



Version 14 – MAY 2018

NORTHAMPTONSHIRE COUNTY COUNCIL PARKING SERVICES

CIVIL PARKING ENFORCEMENT GUIDELINES

INTRODUCTION

This document outlines the parking enforcement protocols adopted by Northamptonshire County Council. The guidance does not apply to Kettering Borough Council which falls outside the Civil Enforcement Area. Parking enforcement in Kettering is undertaken by Northamptonshire Police.

The purpose of the Enforcement Guidelines is to:

- Deliver a high quality parking service to road users in a fair and consistent way
- Ensure clarity of enforcement requirements and parking policy for parking services staff and Civil Enforcement Officers
- Have a single point in which enforcement policy is documented and updated when changes occur

The content of the document and policies contained within it have taken into account accepted best practices and recommendations from the Traffic Penalty Tribunal (TPT), guidance offered by the Secretary of State through the Department of Transport, through sharing best practice with other local authorities delivering Civil Parking Enforcement (CPE) and the Local Government Ombudsman (LGO). The policies in this document are intended to inform the motorist and provide guidance to those employed by the Council and its service providers working in the enforcement of parking regulations.

It is important to note that each case will be considered on its own merit and we advise the whole document should be read in its entirety to ensure that you are fully informed before taking any action.

This document includes:

- **Section 1:** Policy statement
- **Section 2:** Circumstances in which the Council may consider mitigating reasons for cancellation of a Penalty Charge Notice (PCN)
- **Section 3:** Statutory Grounds upon which representations may be made
- **Section 4:** Observation times by contravention
- **Section 5:** Additional information on parking enforcement & challenges, representations and appeals

General Data Protection Regulation (GDPR) effective 25th May 2018

NOTIFICATION REGARDING THE PROCESSING OF ANY PERSONAL DATA SUPPLIED

Data Controller – Northamptonshire County Council; **Data Protection Officer contact** – DPO@northamptonshire.gov.uk; **Purpose for processing** – for the collection and recovery of Penalty Charge Notices; **Legal basis for processing** – your data will be processed on the legal basis of Public Task and Legal Obligation. Under the terms of the Traffic Management Act 2004, The Civil Enforcement of Parking Contraventions (England) General Regulations 2007; **Data Sharing** – the personal data collected may be shared with our Enforcement Agents, DVLA, Authorised Contractors and in accordance with the above legislation; **Data Retention** – this data will be retained for the purpose of audit and financial reporting requirements in accordance with our retention policies; **Your Rights** – You have the right to ask the Data Controller to inform you of how we use your data, have access to a copy of your data, to rectify your personal data, and you have the right to object to processing. However, these rights are only applicable if the Council has verified your identity and agrees that your request is made in adherence with your rights under data protection law. You also have the right to complain to the regulator; <https://ico.org.uk>; **For more information see:** <http://www3.northamptonshire.gov.uk/councilservices/northamptonshire-highways/parking/Pages/parking-enforcement-.aspx>

SECTION 1

POLICY STATEMENT OF NORTHAMPTONSHIRE COUNTY COUNCIL FOR CIVIL PARKING ENFORCEMENT

Working in partnership with District and Borough Councils of Wellingborough, Corby, Northampton, East Northamptonshire, South Northamptonshire and Daventry, Northamptonshire County Council is committed to providing a high quality parking service that meets the needs of its rich and diverse community. In particular the Council aims to:

- Managing and reconciling the competing demands for kerb space for residents, business and visitors
- Balance the demand for parking in order to enhance the viability and attractiveness of the county, reducing congestion, improving air quality and health, and promote sustainable travel patterns and behaviours
- Facilitate the movement of bus operators and emergency services by ensuring they are not impeded by inconsiderately parked vehicles
- Meet the needs of cyclists and motorcyclists
- Meet the needs of people with disabilities
- Facilitate adequate loading and unloading facilities for businesses and shops without causing congestion and delay to traffic

The parking policies will be reviewed annually and changes made if necessary and will take into account the following:

- Existing and predicted levels of demand for parking
- Availability and pricing of both on and off street parking
- The nature and extent of parking restrictions
- Accuracy and quality of signs, plates and road markings
- Views of interested parties / stakeholders
- Policies that exist in neighbouring authorities
- Special needs of those with disabilities

The County Council will ensure that the Civil Parking Enforcement Protocol is taken into account when decisions are made in relation to highway proposals and will compliment strategies relating to transport, leisure and environment, and ensure management of service is carried out in a sensitive and practical manner.

Important Customer Note: The responsibility of ensuring safe receipt of any correspondence relating to Penalty Charge Notices remains with the motorist and not the County Council.

Please remember to allow 2 days for 1st class post and 5 for 2nd class.

SECTION 2

CIRCUMSTANCES IN WHICH THE COUNCIL MAY CONSIDER MITIGATING REASONS FOR CANCELLING A PENALTY CHARGE NOTICE (PCN)

Each challenge and representation is considered on individual merit. The Council will use its discretion to consider mitigating circumstances and will cancel the PCN if the grounds are sufficient. However, delays in returning to a vehicle which has overstayed the parking limit due to queues in shops, banks or meetings or going to get change etc. are not grounds for cancelling a PCN. When considering mitigation, the motorist will need to provide evidence to support their claim.

In respect of any issued PCN there are considerations as an enforcement authority which need to be taken into account to ensure that the issued charge is applicable which include:

- To determine the contravention had occurred and to ensure there is sufficient evidence to support the contravention by checking of all the case history and records held including the information gathered;

- That there is a relevant Traffic Regulation Order supporting the issuing of the charge and the signs and lines are consonant with that order;
- To consider all the mitigation provided in each case to ensure that there are no extenuating circumstances which allow for the withdrawal of the charge; and
- That the full legal process has been followed in administering the charge and that the information provided to the customer is factual and correct.

A fully trained officer will make an informed decision on the balance of probabilities as to whether the charge is to be upheld or withdrawn.

The County Council will consider Challenges received immediately after the PCN has been issued. However a Representation can only be made after a Notice to Owner has been served upon the registered keeper of the vehicle. The Notice to Owner is served approximately 28 days of the PCN being issued. There are statutory grounds for making a Representation and these are listed in Section 3 of this document.

Motorists are advised that they can appeal to an independent adjudicator if the Council reject their representations.

If a Challenge is received within 14 days of the PCN being issued and the Council reject it, then a decision will be made as to whether to re-offer the 14 day discount period dependant on the circumstances of the individual case. Motorists are reminded that they must park in accordance with the Highway Code and ensure that all parking controls are observed at each time of parking.

