under Civil Parking Enforcement (CPE), uniformed Civil Enforcement Officers (CEO) will be responsible for placing parking tickets known as Penalty Charge Notices (PCN) on vehicles contravening parking restrictions.

The CEO will wear a uniform that is readily distinguishable from those worn by the Police and will clearly show that the wearer is engaged in parking enforcement. It will also have the name of the Council and include a personal identify number.

3.3 Penalty Charge Notices (PCN)

If a vehicle is parked in a restricted area without displaying a permit or a valid ticket, the owner/keeper could receive a parking ticket called a Penalty Charge Notice (PCN). The owner/keeper may have to pay the penalty but it will not lead to a criminal record or points on their driving licence.

If the owner/keeper receives a PCN they will be charged at either a higher level of £70 or a lower level of £50. The rate they pay will depend on the severity of the contravention. For example, the lower level PCN will be used for offences such as not buying a parking ticket or parking for longer than the permitted time. The higher level PCN will apply when a more serious offence has been committed, such as parking on double yellow lines. In both cases a 50% reduction will be applied if the PCN is paid within 14 days of issue.

The Council can not change which contraventions are in the higher or lower band, nor is it able to alter the discount periods or the level of the charge, as these are set by statute law.

See Annex A for a full list of all possible parking contraventions and which band they are in.

3.4 **Appealing against the issuing of a Penalty Charge Notice (PCN)**

The owner/keeper of a vehicle can appeal against the issuing of a PCN by submitting an appeal in writing to the council. All appeals must be signed and dated as they are an affidavit. Any appeals made over the phone or face to face will not be accepted due to the possibility of misinterpretation of the challenge during the appeals process.

Challenges also known as Informal Appeals (see item 5.10)

Challenges to the serving of a PCN can only be made from the date the PCN was served by:

a) Handing to the driver

or

b) Affixed to the vehicle

until the date that a Notice to Owner is served on the owner/keeper of the vehicle.

If a challenge is received within 14 days of the issue date of the PCN then the case will be put on 'hold' and the owner/keeper will still be able to pay at the reduced 50% rate if their case is unsuccessful. However, payment must be received within 14 days of the date of the rejection letter in order to benefit from a 50% reduction at this stage.

If the owner/keeper appeal is rejected and they don't agree with the decision then they can make a further appeal to the council using the form included within the Notice to Owner documents.

Representations also known as Formal Appeals (see item 5.34)

Representations against the serving of a PCN can only be made using the form within the Notice to Owner (NtO) document. NtOs are only sent out if

a) No payment has been made

and

i) 28 days has past since the PCN was affixed to the vehicle or handed to the driver

or

ii) 28 days has past since a Challenge was rejected by the Council.

Please note: At this stage of the appeals process all discount offers have expired.

If the owner/keeper representation is rejected and they don't agree with the decision then they can make a further appeal to the Traffic Penalty Tribunal (TPT). All the documents to make an appeal to 'TPT' will be included within the Notice of Rejection Notice (NoR) from the council. (see items 5.3, 5.41 and 5.42)

The TPT is a national independent body set up by the Government for the specific purpose of dealing with parking penalty appeals. Further details of how to appeal can be found on the Traffic Penalty Tribunal website <http://www.patrol-uk.info>

If the owner/keeper do not pay the council or submit an appeal to TPT within 28 days of the service date of the NoR then the owner will be served with a Charge Certificate, which increases the value of the PCN by 50%. If the charge remains unpaid it will be registered as a debt and recovered through the Traffic Enforcement Centre (TEC) at Northampton County Court. (see item 5.73)

4.0 Civil Parking Enforcement - Parking Policies

4.1 Abandoned or Untaxed Vehicles

Abandoned or untaxed vehicles are currently dealt with under the Councils Abandoned Vehicles Policy and as such Civil Enforcement Officers (CEO) will not be responsible for dealing with these vehicles.

However, where a vehicle has remained parked in a restricted area, for a period during which three Penalty Charge Notices (PCNs) have been issued for the same offence, then the CEO will report the vehicle as being potentially abandoned. The reported vehicle will be investigated and no further PCN will be issued during the investigation period.

4.2 Abusive Language, Threatening and/or Violent Behaviour

Civil Enforcement Officers (CEO) have a right to go about their duties without being subjected to abusive language, threatening and/or violent behaviour. If a CEO is subjected to such behaviour then they will make a record of the incident in their pocket book and if necessary seek assistance from Humberside Police.

4.3 Bailiffs

When Bailiffs are removing large or heavy goods from a property to a vehicle parked in contravention then the Civil Enforcement Officer (CEO) will allow a reasonable amount of time for this to be undertaken and will not issue a Penalty Charge Notice (PCN) immediately. However, if there is no evidence that the Bailiffs are actively removing large or heavy goods from a property to a vehicle parked in contravention then a PCN will be issued by the CEO after the observation period (see annex A).

4.4 Bank and Public Holidays

All on street waiting and loading restrictions are applicable throughout the year including bank and public holidays. In the Council's off street car parks signage associated with pay and display machines will provide full details of the restrictions in place for that particular car park and this is also the case with on-street parking pay and display machines.

4.5 Breakdowns

If a vehicle has broken down in a restricted area and the driver is present then the Civil Enforcement Officer (CEO) will allow a reasonable amount of time for the vehicle to be removed. However, if a driver has left the vehicle and placed a note on the windscreen with no clear evidence of a breakdown, after the observation period then the CEO will issue a Penalty Charge Notice (PCN) and make a record stating that a note was present. If the breakdown is legitimate, then the driver will be able to make a written representation through the appeal process and each case will be considered based on the individual circumstances.

4.6 Bus Stops

Restricted Bus Stops are marked with a single thick yellow line and a yellow bay marking with the words "BUS STOP" on the carriageway. Time plates with either a "no stopping" symbol or the words "no stopping except buses" are included on either the post adjacent to the bus stop or on the bus shelter with the times at which the prohibition applies. There are no exemptions for loading or unloading, or for picking up or setting down passengers at bus stops and as such a Penalty Charge Notice (PCN) will be issued by Civil Enforcement Officers (CEO) immediately without any observation period (see Annex A for full observation time details).

4.7 Carers (see Health Care Workers)

4.8 CCTV Enforcement

When introduced in March 2008, the Traffic Management Act 2004 provided local authorities with the option to enforce parking using approved mobile or static CCTV cameras. If a vehicle is identified as being parked in contravention via CCTV, then a Penalty Charge Notice (PCN) is posted to the registered keeper. At present, there are no proposals to enforce parking using CCTV cameras in the East Riding of Yorkshire.