Below are some guidance notes only as to what may be taken into consideration to enable officers to determine the outcome of charges as part of the decision making process:-

ABANDONED VEHICLES

Where a vehicle is parked in contravention of the regulations for a period of time and has been issued with a maximum of three (3) Penalty Charge Notices (PCNs) for the same contravention, the Civil Enforcement Officer (CEO) will report the vehicle as potentially abandoned to the Council's abandoned vehicle section (ELVIS) on 08456 121999 or via elvis.recovery@northants.police.uk .

In identifying abandoned vehicles the CEO will also take into account the following:

- Condition of the vehicle
- Evidence that the vehicle has not been moved

When the vehicle has been identified as potentially abandoned, no further PCNs will be issued. Where PCNs have been issued, these will be enforced against the Registered Keeper of the Vehicle providing the PCNs for the same contravention have been issued on separate dates.

BANK HOLIDAY RESTRICTIONS

Motorists should not assume that restrictions do not apply on bank holidays unless this is specifically stated in the relevant signage.

Waiting and loading restrictions (yellow lines/kerb markings/blips) are enforceable on Sundays and bank holidays, unless the signs say otherwise.

Motorists are reminded that disabled bays are enforceable 24/7 which therefore includes Bank Holidays.

BLOCKED ACCESS (OBSTRUCTION)

Drivers who claim that they were unable to gain access to their private or commercial property (off-road or adjacent land to the public highway) are not entitled to park in contravention of any parking restriction.

Incidents involving vehicles that are causing an obstruction including where there are no parking restrictions must be reported to the Police.

BLUE BADGE AND DISABLED DRIVERS/PASSENGERS

A Blue Badge can only be used when the vehicle is being used to transport the registered holder either as a driver or as a passenger and is parked for the benefit of the holder.

Providing the Blue Badge is clearly and properly displayed, the badge holder can park in:

- Off street Council owned/maintained car parks – free in designated disabled badge holder bays or if unavailable any pay and display bay **up to the maximum stay** permitted (4 hours in St Peter's Way Car Park, Northampton), **excluding Corby Car Parks: Parkland Gateway Car Park, Victoria Place Car Park and Corby Train Station Car Park;**
- On street pay and display bays all day;
- Yellow lines up to 3 hours and must also display the special blue parking disc/clock showing the time of arrival;
- On street disabled bays – if a time restricted bay then the parking disc/clock showing the time of arrival must be displayed and time not exceeded;
- On street time limited bays; and
- Permit bays (residents parking zones).

Blue Badge holders are **not permitted** to park in any area where there is a loading restriction (as detailed in the Department for Transport Blue Badge Scheme booklet sent accompanying the badge). Kerb markings and signage (if appropriate) will indicate a loading restriction.

Blue badge holders may also not park:

- On bus stops;
- In taxi ranks;
- In a suspended bay;
- In a bay specifically reserved for other users e.g. motorcycle bay, loading bay, Police bay;
- On zigzag areas at pedestrian crossings (zebra, pelican, toucan and puffin crossings) and school zigzag areas; and
- Causing an obstruction (such as dropped kerb, pavement).

How to display the badge/clock

The Blue Badge must be clearly displayed on the vehicle dashboard or facia panel with the serial number and expiry date clearly visible to the CEO.

The parking clock is required when parking on yellow lines or in other places where there is a time restriction. Again, the clock must be clearly displayed on the vehicle dashboard or facia panel and visible to the CEO. It should be set showing your time of arrival (to the nearest quarter of an hour)

A PCN may be issued if the badge and/or clock are not correctly displayed as described.

Parking must always be in accordance with the Blue Badge Scheme guidelines.

Misuse of a Blue Badge

Under Section 94 of the Traffic Management Act 2004, Police Officers, Traffic Wardens and Civil Enforcement Officers are permitted to inspect any Blue Badge displayed in a vehicle. If it is established that the Blue Badge is being misused a PCN will be issued and the misuse reported which could result in the badge being revoked or prosecution.

If a Civil Enforcement Officer detects an offence that would merit seizure of the badge, then authorisation would be requested from the Council.

BROKEN DOWN VEHICLES

Challenges and representations against PCNs where a motorist claims that the vehicle had broken down will be considered if the breakdown appears to have been unavoidable and if supporting evidence in the form of an invoice / confirmation letter from any motoring

organisation or recovery agent / garage is produced – this should include the date, time, location and any work undertaken to rectify the fault. This will not be the deciding factor in determining the outcome as advised within the section.

CEOs will not take into account any note left in the windscreen stating the “vehicle has broken down” when considering whether a contravention has occurred.

If the motorist is unable to provide the required evidence indicating that their vehicle had broken down or if the cause of the vehicle breakdown was due to negligence on the part of the motorist, i.e. the vehicle was not properly maintained, had run out of petrol or water, then the PCN will not be cancelled.

If it is apparent from previous case histories that the same driver / organisation is continuously trying to avoid liability for PCN's by claiming that their vehicle or vehicle in their charge had broken down, this will be taken into account when deciding whether or not to cancel a PCN.

Invoices or garage/till receipts for seemingly relevant spare parts purchased on or soon after the date of the contravention are not accepted by Northamptonshire County Council as mitigation in their own right.

BUILDERS/TRADESMEN

Loading and unloading of tools and materials are allowed on yellow lines and in permit bays (not disabled bays) providing it is a constant activity.

Once loading and unloading has taken place, the driver must park the vehicle in a car park or in another permitted area. A PCN may be cancelled if the motorist is able to provide evidence that loading and unloading had taken place at the time it was issued.

BUS STOPS

Bus Stops can either be restricted or unrestricted:

1. Restricted bus stop will have a thick yellow line and a time plate showing the hours of operation
2. Unrestricted bus stops will not have a time plate but may show advisory road markings

PCNs issued to vehicles, other than a bus, waiting/parked in a restricted bus stop will not be cancelled, even if a valid blue badge is on display.

CASH COLLECTION /DEPOSITING

Claims from individuals or companies that a PCN should not have been issued because money was being taken to or from a bank will not be accepted as a reason to cancel. A

motorist must comply with the parking restrictions in place when visiting a bank or building society.

Exemptions apply to bullion vehicles whilst loading and unloading large quantities of coin and cash boxes, unless a loading ban is in operation.