4.9 Clamping and Removal of Vehicles

Under Civil Parking Enforcement (CPE) the Council has the power to both clamp and remove vehicles from the Highway. However, the Council will not currently clamp or remove vehicles parked in contravention, unless they are deemed to be either an abandoned vehicle or persistent evader. (See the Abandoned Vehicles and Persistent Evader sections for further details)

4.10 Coaches

For access and safety reasons, when dropping off or collecting passengers, it may sometimes be necessary for coaches to park in contravention. In these instances, Civil Enforcement Officers (CEO) will attempt to speak to the driver and inform them that they are parked in contravention, before making an assessment of the situation and issuing a Penalty Charge Notice (PCN) if necessary.

If a coach is parked in a location with loading restrictions in place or where they are causing a safety hazard, then the CEO will attempt to advise the driver to move the coach immediately. If no driver is present or they refuse to comply with the CEO request, then the CEO will issue a PCN after the normal observation time (see Annex A).

4.11 Council Staff Parking

The Council issues a number of parking permits, some of which are for Council Employee vehicles. If a vehicle is displaying a parking permit in accordance with its terms, then no Penalty Charge Notice (PCN) will be issued. Any vehicle not displaying the permit correctly in accordance with the conditions will be issued a PCN if parked in contravention.

4.12 Cycle Lanes

On street cycle lanes can be either mandatory or advisory. Mandatory cycle lanes are marked with a solid white line, whereas advisory cycle lanes have a broken white line. If a vehicle is parked in a mandatory cycle lane then a Penalty Charge Notice (PCN) will be issued after the normal observation time (see Annex A). If a vehicle is parked in an advisory cycle lane then a PCN will not be issued, unless additional parking restrictions are in place.

4.13 Diplomatic Vehicles

Diplomatic Vehicles are not exempt from parking regulations, under civil law, and as such will be issued with a PCN by Civil Enforcement Officers (CEO). Enforcement of the PCN will be conducted in compliance with TMA and Article 31.1 of the Vienna Convention. Diplomatic Vehicles are operated by foreign embassies and as such have different number plates with a distinguishing format of three numbers, one letter and three numbers. The letter used is typically a D for diplomat or X for accredited non-diplomatic staff.

4.14 Disabled Blue Badge Holders

Disabled Blue Badges are issued to people with mobility problems and these allow the holder to park in locations where restrictions are in place for other vehicles. For example, Disabled Blue Badge holders have the following national exemptions:

Badge holders may park on single or double yellow lines for up to three hours but in general not where there are restrictions on loading or unloading – indicated by yellow kerb dashes and/or signs on plates **They are not entitled to park on yellow lines in off-street car parks. They must display the Blue Badge** and the blue parking clock showing the quarter hour period during which you arrived. They must wait for at least one hour after a previous period of parking before they can park the same vehicle in the same road or part of a road on the same day.

‘On-street’ parking meters and pay-and-display machines. Badge holders may park for free and for as long as they need to. **They must display the Blue Badge.**

‘On-street’ disabled parking bays (Signs have a blue wheelchair symbol). They may park free and without time limit unless signs say otherwise (check local signs for information). **They must display the Blue Badge.** They should try to use these bays instead of parking on yellow lines.

Off-street car parks (such as supermarket, hospital or local authority car parks). Off-street car park operators should provide parking spaces for disabled people. However, it is up to the car park owner to decide whether badge holders can park free of charge.

If a Disabled Blue Badge is not displayed correctly then a Penalty Charge Notice (PCN) will be issued. Disabled Blue Badges should be clearly displayed and visible through the front windscreen of the vehicle so that the Civil Enforcement Officer (CEO) can determine all details. When parked on either single or double yellow lines, the holder is required to set the arrival time using the clock. If the arrival time has not been displayed correctly or has expired then a PCN will be issued.

Power to inspect the badge. Police officers, traffic wardens, parking attendants and civil enforcement officers have the power to inspect the badge. These people should produce an identity card with their photograph on it to prove they are who they say they are. If any of these people ask to see the badge, you must show it to them. If you do not, you will be breaking the law and you could be fined up to £1,000.

4.15 Disabled Parking Bays

Disabled Parking Bays are reserved for vehicles displaying an official Disabled Blue Badge. They are indicated on the carriageway with markings and the word "Disabled" as well as on a sign adjacent to the bay indicating "Disabled Badge Holders only". The sign will give information on the times at which the bay is reserved for vehicles displaying a Blue Badge and as such vehicles parked in these bays must display a Blue Badge obtained during these times.

4.16 Dispensations or Waivers

It may be possible, in exceptional circumstances, to issue a waiver indicating a dispensation for vehicles where a driver wishes to park in a location that would normally be in contravention of parking restrictions. If a dispensation has been issued, then the notice must be clearly displayed on the windscreen of that vehicle. The waiver notice will include the

registration number, date(s) and time(s) to which the dispensation relates and the location at which it is valid. If a vehicle is not parked in accordance with the terms of the dispensation then a Penalty Charge Notice (PCN) will be issued.

4.17 Double Parking

The Traffic Management Act 2004 gives local authorities operating Civil Parking Enforcement the power to issue a Penalty Charge Notice (PCN) to any vehicle parked more than 50cm away from the kerb. Generally, in the East Riding of Yorkshire Civil Enforcement Officers (CEO) will only issue a PCN if the vehicle is double parked outside a parking bay adjacent to the kerb, or if the vehicle is parked causing a hazard or an obstruction to traffic.

4.18 Drain Cleaning Companies

On occasions, it may be necessary for drain cleaning companies to park in contravention whilst undertaking essential work to remove effluent that may be a danger to public health. In these instances, where it is evident that essential work is occurring, then a Civil Enforcement Officer (CEO) will generally not issue a Penalty Charge Notice (PCN). If there is no evidence of this occurring then CEO will issue a PCN following the normal observation period.

If a drain cleaning company's vehicle is required to undertake essential work for more than one hour, then a dispensation will be required. (See Dispensations or Waivers)

4.19 Drive Away Vehicles

Under Civil Parking Enforcement (CPE) a Penalty Charge Notice (PCN) can be issued by post if it was not possible for the Civil Enforcement Officer (CEO) to either affix the PCN to the vehicle or hand it to the person in charge of a vehicle, when parked in contravention. For example, some individuals may choose to drive their vehicle away before the CEO can finish serving the PCN and as such in these circumstances the PCN can be issued by post under Regulation 10 of the Traffic Management Act 2004.

4.20 Drivers in Vehicles

If a driver is parked in contravention whilst sat in their vehicle, then the Civil Enforcement Officer (CEO) will initially ask them to move the vehicle. If the driver fails to move their vehicle then a Penalty Charge Notice (PCN) will be issued. If only a passenger is present in the vehicle then the CEO will allow the normal observation time before issuing a PCN.

4.21 Dropped Kerbs

Dropped Kerbs are used to provide vehicular access to properties from the highway or at crossing locations used by pedestrians, cyclists and wheelchair users. Under the Traffic Management Act 2004, supported by Statutory Instrument 2009 No. 1116, parking at a dropped kerb is classified as a parking contravention and as such a Penalty Charge Notice (PCN) can be issued.

However, some vehicles parked across dropped kerbs at vehicular accesses are known to the owner or tenant of a property and as such are not causing an obstruction. Therefore if a vehicle is parked across a dropped kerb at these locations then generally a PCN will not be issued. If an unknown vehicle is parked across the dropped kerb, then the owner or tenant can contact Parking Services and the matter will be dealt with at the earliest opportunity by issuing a PCN.

A PCN will be issued to all vehicles parked next to dropped kerbs where it is deemed to impact on road safety and at crossing locations for pedestrians, cyclists and wheelchair users.

4.22 Duplicate or Multiple Penalty Charge Notices (PCN)

If a vehicle has received a Penalty Charge Notice (PCN) for parking in contravention, and remains at the same location past midnight, then a Civil Enforcement Officers (CEO) will issue a second PCN. If the vehicle remains at the same location past midnight on the second day, then a third PCN will be issued and the CEO will report the vehicle as being potentially abandoned. (See abandoned vehicles section).

4.23 Emergency Vehicles

When undertaking official duties, Police, Ambulance and Fire and Rescue emergency vehicles will be exempt from parking regulations and a Penalty Charge Notice (PCN) will not be issued. If there is evidence to suggest that the driver is not engaged in official duties then the Civil Enforcement Officer (CEO) will make a record of the contravention and this will then be forwarded to and dealt with by the relevant service.

Wherever possible, doctors, nurses and midwives are expected to park their vehicles legally in accordance with local parking restrictions. If a PCN is issued to such vehicles and then evidence of an emergency is subsequently submitted to the Council in writing then the PCN will be cancelled. Regular or programmed visits will not be considered an emergency and in these instances the PCN will be upheld.

The council recognises and supports the Hull and East Yorkshire Hospitals Community Midwives Badge scheme and will enforce the scheme as per its terms and conditions.

4.24 Expired Permits

If a permit has expired, but is still being displayed correctly in a vehicle, then a one month grace period will apply and no Penalty Charge Notice (PCN) will be issued by the Civil Enforcement Officer (CEO). If the permit being displayed is more than one month out of date, then the CEO should issue a PCN accordingly. This grace period does not apply to any form of scratch card permit, temporary permit or any short term dispensation or waiver for on or off street parking.

4.25 Foreign Registered Vehicles

Foreign Registered Vehicles are not exempt from parking restrictions and as such will be issued a Penalty Charge Notice (PCN) if parked in contravention.

4.26 Funerals and Weddings

It may be necessary for some vehicles associated with either Funerals or Weddings to be parked in contravention. Any vehicles actively involved in a funeral or a wedding will be given due consideration and respect by the Civil Enforcement Officer (CEO) and a Penalty Charge Notice (PCN) will not generally be issued.

However, any other visitor vehicles that are not actively involved in either the funeral or wedding will be issued a PCN if parked in contravention.

4.27 Glaziers

On occasions, it may be necessary for Glaziers to park in contravention whilst loading or unloading large sections of glass to and from their vehicles. In these instances, where it is

evident that either loading or unloading of large sections of glass is occurring, then Civil Enforcement Officer (CEO) will generally not issue a PCN. If there is no evidence of this occurring then CEO will issue a PCN following the normal observation period.

4.28 Grace Period

One of the objectives of Civil Parking Enforcement (CPE) is to provide a fairer and more flexible approach to parking enforcement in the East Riding of Yorkshire. As such a 10 minute Grace Period will be applied if a driver has over stayed their parking time limit or time purchased in a car park, in order to give them the opportunity to move their vehicle and prevent the issuing of a Penalty Charge Notice (PCN). Where no valid pay & display ticket is displayed a 5 minute observation period will apply to allow the driver time to find a machine and buy a ticket (see observation periods. Appendix A).

4.29 Grass Verges

A Penalty Charge Notice (PCN) may be issued to vehicles parking on grass verges if an existing restriction is in place on the adjacent highway. If no restrictions are in place on the highway then a PCN will not be issued. However, drivers should be aware that action may be taken by the Council where vehicles are parked on the grass verge, particularly where damage to the grass verge results.

4.30 Health Care Workers / Carers

Health Care Workers / Carers are not exempt from parking restrictions and will normally be issued a Penalty Charge Notice (PCN) after the normal observation time. However, it is accepted that on occasions, it may be necessary for Health Care Workers / Carers to park in contravention whilst delivering medicines or equipment that cannot be delivered without compromising patient safety. In these instances, a dispensation or waiver may be obtained and a PCN will not be issued.

4.31 Hired or Leased Vehicles

If the owner of a hired or leased vehicle is issued a PCN or Notice to Owner via post then a representation can be made on these grounds by supplying the name and address of the hirer or lessee and a copy of the hire or lease agreement. The agreement must include a statement signed by the hirer or lessee accepting liability for any penalty charge notices issued to that vehicle during the period of hire. The agreement must comply with Statutory Instrument 2000 No. 2546, The Road Traffic (Owner Liability) Regulations 2000, Schedule 2, Regulation 3 (Particulars required in a Hiring Agreement to comply with Section 66 of the Road Traffic Offenders Act 1988).(see item 5.35 and 5.69)

In these situations the penalty charge notice records will be amended to show the hirer or lessee's name and address, as that party becomes liable for the penalty. A new Notice to Owner will then be issued to the hirer or lessee.

4.32 Hours of Enforcement

Civil Parking Enforcement (CPE) will generally be undertaken by Civil Enforcement Officers (CEO) during standard daytime hours. However there will also be regular patrols during evening periods. As such it should not be assumed that parking enforcement is not undertaken at certain times of the day and therefore vehicles will be at risk of being issued with a Penalty Charge Notice (PCN) if parked in contravention, at all times.