Drivers who claim that they were collecting/delivering cash to premises such as public houses etc. will not be exempt from the restrictions in place and a PCN may be issued when observed as parked in contravention of parking controls.

Parking is not permitted outside of marked bays in Restricted Zones.

COUNCILLORS AND COUNCIL OFFICERS

Council Officers, Councillors and Civil Enforcement Officers (CEO) are expected to comply with parking regulations at all times and must never use their knowledge for their own gain.

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

A permit must be clearly displayed by those officers and contractors working on behalf of the Council in their own vehicles/non liveried vehicles when undertaking statutory duties on the highway.

The PCN will not be cancelled if it is established that the officer could have reasonably parked elsewhere unless mitigating circumstances apply.

The Traffic Management Act 2004 makes it clear that elected members and unauthorised staff should not, under any circumstances, play a part in deciding the outcome of individual challenges or representations. This is to ensure that only fully trained staff make decisions on the facts presented.

COURT ATTENDANCE (Defendants, Jury Service or Witnesses)

Where a defendant has been given a custodial sentence and as a result is unable to move their vehicle, then a friend, family member or the defendant's legal representative should be asked to arrange to relocate the vehicle, usually within 48 hours. If a PCN is issued in the interim period, it will be cancelled providing the defendant's legal representative supplies supporting evidence of the circumstances. Consideration will not usually be given for any further PCN's issued following the sentencing.

Since the length of time a court hearing or trial cannot be guaranteed jury members and witnesses should take into account that parking in an on-street pay and display bay might

not be appropriate. PCNs issued will be upheld unless evidence produced is deemed sufficient to support the fact that they were delayed to an extent that could not have been reasonably foreseen.

Those within the legal profession are not exempt from parking restrictions and will be subject to the same consideration when dealing with appeals.

DIPLOMATIC VEHICLES

PCNs issued to diplomatic vehicles e.g. those with “D” plates will be cancelled and debt recovered through the Foreign and Commonwealth Office. This does not apply to “X” plates. Notice to Owners will not be issued to diplomatic vehicles.

DROPPING OFF OR PICKING UP PASSENGERS

Drivers can stop on yellow lines to pick up or drop off passengers but are NOT permitted to wait for their passengers.

A driver must stay with the vehicle at all times unless passengers need help getting in or out of the vehicle, therefore assistance is permitted. If the driver is absent then a PCN may be issued.

Dropping off and picking up of passengers is not permitted in bus stops (except by buses), in disabled bays, on zigzags (school and pedestrian crossings) or where a contravention has a 0 (zero) minutes observation period (see list of contravention codes in Section 4) and PCNs issued in these circumstances will not be cancelled.

ELECTRIC VEHICLES/BAYS

Only electric vehicles may use these bays but must be recharging – normal bays must be used as soon as recharging is complete. Normal pay and display tariffs and time limits may apply and it is the motorist’s responsibility to check the signage in place before leaving their vehicle. Consideration will not normally be given to cancelling a PCN in these circumstances.

ESTATE AGENTS/LANDLORDS

Estate Agents/landlords are not exempt from parking restrictions and will be subject to the same consideration when dealing with appeals.

FOOTWAY/PAVEMENT PARKING

Footway parking is not encouraged because of the obstructive nature and the dangers it presents to pedestrians and wheelchair users. Footways are also not designed to carry vehicle loads and this may cause damage to the footway and underlying services. A PCN

will not be cancelled if it has been issued where a footway ban is in place. Signage will indicate where a footway ban applies.

Where a driver has had to cross a parking restriction such as a yellow line, they should be reminded that parking on the footway/verge is not permitted. Motorists are reminded that restrictions apply to the extent of the public highway (which includes the footway).

Blue badge holders parking on the pavement causing an obstruction will be issued with a PCN as the guidelines make it clear that this is not permitted.

FUNERALS AND WEDDINGS

Exemptions apply for the official hearse/cortege vehicle and official wedding car transporting the bride or groom but vehicles belonging to mourners or wedding guests must park in accordance with the restrictions unless prior arrangements in the form of a suspension has been agreed to facilitate mourners/guests.

Where a motorist claims to have been recently bereaved, consideration may be given to cancelling the PCN providing evidence to support the claim is provided. A PCN will not be cancelled if there is reason to doubt the sincerity of the Representation, e.g. the CEO's notes indicated that the motorist was going about a normal day such as shopping or working, or the bereavement considered to be a long time ago.

GARAGES

If a garage employee parks a vehicle on a highway in contravention of the parking restrictions whilst maintenance is being carried out, the responsibility for the payment of the PCN remains with the keeper of the vehicle. A PCN issued in these circumstances will not usually be cancelled even if evidence is provided that the vehicle was actively involved in work being carried out.

GLAZIERS

Given the nature of the work undertaken by glaziers, for safety reasons and the transportation of glass, they are often required to park close to the location of the repair and this might mean being in contravention of the regulations.

A CEO would observe the works being carried out and decide whether adjacent parking is required, usually depending on the size of the piece of glass e.g. shop window size. In such circumstances, glaziers would be exempt from the regulations whilst the window is made safe.

A PCN issued in these circumstances may be cancelled if evidence is provided that the vehicle was actively involved in work as detailed above.

It is usual to expect the company to have contacted our office in advance to make the CEO's aware of their presence by contacting 0845 680 0153* option 3.

GOVERNMENT DEPARTMENT VEHICLES

Vehicles owned or operated by government do not have automatic exemptions from the regulations. A PCN may be cancelled in exceptional circumstances; an example could be when surveillance activity is being carried out by Customs and Excise. There will be a requirement to provide a letter as evidence from a senior officer or manager from the government department confirming that parking in contravention of the regulations was necessary for the purposes of the activity.

HEALTH CARE WORKERS & CARERS

In September 2015, Northamptonshire County Council launched the Health Care Worker permit and the Carer permit. Details of eligibility and the terms & conditions for each permit type can be found on the parking pages of Northamptonshire County Council's website.

If a doctor, nurse or midwife receives a PCN, consideration will be given based on the evidence provided supporting the emergency. A PCN will not be cancelled if the motorist: was not attending a patient in urgent circumstances; or if there were legal parking spaces nearby; and where the motorist was parked outside their practice or other place of work.

Regular or programmed visits or routine home visits will not be considered an emergency. Visitors parking permits can be sought from the property or limited waiting bays/pay and display bays should be used.

Applying for either of these permits remains with the Health Work or resident (Carer Permit) and once advised of the new permit types the motorist should not continue to park in contravention of the restrictions as cancellation of any further PCN's may not be considered.