4.33 Lighting and Traffic Signal Engineers

Vehicles belonging to Lighting and Traffic Signal Engineers will be exempt from parking restrictions when undertaking work on lighting columns of traffic signal equipment. If the Civil Enforcement Officer (CEO) sees no evidence of such work being undertaken then a Penalty Charge Notice (PCN) will be issued after the normal observation period.

4.34 Lines and Signs

If a Civil Enforcement Officer (CEO) identifies any defects in either the signing or lining, where a vehicle would normally be parked in contravention, then a Penalty Charge Notice (PCN) will not be issued. The CEO has a responsibility to report details of any signs or lines that require remedial action if discovered when performing their duties.

4.35 Loading or Unloading Vehicles

Unless prevented by specific restrictions preventing loading or unloading, vehicles will be allowed to park in contravention whilst carrying out either loading or unloading provided that:

- Loading or Unloading is observed by the Civil Enforcement Officer (CEO) whilst the vehicle is parked. The observation period will be for a minimum of 5 minutes and a Penalty Charge Notice (PCN) will only be issued if no activity is seen during this period.
- A maximum of 20 minutes will generally be allowed to enable loading or unloading of vehicles. However, the CEO will use his/her discretion in determining whether the nature of the goods being loaded/unloaded mean that additional time is required.

4.36 Maximum Size of Vehicle

In off street pay and display car parks, the maximum size of vehicle that is permitted to park is 2540kg or for passenger vehicles, a capacity for no more than 12 passengers. In all instances vehicles must be parked fully within the designated bay and be displaying a valid pay and display ticket. If it is not possible for a vehicle to park fully within a designated bay, then an additional pay and display ticket should be purchased for each bay that the vehicle is parked in.

4.37 Motorcycle Bays

Motorcycle Bays are marked with lining and include signage detailing them as such. Any vehicle parked in these bays other than motorcycles will be issued with a Penalty Charge Notice (PCN).

4.38 Obscured Parking Permits or Tickets

If a parking permit or ticket is obscured in any way or is not visible to the Civil Enforcement Officer (CEO) then a Penalty Charge Notice (PCN) will be issued. If evidence is subsequently submitted as a written representation, which proves that the vehicle was not parked in contravention, then the PCN will be cancelled.

4.39 Observation Period

In some instances a vehicle parked in contravention will be subject to an observation period by the Civil Enforcement Officer (CEO) prior to being issued a Penalty Charge Notice (PCN). The length of the observation period will depend on the type of contravention and as such details of each are provided in Annex A.

It should be noted that an Observation Period differs from a Grace Period, which relates to the expiry of a pay and display ticket or when a vehicle has over-stayed the time limit on limited waiting parking bays. A description of grace periods can be found in the Grace Period Section.

4.40 **Parking on Footways or Pavements**

A Penalty Charge Notice (PCN) may be issued to vehicles parking on footways/pavements if an existing restriction is in place on the adjacent carriageway. If no restrictions are in place on the carriageway then a PCN will not currently be issued.

4.41 **Parking Outside Bay Markings**

If a vehicle is parked outside bay markings and/or preventing other vehicles from parking in adjacent bays or causing an obstruction as a result of not parking within the bay, then they will be issued with a Penalty Charge Notice (PCN).

4.42 **Pay and Display Machine Faults**

Pay and Display machines are checked for faults by Civil Enforcement Officers (CEO) on a regular basis. Where a Penalty Charge Notice (PCN) has been issued and it is claimed that a machine was not working then reference must be made to the maintenance records, the CEO's notes and machine test records. If it is confirmed that the machine was not working at the time then consideration will be given to cancelling the PCN. However, 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 and as such the PCN may be upheld.

4.43 **Pay and Display Tickets**

Pay and Display Tickets must be purchased at the time of parking for the amount of time required. Details on each ticket include the ticket machine number, the expiry date and time, the fee paid and a unique serial number. When displaying a ticket, the following conditions apply:

- The ticket should be clearly and continuously displayed, so that all the details listed above can be read from outside the vehicle, whilst the vehicle is parked either on street or in pay and display car parks
- The date and time of the displayed ticket should not be expired.
- If parked in a short or medium stay pay and display car park, the ticket must be for the car park indicated

If the above points are not adhered to, then a Penalty Charge Notice (PCN) may be issued by a Civil Enforcement Officer (CEO). A 10 minute Grace Period will be applied following the expiry time of the pay and display ticket to allow the driver to move the vehicle and prevent the issuing of PCN. A 5 minute Observation Period will apply to allow a driver time to buy a pay & display ticket.

4.44 **Pedestrian Crossings**

Parking on a Pedestrian Crossings or the zig-zag markings leading up to or away from the crossing is a parking contravention under Civil Parking Enforcement (CPE) and vehicles will be served with a PCN if parked on the crossing. Also drivers may be issued with a Fixed Penalty Notice (FPN) by Humberside Police if parked in these locations.

If the police serve a FPN for parking on a pedestrian cross then any PCN for the same contravention, location and time will be cancelled.

4.45 Persistent Evaders

If the owner or identified driver of a vehicle has 3 or more outstanding Penalty Charge Notices (PCN) that are not classified as multiple contraventions for the same offence, then they are classified as a Persistent Evader. A Persistent Evader may have their vehicle clamped or towed.

4.46 Picking up / Dropping off Passengers

With the exception of urban clearways and on zig-zag markings (outside schools and at pedestrian crossings), vehicles will be given a reasonable amount of time to stop in restricted locations and drop-off or pick up passengers. It is deemed that 2 minutes is sufficient time for this to occur, with the exception of the following scenarios:

- When dropping off or picking up a child or elderly person
- When dropping off or picking up a person with restricted mobility
- When dropping off or picking up large amounts of luggage

If it is evident that one of the above activities is not being undertaken, or the driver is not present, then generally a Penalty Charge Notice (PCN) will be issued.

4.47 Residents' Parking Schemes

Parking bays in areas with Residents' Parking Schemes may be reserved for residents' permit holders at all times, or at specific times or days only. Each section of parking bay(s) within these areas will have details of the restrictions for that particular location given on the signage plate. Any vehicle parked in these locations and not adhering to the restrictions will be issued a Penalty Charge Notice (PCN) after the normal observation period.