HIRE VEHICLES

The responsibility for the payment of PCNs issued to vehicles on hire rests with the hirer providing a valid hire agreement is in place. If a valid hire agreement is not in place as per the specifics below then the vehicle keeper i.e. the hire company remains responsible for the payment of the PCN which will not be cancelled.

See **Section 5** for more detailed information.

HOSPITAL/DENTAL/DOCTOR/OPTICIANS APPOINTMENTS

If there is a delay in the appointment time or the treatment took longer than anticipated, cancelling the PCN will not usually be considered.

If there is an exceptional medical emergency that led to an unforeseen delay which prevented the driver from returning to their vehicle, evidence from a medical professional or organisation will be requested.

A request for further information does not necessarily mean that the PCN will be withdrawn. The request is to help the officer decide a case on full evidence.

In reaching a decision whether or not to cancel the PCN, the Council must be satisfied that the parking time purchased was reasonably sufficient to allow for delays experienced whilst attending such appointments. It should also be noted that an additional 10 minutes will have already been given to vehicles parked in pay and display bays or time limited bays.

Parking in contravention outside of a hospital in an emergency will not usually be considered as mitigation if a PCN is issued as ample parking is available within the hospital grounds. Consideration will certainly not be given if the motorist has parked on a loading ban.

ILLNESS

Where a motorist claims that they became suddenly unwell or that an existing condition, including pregnancy directly resulted in the issuance of a PCN then cancellation would not normally be considered unless strong supporting evidence or proof of extenuating circumstances were received.

If there is evidence that the same person has made similar claims in the past, or the CEO's evidence contradicts the claim then the PCN will not usually be cancelled.

LOST KEYS

Where it is claimed that car keys have been lost, stolen or locked inside the car preventing the removal of the car from parking controls the PCN may be cancelled providing there is supporting evidence from the police, motoring organisation or garage and that the vehicle was moved within 24 hours.

If the vehicle was parked in contravention or the vehicle should not have been parked at the location in the first place (for example on double yellow lines) before the keys were lost, stolen or locked inside, the PCN will not be cancelled.

Consideration for cancelling any further PCN's issued will not usually be given as the onus remains with the motorist to arrange urgent removal.

LEGAL PROFESSION

Those within the legal profession are not exempt from parking restrictions and will be subject to the same consideration when dealing with appeals.

OUT OF BAY PARKING

It is the motorists responsibility to check that their vehicle is parked wholly within a parking bay/space before leaving their vehicle and any PCN issued will not usually be cancelled but may be considered in exceptional circumstances that were outside the motorist's control and supported by incontrovertible evidence where the PCN has been issued for being parked with one or more wheels outside of a bay.

If a motorist is prevented from parking wholly within a parking bay/space because of the vehicle in the next bay/space, this will not be considered as sufficient mitigation for cancelling a PCN. In such circumstances, the motorist should find an alternative bay/space so that they can park fully within the bay markings.

By parking out of bay, motorists are reminded that they could be inconveniencing other drivers or obstructing the free flow of traffic.

PAY AND DISPLAY

Claims from motorists that they did not see or realise there was pay and display in operation to facilitate parking (or could not find a machine) will not be accepted as grounds for cancelling a PCN.

Machine not working - where it is claimed the machine was not working, the maintenance records held regarding the machine will be checked to determine whether or not a fault was reported, observed at the time the PCN was issued or where any remedial action was undertaken to carry out repairs. If this is found to be the case, the PCN will usually be cancelled. However, if there is another pay and display machine close by, the motorist is expected to purchase a ticket from this machine and the PCN will not usually be cancelled in these circumstances.

Meter feeding - where the motorist "fed" a pay and display machine by buying subsequent time to park in the same place or returned to the same place within a specified and prohibited time period, the PCN will not be cancelled.

Blue badge holders in Corby Car Parks - where a blue badge holder has parked in Parkland Gateway Car Park, Victoria Place Car Park and Corby Train Station Car Park without purchasing a pay and display ticket stating that they were unaware that a charge

applied, the PCN will not be cancelled as it is the responsibility of the motorist to check the backboard before leaving their vehicle.

Gone to get change - where the motorist left the vehicle parked without a valid ticket on display to obtain change, consideration will not be given to cancelling the PCN. This is because a sufficient observation period is provided before the PCN is issued. The law allows absence from the vehicle only for so long as is necessary to walk to the pay and display machine, purchase a ticket and then return to the vehicle and display it correctly. There is no exemption for time taken to obtain change.

Unavoidably detained - consideration will not usually be given where a motorist claims to have been unavoidably detained preventing them from returning to their vehicle before the paid for time had expired (e.g. stuck in a queue). The law now allows for a 10 minute grace period after expiry of paid for time. Only in exceptional cases will consideration to cancelling the PCN be given.

Pay and display tickets should be clearly displayed in the vehicle (usually on the dashboard) so that the details can be clearly read by the CEO. It is the motorist's responsibility to check that it is clearly visible before leaving their vehicle – this includes the ticket being blown over when shutting the car door.

PCN's will be issued if there is no ticket on display or if the CEO cannot ascertain whether the ticket on display is valid. The PCN may be cancelled if sufficient evidence is produced. Cases with a face down ticket will only be considered if the evidence provided matches the details recorded by the CEO.

PCN's will not usually be cancelled if the motorist has previously had a PCN cancelled for the same contravention and has been warned to follow the rules correctly in future and insufficient mitigation has been provided.

PEDESTRIAN CROSSINGS

A PCN will be issued to a vehicle parked on a pedestrian crossing (zebra, pelican, toucan and puffin crossings). The police also retain the power to issue a Fixed Penalty Notice for the same contravention as this is also regarded as a criminal offence.

Any challenge received from the motorist will not normally be considered although a PCN will be cancelled if confirmation is provided by the Police that proceedings are following on a criminal basis in connection with the same parking contravention.

PERMITS

Permits are issued upon application to motorist/residents/businesses who reside in or have a business address within a residents parking zone.

Residents and Temporary Permits clearly display the vehicle registration number and are only valid within the specified zone of residency and for the vehicle stipulated on the permit. All permits must be valid and show an expiry date.

Visitor permits are for the sole use of visitors to your property and are not a substitute for a residents permit. Any misuse may result in a PCN being issued that will not usually be cancelled. A warning will be given to the permit holder and advised that the permit may also be revoked. **Permits that appear to be affixed to the windscreen/dashboard of a vehicle suggest that the usage of the visitor permit is more of a permanent arrangement rather than the expected occasional use and a PCN may be issued as such permits should only be used as stated above.**

Whilst we endeavour to send out reminders for renewals for certain permit types, the onus and responsibility of ensuring that a valid permit is displayed at each time of parking is that of the permit holder (resident). Permits must be renewed in good time before they are due to expire as **no grace period will be allowed**.

Please note, if the original application was made on-line and an email address supplied then the reminder will be emailed to this email address and the onus remains with the permit holder to ensure that they update the council with any changes. Please check your “junk” folder at regular intervals.

If an error has occurred in issuing a permit which leads to a PCN being issued then it may be cancelled, however it is the resident's responsibility to check the details on the permit upon receipt. An example of this would be if the vehicle registration is incorrect on the permit and differs from that shown on documentation provided with the application. Currently all permits are checked and errors are usually identified within a day or two of the permit being issued. If an error is observed a replacement permit is produced and sent to the permit holder with a letter of explanation.

On-line applicants should take particular care when inputting details as part of the application process, such as the vehicle registration number or email address as once submitted they cannot be edited. If this is noticed prior to the printing of the permit then any offer made would be withdrawn and the applicant would need to re-start the process. If the permit had already been posted to the applicant and it was clear that the error was made by the applicant then a £7.50 replacement permit fee would be required in advance of the new permit being issued.

Permit Holders are reminded to check the signage prior to leaving their vehicle, in particular limited waiting bays as parking is not necessarily permitted for longer than the specified time. Please ensure that you make your visitors aware of the parking restrictions in place.

If a permit holder receives a PCN the circumstances in which it was issued will be given consideration taking into account evidence gathered by the CEO and that provided by the permit holder. Each case will be considered on merit and the PCN may or may not be cancelled.

IMPORTANT NOTE – if a permit has been applied/paid for but has not yet been received, a vehicle MUST NOT be parked in a permit holders bay/zone until it has been received and clearly displayed in the vehicle ensuring all of the written particulars on the permit are clearly visible through the windscreen at all times. Handwritten notes stating the permit has been applied for will NOT be considered under any circumstances.

Your permit is only valid in the ZONE as detailed on the permit itself. If you or your visitors park in a different Zone than stated on the permit then a PCN will be issued and will not usually be cancelled.

POLICE, FIRE & AMBULANCE SERVICES (OFFICERS ON DUTY)

All 'blue light' services are exempt.

A PCN will not be issued to a marked police vehicle when it is on official duty. Requests to cancel a PCN to unmarked vehicles must be made by the officer's area superintendent or equivalent. Information should contain confirmation that the officer was on a response call-out and that it was necessary for the vehicle to be parked in the location to carry out officer duties. The council may request further information to help them decide on a case.

PCNs issued to unmarked vehicles regularly parked outside of a police station/ police offices will not automatically be cancelled as this could be construed as parking at a place of work.

Parking in loading, taxi, disabled bays etc. are not exempt as well as attending planned meetings, court, events or other non-response duties.

Police Officers attending Court are expected to pay and display, the same as other motorists. Since the length of time a court hearing or trial cannot be guaranteed officers should take into account that parking in an on-street pay and display bay might not be appropriate. PCNs issued will be upheld unless evidence produced is deemed sufficient to support the fact that they were delayed to an extent that could not have been reasonably foreseen.

SCHOOL KEEP CLEAR MARKINGS

Parking on school keep clear markings can be dangerous and poses a danger to those attending and visiting the establishments. We strongly advise that parking in this way is discouraged and that motorists pay attention when driving and parking around schools.

Please give due consideration to residents in the area (for example do not park at dropped kerbs giving access to off-street arrangements).

Where restrictions are in place, a PCN may be issued and will not be cancelled under any circumstances.

SEASON TICKETS/PERMITS – CAR PARKS

Season tickets/Permits are issued/agreed by the Borough and District Council's and are valid only in the car park/bay to which they relate. It is the holder's responsibility to ensure a valid and applicable permit is correctly displayed.

Failure to display a season ticket/permit properly so that the full details are clearly visible from outside the vehicle will result in a PCN being issued and may not be cancelled unless there are strong mitigating circumstances supported by evidence.

Cancellation will not normally be considered for expired season tickets/permits as it is the holder's responsibility to ensure these are renewed in plenty of time.

Any challenges against the issue of a PCN must be from the motorist – Northamptonshire County Council will not accept direct requests to cancel a PCN from Borough and District Councils.

SIGNS AND LINES

CEO's routinely report missing signs and worn lines. These in turn are reported to the Council's contractor responsible for the remedial work.

If a PCN is issued and the driver claims the lines were too worn to be seen or the sign was missing, it may be cancelled providing the site inspection confirms this to be the case.

Whilst local authorities have a duty to maintain lines and signs, a faded or partly missing line does not necessarily render them unenforceable if it is clear that the restriction continues.

Where a motorist claims that snow, foliage, fallen leaves or flooding covered the signs and markings, providing this can be established and there were no alternative indication of the restrictions in place, consideration will be given to cancelling the PCN.

Motorists are reminded that most parking restrictions apply to the edge of the public highway and by parking on the footway (e.g. where yellow lines have been applied constitutes a breach of the regulations in place and PCNs may be issued for the contravention of parking on the yellow line).

SUSPENDED BAYS

There may be a need to suspend a parking bay and any vehicle parked in a suspended bay will receive a PCN. 4-7 days' notice will usually be given of the intended bay suspension although it may be necessary to suspend a bay in the event of an emergency. Bay suspensions are indicated by large yellow signage and in many instances, cones on the highway.

Consideration will only be given to cancelling a PCN if the motorist can show that they could not have reasonably known about the bay suspension or they were prevented from moving the vehicle.

TEMPORARY PARKING RESTRICTION

If a motorist claims that there is no indication of the restriction at the time of parking and the CEO's notes and photographs support this claim, then the PCN may be cancelled.

TRAFFIC REGULATION ORDERS

A Traffic Regulation Order specifies the restrictions in place. If a PCN has not been issued in accordance with the Traffic Regulation Order, it will be cancelled.

URGENT NEED OF THE TOILET

If a motorist claims they or their passenger had an urgent need of the toilet, the PCN will not usually be cancelled but evidence may be requested and any extenuating circumstances/medical condition supporting the incident will be considered.