4.48 Requests for Enforcement

If a Civil Enforcement Officer (CEO) is approached by a member of the public during their patrol and they makes a request for enforcement, then the CEO should generally comply with this request, unless the vehicle is located outside of their patrol area or is a considerable distance from their current location. In these instances the CEO should attempt to contact an on duty supervisor via their radio and the supervisor will be responsible for making the arrangements to check the vehicle in question, as soon as practicable.

4.49 Royal Mail Vehicles

Royal Mail vehicles are exempt from normal loading restrictions when being used in the collection of postal packages from post boxes and businesses. If Civil Enforcement Officers (CEO) observe Royal Mail vehicles being parked for a long period or believe that they are not being used in collection or delivery of postal packages then they should issue a Penalty Charge Notice (PCN).

4.50 Scaffolders

On occasions, it may be necessary for Scaffolders to park in contravention whilst loading or unloading large sections of scaffold to and from their vehicles. In these instances, where it is evident that either loading or unloading of large is occurring, then Civil Enforcement Officer (CEO) will generally not issue a Penalty Charge Notice (PCN). If there is no evidence of this occurring then CEO will issue a PCN following the normal observation period.

4.51 School Access Restrictions

A yellow zig-zag line with the words "School Keep Clear" on the carriageway indicates an area outside a school access where no stopping is allowed during the times on the signs adjacent to

the marking. There are no exemptions for loading or unloading, or for picking up or setting down passengers. As such if a vehicle is observed parking on zig-zag lining outside schools, then the Civil Enforcement Officer (CEO) will issue a Penalty Charge Notice (PCN) without any observation period.

4.52 Statutory Undertakers

A Statutory Undertakers vehicle is any vehicle involved in the mains supply of gas, electricity, water or telecommunications. Vehicles belonging to statutory undertakers will generally be exempt from parking restrictions when undertaking work on utility equipment. If the Civil Enforcement Officer (CEO) sees no evidence of such work being undertaken then a Penalty Charge Notice (PCN) will be issued after the normal observation period.

4.53 Suspended Parking Bays

On occasions parking bays will be suspended. For example, parking bays adjacent to a property can be suspended in exceptional circumstances if either a resident or business submits an application for the following:

- Removals
- Deliveries
- Funerals or Weddings
- Skips
- Work on the highway
- Special Events

Applications for parking bay suspensions must be received at least 2 working days prior to the event with the exact location and extent of the suspension and details of the reason for the request. Evidence or proof of the reason may be required and a charge for the suspension may apply.

Vehicles must not be parked in a parking bay if the use of the bay has been suspended. This is shown by means of signs within the length of the affected bay, indicating that the use of the bay is suspended. Vehicles parking in suspended Pay and Display or residents' permit bays may be issued with a Penalty Charge Notice.

4.54 Taxis and Private Hire Vehicles

Taxis are licensed by the Council and may ply for hire in the street and may use authorised Taxi Ranks. Private Hire Vehicles are also licensed may only respond to pre-arranged calls, they are not permitted to ply for hire or use Taxi Ranks.

Hours of operation of authorised Taxi Ranks vary. A Taxi is allowed to wait within any of the Council's authorised Taxi Ranks, whereas Private Hire Vehicles are not. Any Private Hire Vehicle parked in a Taxi Rank during the permitted hours should be issued a Penalty Charge Notice (PCN). Similarly any Taxi that cannot get onto the rank to queue is not permitted to wait outside the rank and as such a PCN should be issued in these instances.

As with all vehicles, both Taxis and Private Hire Vehicles may stop to allow passengers to board or alight for as long as is necessary.

4.55 Traffic Signal Engineers

See Lighting and Signal Engineers section.

4.56 Untaxed Vehicles

See Abandoned or Untaxed Vehicles section.

4.57 Utility Vehicles

See Statutory Undertakers Section.

4.58 Weather Conditions

On occasions the lining and signing showing parking restrictions may be obscured as a result of severe weather conditions (e.g. heavy snowfall or flooding). In these instances Civil Enforcement Officers (CEO) will make an assessment of the situation and determine whether a Penalty Charge Notice (PCN) should be issued.

4.59 Weddings

See Funerals and Weddings section.

4.60 Window Cleaners

Window Cleaners are not exempt from parking restrictions and as such will be issued a Penalty Charge Notice (PCN) if parked in contravention.

5.0 Glossary of Civil Parking Enforcement Terms

5.1 Adjudication

The process by which, at a personal, telephone or postal hearing, an Adjudicator from the Traffic Penalty Tribunal (the second and final statutory opportunity for a motorist to challenge a Penalty Charge Notice - PCN) decides the appeal either for the motorist (the appellant) - or the Council (the respondent). The decision of an Adjudicator is final and binding on both parties to an appeal.

5.2 Adjudicator

An independent lawyer, unconnected with any PCN-issuing council, who has practiced for at least five years. Their appointment is sanctioned by the Lord Chancellor.

5.3 Appeal

The act of referring a dispute concerning a Penalty Charge Notice (PCN) (and possibly the towing-away or clamping of a vehicle) to an independent Adjudicator at the Traffic Penalty Tribunal. A motorist may only appeal after the council that issued the PCN has rejected formal representations and appeals may only be made on specified statutory grounds.

5.4 Appellant

The motorist or vehicle owner who receives a penalty and makes an appeal to the Traffic Penalty Tribunal.

5.5 Authorisation Notice

The notice issued by a Civil Enforcement Officer to indicate that a vehicle already issued with a Penalty Charge Notice (PCN) is to be towed away or clamped.

5.6 Blue Badge

The badge issued to people with disabilities, granting them special parking rights.

5.7 Bus lane

A separate lane on a carriageway, separated by a thick white line and signed as a bus lane with hours of operation, or at any time, during which it may not be entered by other vehicles with the possible exception of taxis and motorcycles.

5.8 Cancellation

The action taken to cancel a Penalty Charge Notice and/or Notice to Owner.

5.9 Certificated Bailiff

A bailiff authorised in accordance with Section 82 and Section 83 of the Traffic Management Act 2004 to recover parking debt. (This procedure is different in Scotland.)

5.10 Challenge

An informal appeal to a council by a motorist against the issue of a parking or bus-lane PCN. A challenge against a Notice to Owner (*see below*) is called Formal Representations (*see below*).

5.11 Charge Certificate

A notice issued to motorists who have received a Penalty Charge Notice and subsequent Notice to Owner (in respect of parking only) but have not paid within the statutory time limits.

A Charge Certificate increases the full penalty charge by 50% and requires payment by 14 days from its service if registration of the debt is to be avoided.