If the motorist is then unable to provide sufficient/further evidence when requested to support the compelling reasons, then it is likely that the PCN will not be cancelled.

VEHICLE NOT AT SCENE

Where a keeper of a vehicle receives a Notice to Owner and claims that his or her vehicle was not parked in the area at the time, the keeper will be asked to verify the details of the vehicle.

Providing proof of the motorists/keepers own whereabouts on the day in question is not necessarily sufficient evidence as this does not prove that the vehicle was not in the location where the PCN was issued. A PCN will not automatically be cancelled in these circumstances and will be dependent on the evidence provided by the keeper of the vehicle.

If a motorist claims that their vehicle has been cloned then details of the crime reference number, reported police station and written confirmation from the Police will be required

and any additional photographs of all sides of the vehicle before consideration will be given to cancelling any PCN's that have been issued. Please note, the Police will no longer release any information to the local authority upon request for instances such as this so the onus now remains on the motorist to provide written proof from the Police as the Crime Reference number solely is now insufficient.

WELDERS (GAS & DANGEROUS SUBSTANCES)

It is the responsibility of the motorist to ensure that they park lawfully at each time of parking. Where there is a perceived risk of operating with dangerous material and there is a need for equipment and material to be close to the place of work (working from within a vehicle) the contractor/driver must request from the authority permission to park at the location to waive the contravention.

A PCN may be issued if the CEO believes that the works being undertaken does not warrant the vehicle parking at the scene or that the vehicle was parked for longer than necessary for this activity.

YELLOW LINES

It is the responsibility of the motorist to ensure that the vehicle's front or rear wheels are not on the yellow lines. The law does not require the whole or the larger part of the vehicle to be on or over the yellow lines before the vehicle could be said to be "waiting on" them for a contravention to be established.

Blue badge holders or drivers transporting passengers who hold a blue badge are reminded of the 3 hour limit and that the parking clock set at the time of arrival must also be clearly displayed with the badge on the dashboard. It is the driver's responsibility to ensure that they check the area in case a loading ban/restriction is in operation as parking in this case would be prohibited and cancellation would not normally be considered.

ZIG-ZAG OR KEEP CLEAR MARKINGS

The stopping of vehicles on zigzags (other than when in a queue of traffic) for the purposes of loading, unloading, parking, boarding or alighting of passengers will not be accepted as mitigation unless asked to do so by a Police Officer or in the case of a legitimate vehicle break down or emergency. This also applies to vehicle displaying blue badges.

SECTION 3

STATUTORY GROUNDS UPON WHICH REPRESENTATIONS MAY BE MADE

A formal Representation against the issue of a PCN can only be made when a Notice to Owner is issued to the registered keeper of the vehicle. This Notice is sent to the registered keeper of the vehicle after 28 days of the PCN being issued. There are statutory grounds of representation and these are outlined below giving an indication of when the Council may or may not accept the representation.

Statutory Ground 1: The motorist was not the owner at the time of the alleged contravention

A) Where the current registered keeper claims that the vehicle was disposed of before the contravention occurred

The Council may **accept** representations:

- If the current registered keeper 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;

The Council may **reject** representations:

- If the current registered keeper is unable to prove that they neither disposed of the vehicle before the contravention nor provided the name and address of the person to whom they disposed of the vehicle.
- If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide.

B) Where the current registered keeper claims that the vehicle was purchased after the contravention occurred

The Council may **accept** representations:

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

The Council may **reject** representations:

- If the current registered keeper is unable to prove that they neither purchased the vehicle after the contravention nor provide the name and address of the person from whom they bought the vehicle.
- If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or for some other reason is not considered to be bona fide.

Statutory Ground 2: The vehicle was parked by a person who was in control of it without out the owner's consent

A) Where the current registered keeper claims that the vehicle had been stolen

The Council may **accept** representations:

- If the registered keeper provides a valid police crime report including crime reference number

The Council may **reject** representations:

- If the current registered keeper is unable to provide any proof of theft
- If the police crime report reference number provided by the current registered keeper does not exist or it does not match the theft or date of the alleged theft.

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

The Council will **reject** representations:

- In all circumstances because the registered keeper is liable, except when a hire agreement exists – statutory ground 3.

Statutory Ground 3: The keeper of the vehicle is a hire company and the person hiring the vehicle has signed a statement of liability

The Council may **accept** representations:

- If the hire company are able to provide proof that the vehicle was hired at the time of the contravention, i.e. a signed agreement - see Hire Vehicles section (Page 36)
- If the hire company are able to provide the full name and address of the person to whom they hired the vehicle

The Council may **reject** representations:

- If the hire company are unable to prove that they hired out the vehicle on the date of the contravention nor provide the name and address of the person to whom they hired the vehicle
- If the person named by the hire company as the person to whom they hired the vehicle, without proof, either does not exist, cannot be traced or denies responsibility for the contravention
- If the vehicle was being hired as a courtesy car without an agreement signed to accept responsibility for PCN's issued.

Statutory Ground 4: The contravention did not occur
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A) Where the motorist claims he/she was loading/unloading

A representation may be **accepted** if evidence is available or provided to show that:

- Goods being delivered or collected were heavy, bulky or numerous and it would be unreasonable to expect them to be carried from a 'legal' parking place.
- Loading/unloading activity was adjacent to the premises concerned.
- Loading/unloading activity was timely (included checking goods and paperwork, but not delayed by unrelated activity)

A representation will be **rejected** in the following circumstances:

- Where there are restrictions banning loading and unloading
- On school zig-zag markings
- On bus-stop clearways
- On taxi ranks or disabled bays
- On Police bays where loading is prohibited
- In car parks (except when depositing materials in recycling bins) if a valid pay & display ticket was not purchased first

B) Where the motorist claims that a parking pay & display machine was faulty

The Council may **accept** representations:

- If service records confirm a fault or that the machine had been taken out of service at the time of the contravention.
- If there is reasonable doubt because evidence is not available to confirm that a machine was working at the time (test ticket) and there was not another ticket machine nearby which was operating correctly.

The Council may **reject** representations:

- If there was another ticket machine nearby that was working correctly at the time
- If there is no record of the machine being faulty or taken out of service
- If there is reasonable doubt because evidence confirms that other visitors had been able to purchase tickets during the relevant period.