5.12 Civil Enforcement

Control of parking and moving-traffic (bus-lane) contraventions by a council that is empowered under the Road Traffic Act 1991 and the Traffic Management Act 2004.

5.13 Civil Enforcement Authority

A council that is empowered to operate civil enforcement of parking and moving-traffic (bus-lane) Regulations.

5.14 Civil Enforcement Officer

A uniformed officer employed by or on behalf of a council to issue PCNs for parking contraventions under a civil enforcement scheme.

5.15 Clamping

The immobilisation by a Civil Enforcement Officer (*see* above) of a vehicle deemed to be contravening a parking regulation.

5.16 Compelling Reasons

Reasons beyond the legal grounds for cancelling a penalty imposed by a council on a motorist for an alleged parking contravention.

5.17 Contravention

A failure by a motorist to comply with parking Regulations that have been decriminalised (i.e., those for permitted parking and those in Special Parking Areas) or a provision relating to the use of an area of road reserved for a bus lane. Details of the standard parking contraventions and observation times are shown in Annex A.

5.18 Costs

The independent Adjudicator has powers to award costs against either party to an appeal. The grounds for doing so are very few and such awards are extremely rare. Costs may be awarded if, in the opinion of the Adjudicator, either party has behaved in a "frivolous, vexatious or wholly unreasonable" fashion.

5.19 Council

A local authority in England (outside London) and Wales that may operate civil enforcement of parking and/or other traffic regulations.

5.20 County Court

The court where a debt is registered following non-payment of a Penalty Charge Notice fourteen days after the service of a Charge Certificate. Such debts are registered at the Traffic Enforcement Centre (TEC), currently attached to Northampton County Court.

5.21 Crime Reference Number

A reference number issued by the Police and attached to a crime reported by a member of the public, such as the theft of a vehicle.

5.22 Debt Registration

The process of recording a parking or bus-lane debt with the Traffic Enforcement Centre (TEC) at the County Court, no fewer than fourteen days after the service of a Charge Certificate and where the penalty charge due has not been paid. (This is different in Scotland.) The registration of debt is an automated process and there is no right of personal representation during this process.

5.23 Decriminalisation

Under the Road Traffic Act 1991, the Secretary of State for Transport made Special Parking Orders, permitting a council to enforce contraventions of parking Regulations within a designated Special Parking Area. Such contraventions are not criminal offences subject to a Fixed Penalty Notice, but are enforced through civil procedures. Thus they are said to have been "decriminalised".

Bus-lane contraventions have not been decriminalised. While they may be enforced by a council through the civil procedure, they may also be enforced by the police through criminal proceedings. If the police begin criminal proceedings, the council cannot enforce through the civil procedure.

5.24 Discount Rate

A reduction in the penalty charge due if a Penalty Charge Notice is paid within 14 days from the date of issue. The discount rate is 50% for both parking and bus-lane contraventions.

5.25 Discretion

The power of a council to cancel a parking or moving-traffic (bus-lane) penalty if it deems fit.

5.26 Driver and Vehicle Licensing Agency (DVLA)

The Driver and Vehicle Licensing Agency, based in Swansea.

5.27 DVLA

See above.

5.28 Enforcement

The means for ensuring that laws and regulations are complied with.

5.29 Enforcement Process

The process of ensuring that laws and regulations are complied with.

5.30 Evidence

Any relevant item or piece of information that may be used to prove a point of law.

5.31 False Declaration

It is a criminal offence to "knowingly and wilfully" make an untrue statement in connection with an appeal to the independent Adjudicator and at other stages in the enforcement process. Anyone committing such an offence risks conviction and a fine.

5.32 Fixed Penalty Notice (FPN)

Notices issued by police officers, police community support officers (PCSO) and police traffic wardens to motorists who commit parking and bus-lane offences governed by criminal law.

5.33 Formal Grounds

The statutory grounds (reasons) for making an appeal to the Traffic Penalty Tribunal.

5.34 Formal Representations

The formal arguments made by a motorist who challenges a penalty charge after they have received a Notice to Owner (*see* below) following the issue of a PCN.

5.35 Hire Vehicles

Vehicles are normally hired under an agreement that conforms with The Road Traffic (Owner Liability) Regulations 2000. This transfers liability for any Penalty Charge Notice (and other contraventions or offences) from the hire company, as the owner of the vehicle, to the hirer of the vehicle.

5.36 Initial Charge

The basic charge set for parking in a designated parking bay, for specified users at specified times. Individual councils have responsibility for setting their own initial charges.

5.37 Legal Grounds

The statutory reasons that a motorist can use to challenge or appeal against a PCN or and NTO (*see* below).

5.38 Logbook

The Vehicle Registration Document (VRD), issued by the DVLA, containing a vehicle's formal details.

5.39 National Parking Adjudication Service

An independent tribunal, created in 1999 to discharge the requirements of the Road Traffic Act 1991 to provide an independent adjudication service in respect of Penalty Charge Notices issued in England (outside London) and Wales under the terms of the RTA9 1991 and extended in 2006 to provide the same service for bus-lane contraventions (outside London) issued under the terms of the Regulations made under the Transport Act 2000. Replaced in 2008 by the Traffic Penalty Tribunal (*see* below).

5.40 National Parking Adjudication Service Joint Committee

The Committee created in accordance with Section 73 of the Road Traffic Act 1991 to appoint Adjudicators and to provide them with administrative support.

5.41 Notice of Appeal (NOA)

Form sent to a motorist by a council with a Notice of Rejection of Representations on which the motorists can exercise their right to lodge a formal appeal to an independent Adjudicator at the Traffic Penalty Tribunal against the imposition of a penalty charge.

5.42 Notice of Rejection of Representations (NOR)

A letter issued by a council to a motorist following their formal representations against a Notice to Owner in respect of parking, or a Penalty Charge Notice in respect of bus-lane contraventions, indicating that the representations have been rejected.

5.43 Notice to Owner (NTO)

A statutory notice to be served by the council on the person believed by them to be the owner of a vehicle that has been issued with a Penalty Charge Notice, in respect of a parking contravention, that remains unpaid after 28 days. The Notice to Owner requires the owner either to:

- i) make payment of the full penalty charge within 28 days,
or
- ii) make formal representations against liability for the charge on one of the statutory grounds allowed, again within 28 days.

A Notice to Owner will not be issued in respect of bus-lane contraventions (outside London).

5.44 Order for Recovery

A statutory notice issued to the motorist that an unpaid penalty charge has been registered as a debt at the Traffic Enforcement Centre (TEC) at the County Court. (The procedure is different in Scotland.)