C) Where the motorist claims that the restriction is not clearly signed or marked

The Council may **accept representations**:

- If signs and/or markings are missing or unclear
- If signs and markings are inconsistent with the Traffic Regulation Order or legislation

The Council may **reject** representations:

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

D) Where the motorist was carrying out building work

The Council may **accept** representations:

- If evidence confirms that the motorist was simply loading/unloading (see policy A, above).
- If a valid waiver to park at the location in question had been issued and was on display in the vehicle or recorded in the officers handheld equipment
- If works are of a statutory nature or are exempted from restrictions by a Traffic Regulation Order or legislation
- If it can be proven that works were an emergency

The Council may **reject** representations:

- In all other circumstances

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

The Council may **accept** representations:

- Following consideration of all available evidence.
- If suitable proof received that it was not their vehicle e.g. photographs supplied and it does not match that held on record.

The Council may **reject** representations:

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

F) Where the motorist claims that a valid authorisation to park, had been issued

The Council may **accept** representations:

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

The Council may **reject** representations:

- If the motorist cannot provide a copy of the valid authorisation to park
- Or if there is no record of any issue of the authorisation
- If the motorist did not park in accordance with the authorisation

G) Where the motorist claims that a pay & display was purchased and displayed

The Council may **accept** representations:

- If the motorist produces a pay & display parking ticket that was valid at the time the PCN was issued and the CEO confirms that a face down ticket or a ticket that was displayed but concealed in some other way was seen and it is the first contravention of its kind.

The Council may **reject** representations:

- If the motorist is unable to produce a valid pay & display ticket
- The CEO was unable to confirm that a face down ticket was displayed but concealed in some other way was seen
- The motorist had made a similar representation before and had a previous PCN cancelled, after giving them the benefit of the doubt; **OR**
- The CEO noted that the motorist obtained their ticket from another motorist in the car park.

H) Where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention—see statutory ground 3

The Council may **accept** representations:

- Only when a valid hire agreement exists

The Council may **reject** representations:

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

I) Where the motorist claims that they never owned the vehicle

The Council may **accept** representations:

- If the DVLA confirm that the motorist was not the registered keeper at the time of the contravention

The Council may **reject** representations:

- If the DVLA confirms that the motorist was the registered keeper of the vehicle at the time of the contravention.
- If the previous registered keeper provides proof that the motorist bought the vehicle before the contravention, or the subsequent registered keeper provides proof that the motorist sold the vehicle after the contravention.
- If the motorist is proved to have hired the vehicle for the day on which the contravention occurred and signed an agreement to take responsibility for PCN's incurred, subject to the time of hire.

Statutory Ground 5: The penalty exceeded the relevant amount

The Council may **accept** representations:

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

The Council may **reject** representations:

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

Statutory Ground 6: The CEO was not prevented from serving the PCN

Where the motorist claims that the PCN was not issued. This applies to postal PCN's not currently undertaken by Northamptonshire County Council.

The Council will **accept** representations

- If there is no evidence to suggest that the PCN was issued

The Council will **reject** representations:

- If the CEO's notes or photographs confirm that a PCN was issued (but not necessarily handed to the driver before the vehicle had driven away), or the CEO was prevented from serving the PCN because of aggressive behaviour.

Statutory Ground 7: The relevant designated order was invalid

The Council may **accept** representations:

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

The Council may **reject** representations:

- If the Traffic Regulation Order which prescribes the restrictions that the vehicle was parked in contravention of was constructed and made correctly
- If the motorist merely considers the restrictions to be unfair.

Statutory Ground 8 – there was a procedural impropriety on behalf of the Council

The Council may **accept** representations:

- If evidence is shown that there was a procedural impropriety

The Council may **reject** representations:

- Where there is no evidence to suggest this

Statutory Ground 9: The PCN was paid in full or at the discounted rate within period

The Council may **accept** representations if:

- Evidence is provided to show payment has been made

The Council may **reject** representations if:

- No evidence is found or shown to indicate that payment was made

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

The Council may ***accept or reject*** representations in other circumstances if it considers it appropriate. For example, if a fixed penalty charge notice as defined by section 52 of the Road Traffic Offenders Act 1988 has been given in respect of the same parking contravention. The representation will be accepted providing evidence to support this claim is provided by the motorist.

SECTION 4**Contravention Codes, Penalty Charge Bands and Observation Times**

Code	Contravention	Observation Times	Penalty Charge
01	Parked in a restricted street during prescribed hours	5 minutes	£70
02	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	0 minutes	£70
05	Parked after the expiry of paid for time at a pay & display** bay	10 minutes	£50
06	Parked without clearly displaying a valid pay & display ticket**	5 minutes	£50
07	Parked with payment made to extend the stay beyond initial time ("meter-feeding")	0 minutes	£50
12	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.	5 minutes	£70
16	Parked in a permit space or zone without clearly displaying a valid permit	5 minutes	£70
19	Parked in a residents' or shared use parking place or zone displaying an invalid permit, an invalid voucher or an invalid pay and display ticket.	5 minutes	£50
21	Parked in a suspended bay/space or part of bay/space	0 minutes	£70

22	Re-parked in the same parking place within one hour* of leaving	0 minutes	£50
23	Parked in a parking place or area not designated for that class of vehicle	0 minutes	£70
24	Not parked correctly within the markings of the bay or space	0 minutes	£50
25	Parked in a loading place during restricted hours without loading or unloading	5 minutes	£70
30	Parked for longer than permitted	10 minutes	£50
40	Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge	0 minutes	£70
42	Parked in a parking place designated for police vehicles	0 minutes	£70
45	Parked on a taxi rank	0 minutes	£70
46	Stopped where prohibited (on a red route or clearway)	0 minutes	£70
47	Parked on a restricted bus stop/stand	0 minutes	£70
48	Stopped in a restricted area outside a school	0 minutes	£70
49	Parked wholly or partly on a cycle track	0 minutes	£70
55	A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban	5 minutes	£70
56	Parked in contravention of a commercial vehicle waiting restriction	0 minutes	£70
57	Parked in contravention of a coach ban	0 minutes	£70

61	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	0 minutes	£70
62	Parked with one or more wheels on any part of an urban road other than a carriageway (footway parking)	0 minutes	£70
80	Parked for longer than the maximum period permitted	10 minutes	£50
81	Parked in a restricted area in a car park	0 minutes	£70
82	Parked after the expiry of time paid for in a pay & display car park	10 minutes	£50
83	Parked in a pay and display** car park without clearly displaying a pay & display ticket	5 minutes	£50
84	Parked with additional payment made to extend the stay beyond time first purchased	0 minutes	£50
85	Parked in a permit bay without clearly displaying a valid permit	5 minutes	£70
86	Parked beyond the bay markings	0 minutes	£50
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	0 minutes	£70
89	Vehicle parked exceeds maximum weight/height or length permitted in the area	0 minutes	£70
90	Re-parked within one hour* of leaving a bay or space in a car park	0 minutes	£50
91	Parked in an area not designated for that class of vehicle	0 minutes	£70
92	Parked causing an obstruction	0 minutes	£70