5.45 Parking

The act of leaving a vehicle stationary. In a council area, regulations (bylaws) regulate **restricted** parking with signs and lines (yellow lines) and **permitted** parking with signs and lines (white lines indicating parking bays) - *see* below.

5.46 Parking Adjudicator

An independent solicitor or barrister of at least five years' professional standing, appointed under Section 81 of the Traffic Management Act 2004 to consider appeals against Penalty Charge Notices issued under the terms of that Act.

5.47 Parking Bay

An individual bay within a parking place that is provided for leaving a vehicle on payment, or display of a permit or voucher as required.

5.48 Parking Place

Any area of highway designated within a TRO/TMO (bylaw) as a place where vehicles are permitted to park. A parking place may contain one or more parking spaces.

5.49 Parking Space

A space for one vehicle.

5.50 Parking and Traffic Appeals Service (PATAS)

The name given to the adjudication service in London.

5.51 Payment Centre

Places where motorists may pay any additional parking charges incurred following the issuing of a Penalty Charge Notice.

5.52 Penalty

The financial penalty imposed by a council on a motorist for having contravened a parking or moving-traffic (bus-lane) regulation.

5.53 Penalty Charge

Amount of money, set by law, attaching to a penalty (see above) issued by a council.

5.54 Penalty Charge Notice (PCN)

A notice issued by a council to a motorist appearing to be in charge of a vehicle that the council believes was contravening the council's Traffic Regulation Order (TRO - bylaw regulation). A Penalty Charge Notice must contain certain information, including a description of the contravention alleged to have occurred.

5.55 Persistent Offenders / Evaders

The term used in respect of motorists who persistently receive Penalty Charge Notices but do not make payment.

5.56 Photographs

These can be used as supporting evidence in an immediate challenge to a PCN, as formal representations to a council following receipt of a Notice to Owner or as an appeal to the independent Adjudicator following receipt of a Notice of Rejection of Representations. They should be taken so as to situate the position of your vehicle at the time of the alleged contravention and to show its registration number plate.

5.57 Pocket Book

A notebook used by Civil Enforcement Officers (or Parking Attendants) to record information while on duty, in particular additional evidence to support Penalty Charge Notices issued during the course of their enforcement activities.

5.58 Priority Routes (Red Routes)

A network of major roads within London, specified by the Secretary of State as key roads where traffic flow is to be maintained. The Metropolitan Police retain responsibility for the enforcement of waiting and loading restrictions on red routes, although permitted parking is enforced by the council through whose area the red route runs.

5.59 Procedural Impropriety

Failure by a council to follow the proper procedure laid down in law for issuing a PCN or an NTO (*see below*)

5.60 Recommendation

An opinion delivered to a council by an independent Adjudicator, suggesting that a PCN or an NTO be cancelled, even though none of the statutory grounds for an appeal apply.

5.61 Registered Keeper

The person or organisation recorded at the Driver and Vehicle Licensing Agency (DVLA) as being the keeper of a vehicle. Under the concept of "owner liability", councils may assume that the registered keeper is also the owner of the vehicle for the purposes of enforcement, unless there is clear evidence to the contrary or this presumption is rebutted by the registered keeper.

5.62 Relevant Date

The effective date on which a PCN or an NTO is deemed to have been issued (usually the day on which it is issued to a motorist/vehicle by a CEO or the day on which it is posted).

5.63 Regulation

A Statutory Instrument, arising from an Act of Parliament, by which the provisions of the statutory law are put into practice. On the basis of these, councils make their own Traffic Regulation Orders (TROs - bylaws, *see* below), which are called regulations, with a small "r".

5.64 Respondent

The other party to an appeal, a council in England (outside London) and Wales that operates civil enforcement of parking and other traffic contraventions.

5.65 Review

Either party to an appeal can apply for a review of an Adjudicator's decision. However, the grounds on which such an application may be made are extremely few.

5.66 Road Traffic Act 1991 (RTA 1991)

The Act of Parliament that decriminalised certain parking offences, making them civil contraventions, enforceable by local authorities where a SPA or PPA Order is in force.

5.67 Road Traffic Regulation Act 1984 (RTRA 1984)

The Act of Parliament which provided many of the powers for councils to control parking in their area, which have now been incorporated in the decriminalised regime brought in by the Road Traffic Act 1991.

5.68 Special Parking Area (SPA)

An area approved by the Secretary of State for Transport within which the enforcement of most parking controls has been decriminalised and where enforcement may therefore be undertaken by the council.

5.69 Statement of Liability

Part of the agreement signed by the hirer of a vehicle accepting that the hirer accepts liability, as if he were the owner, in respect of Penalty Charge Notices issued to the vehicle during the hire period. A hire agreement must contain the particulars required by the Road Traffic (Owner Liability) Regulations 2000 to enable the hire company to transfer liability in this fashion.

5.70 Statutory Declaration

A legal statement from a motorist in response to an Order for Recovery to the effect that an earlier stage in the enforcement process had not been complied with. A valid statutory declaration cancels the Charge Certificate and the associated 50% increase in the penalty charge and causes enforcement to revert to the NTO or appeal stage. It is a criminal offence to knowingly and wilfully make a false Statutory Declaration.

5.71 Ticket (PCN or pay-and-display voucher)

The name commonly given to a Penalty Charge Notice (*see* above) issued by a Civil Enforcement Officer (*see* above) for a contravention or to a Fixed Penalty Charge (*see* above) issued by a police officer, a police community support officer (PCSO) or police traffic warden for a criminal offence. (**Note:** Ticket is also the name used by councils for the coupons/vouchers issued in car parks or on-street parking bays for display in a parked vehicle.)

5.72 Towing Away (Removal)

The act of removing a vehicle from where it is parked in contravention of a regulation to a Vehicle Pound (*see below*) from which it can be released only on payment of the PCN and the removal and storage charge/fee.

5.73 Traffic Enforcement Centre (TEC)

Situated currently at the County Court in Northampton, this is the centre where unpaid penalty charges are registered as debts at the County Court. This is an automated process, not requiring, or allowing an appearance by any party. (The procedure is different in Scotland).

5.74 Traffic Management Act 2004 (TMA 2004)

Act of Parliament which repealed the RTA 1991 and replaced it with new laws and Regulations giving civil-enforcement authority councils some additional powers to control parking. The associated Regulations came into force on 31 March 2008.

5.75 Traffic Penalty Tribunal

The new name for the NPAS (*see above*), introduced to coincide with the coming into force of the TMA 2004 Regulations (*see above*).

5.76 Traffic Regulation Order (TRO)

An official order made by a council under the Road Traffic Regulation Act 1984 and Section 74 and Schedules 8 and 9 of the Traffic Management Act 2004, which details the nature and extent of parking controls within the council's area. It is a contravention of these controls as detailed in a TRO that may give rise to the issuing of a Penalty Charge Notice. The same Orders are frequently known as Traffic Management Orders (TMOs) within London.

5.77 Transport Act 2000

The act of parliament that enables councils to enforce bus-lane contraventions as civil contraventions where an SPA or PPA order is in force.

5.78 Tribunal

An independent body created to provide a simple, accessible system of justice, allowing an appeal by the individual against administrative decisions made by the state. The Traffic Penalty Tribunal is one such tribunal.

5.79 Variable Penalty

Two-tier penalty charge system introduced by the TMA 2004 (*see above*), recognising that some contraventions are more serious than others.

5.80 Vehicle Pound

A secure place to which a removed vehicle is taken for storage until it is retrieved by the owner on payment of the additional parking charges.

5.81 Vehicle Registration Document (VRD)

The logbook, issued by the DVLA, containing a vehicle's formal details.

5.82 Vehicle Registration Mark (VRM)

A vehicle's number plate.

5.83 Vehicle Excise Disc (VED)

A vehicle's tax disc and for enforcement purposes - primarily the disc's unique serial number.

5.84 Warrant of Execution

Authority issued by the county court to enforce an unpaid debt, following registration at the TEC. Warrants must be in the possession of a certificated bailiff when attempts are made to recover the debt. (The procedure is different in Scotland).

5.85 Witness Statement

Signed written document completed by a third party to attest to the facts surrounding the parking of a vehicle, which can be used by a motorist in support of their challenge of or appeal against a PCN/NTO. A Witness Statement is also a legal statement from a motorist in response to a county court Order for Recovery to the effect that an earlier stage in the enforcement process had not been complied with. A valid Statutory Declaration cancels any charge certificate and the associated 50% increase in the penalty charge and causes enforcement to revert to the Notice to Owner or appeal stage. It is a criminal offence to make a false Witness Statement.

ANNEX A

CONTRAVENTION CODES/OBSERVATION TIMES

On-Street

Code	Observation Time (Minutes)	Description	Differential level
01	5	Parked in a restricted street during prescribed hours	Higher
02	0	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	Higher
04	5	Parked in a meter bay when penalty time is indicated	Lower
05	5	Parked after the expiry of paid for time	Lower
06	5	Parked without clearly displaying a valid pay & display ticket or voucher	Lower
07	5	Parked with payment made to extend the stay beyond initial time	Lower
08	0	Parked at an out-of-order meter during controlled hours	Lower
09	5	Parked displaying multiple pay & display tickets where prohibited	Lower
10	5	Parked without clearly displaying two**** valid pay and display tickets when required	Lower
11	5	Parked without payment of the parking charge	Lower
12	5	Parked in a residents' or shared use parking place or zone without clearly displaying either a permit or voucher or pay and display ticket issued for that place	Higher
14	0	Parked in an electric vehicles' charging place during restricted hours without charging	Higher
16	5	Parked in a permit space without displaying a valid permit	Higher
18	5	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher
19	5	Parked in a residents' or shared use parking place or zone displaying an invalid permit, an invalid voucher or an invalid pay & display ticket	Lower
20	5	Parked in a loading gap marked by a yellow line	Higher
21	0	Parked in a suspended bay or space or part of bay or space	Higher
22	5	Re-parked in the same parking place or zone within one hour* of leaving	Lower
23	5	Parked in a parking place or area not designated for that class of vehicle	Higher
24	0	Not parked correctly within the markings of the bay or space	Lower
25	5	Parked in a loading place during restricted hours without loading	Higher
26	0	Parked in a special enforcement area more than 50 cm [†] from the edge of the carriageway and not within a designated parking place	Higher
27	5	Parked in a special enforcement area adjacent to a dropped footway	Higher

The East Riding of Yorkshire Council
CIVIL PARKING ENFORCEMENT PROCEDURES

Code	Observation Time (Minutes)	Description (On Street continued)	Differential level
30	5	Parked for longer than permitted	Lower
35	5	Parked in a disc parking place without clearly displaying a valid disc	Lower
36	5	Parked in a disc parking place for longer than permitted	Lower
40	0	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher
41	0	Parked in a parking place designated for diplomatic vehicles	Higher
42	0	Parked in a parking place designated for police vehicles	Higher
45	0	Parked on a taxi rank	Higher
46	0	Stopped where prohibited (on a red route or clearway)	Higher
47	0	Stopped on a restricted bus stop or stand	Higher
48	0	Stopped in a restricted area outside a school when prohibited	Higher
49	5	Parked wholly or partly on a cycle track or lane	Higher
55	5	A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban	Higher
56	0	Parked in contravention of a commercial vehicle waiting restriction	Higher
57	0	Parked in contravention of a coach ban	Higher
61	0	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	Higher
62	5	Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway	Higher
63	5	Parked with engine running where prohibited	Lower
99	0	Stopped on a pedestrian crossing or crossing area marked by zigzags	Higher

Off-Street

Code	Observation Time (Minutes)	Description	Differential level
70	0	Parked in a loading area during restricted hours without reasonable excuse	Higher
73	5	Parked without payment of the parking charge	Lower
74	0	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher
80	5	Parked for longer than the maximum period permitted	Lower
81		Parked in a restricted area in a car park	Higher
82	5	Parked after the expiry of paid for time	Lower
83	5	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower
84	0	Parked with additional payment made to extend the stay beyond time first purchased	Lower
85	0	Parked in a permit bay without clearly displaying a valid permit	Higher
86	0	Parked beyond the bay markings	Lower
87	0	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher
89	0	Vehicle parked exceeds maximum weight or height or length permitted in the area	Higher
90	0	Re-parked within one hour* of leaving a bay or space in a car park	Lower
91	0	Parked in a car park or area not designated for that class of vehicle	Higher
92	0	Parked causing an obstruction	Higher
93	0	Parked in car park when closed	Lower
94	5	Parked in a pay & display car park without clearly displaying two**** valid pay and display tickets when required	Lower
95	0	Parked in a parking place for a purpose other than the designated purpose for the parking place	Lower
96	0	Parked with engine running where prohibited	Lower