95	Parked in a parking place for a purpose other than the designated purpose for the parking place	5 minutes	£50
99	Stopped on a pedestrian crossing or crossing area marked by zigzags	0 minutes	£70
<p>* or other specified time ** or 'voucher'</p> <p>An 'instant' PCN may be issued where the Civil Enforcement Officer (CEO) has evidence, which supports the action of issuing the PCN without observing the vehicle for the minimum periods indicated.</p>			

SECTION 5

ADDITIONAL INFORMATION ON PARKING ENFORCEMENT/DEFINITION OF TERMS:

CHALLENGES, REPRESENTATIONS AND APPEALS AGAINST THE ISSUE OF A PCN

If you think that you should not have received a Penalty Charge Notice (PCN), or there are special reasons why it should be cancelled, you can write to us or email us via the **view photographic evidence** link on

<http://www3.northamptonshire.gov.uk/councilservices/northamptonshire-highways/parking/Pages/parking-fine-appeal.aspx>

Regrettably, we are **unable to accept any challenges by telephone unless our officers feel (or are advised) that additional assistance is required, then we will make reasonable adjustments to suit your needs.**

Our Reasonable Adjustments Policy can be found on Page 38.

You can view Northamptonshire County Council's Parking Services **Privacy Notice** via:

<http://www3.northamptonshire.gov.uk/councilservices/northamptonshire-highways/parking/Pages/parking-enforcement.aspx>

The address to write to is:

Northamptonshire County Council
Parking Services
One Angel Square
Angel Street
Northampton
NN1 1ED

Please note: Parking Services no longer offer a front facing service so customers are reminded that they should not call into any of the Council's offices as our Reception staff are not trained in the relevant parking legislation or permit policy. If as part of a reasonable adjustment you are invited to attend One Angel Square, this will only be at a pre-booked time.

PLEASE NOTE – There is a 3 stage appeals process in place:

- **Stage 1 – informal challenge to the Council**
- **Stage 2 – formal representations to the Council**
- **Stage 3 – Appeal to the independent adjudication service.**

Stage 1

All challenges and representations are investigated by an experienced and trained Parking Investigation Officer. If the challenge is received within 14 days of the PCN being issued, and the challenge is rejected, then normally a further opportunity to pay at the discounted rate will be given. If the challenge is received more than 14 days after the PCN was issued, then the Council have the right to charge the full fine amount.

Please note, requests for additional supporting information does not necessarily mean that the PCN will be withdrawn. The request is to help the officer to decide the outcome based on the full evidence provided.

The Council aims to respond to challenges within 14 working days and representations within 21 working days but sometimes, due to unexpected work volumes, this is not always possible.

Stage 2

A formal representation can only be made when a Notice to Owner is issued to the registered keeper of the vehicle. The discounted payment concession does not apply when a Notice to Owner has been issued.

**Northamptonshire County Council does not accept formal representations unless a signed copy of the Making a Representation form has been returned. Please note that it is the REGISTERED KEEPER that must sign the NTO, not their spouse, partner etc. (unless a hire firm).
If a reasonable adjustment is being made then we will tell you what we will accept.**

If a Charge Certificate has been served then the Council will no longer accept formal representations unless an acceptable reason for the delay in making such representations is received together with any requested evidence.

Under the legislation, representations will be dealt with no later than 56 days from the date the representations were received.

Stage 3

Appeals to an independent Parking Adjudicator can only be made after a representation has been rejected and a Notice of Rejection has been sent to the registered keeper of the

vehicle. The Council will explain the process on how to make a representation and appeal to a Parking Adjudicator when it has fully investigated the reasons for the issue of the PCN.

Payment of the PCN must NOT be made if the driver or keeper of the vehicle wishes to challenge the PCN or make a representation as by paying you are admitting that the ticket was right and once paid, you will not be able to appeal further.

AGGRESSIVE CUSTOMERS

Staff at Northamptonshire County Council have a right to work in an environment free of harassment. Aggressive or abusive enquiries/customers will not be tolerated under any circumstance. If this situation occurs then the officer concerned will politely point out that if the unacceptable behaviour continues then it will be necessary to terminate the call, and will act accordingly if required to do so.

Calls into/out of the parking office are generally recorded.

CCTV ENFORCEMENT

Northamptonshire County Council does not currently undertake parking enforcement through the use of CCTV.

CIVIL ENFORCEMENT OFFICERS

Civil Enforcement Officers (CEOs) previously referred to as Parking Attendants (PAs) are fully trained officers with the main objective of ensuring parking controls are observed and enforced in a fair, accurate and consistent manner.

Northamptonshire County Council engages the services of NSL Services Limited (NSL) to manage its on-street and off-street enforcement activities. CEO's are directly employed by NSL. Details of NSL and information relating to the CEO handbook can be found on www.nslservices.co.uk.

Any allegations of misconduct or misbehaviour of a CEO must be investigated thoroughly by NSL as the employer and we cannot intervene in this process.

Civil Enforcement Officers do not receive bonuses for the number of the PCNs they issue.

CEO's **must not:**

- Offer an opinion on the regulations or how parking enforcement operates in Northamptonshire;

- Indicate that a PCN should not have been served;
- Indicate that a PCN is likely (or not) to be cancelled, as under the Department for Transport's Guidance, this discretion lies with authorised Council Officers only; and
- Become involved in a debate regarding a PCN or the restrictions in place.

CLAMP AND REMOVAL SERVICE

Northamptonshire County Council does not currently exercise its powers to clamp and remove vehicles parked in contravention of the regulations.

COMPLAINTS

Complaints that the CEO issued the PCN incorrectly will be considered under the statutory process i.e. as a challenge or representation.

All complaints / allegations regarding the alleged conduct or behaviour of a CEO should in the first instance be addressed to: Northamptonshire County Council, Parking Services, One Angel Square, Angel Street, Northampton NN1 1ED or emailed to parking@northamptonshire.gov.uk and will then be passed to the Contract Manager at NSL for an investigation and response. If a reasonable adjustment needs to be made then please refer to the Policy below or contact our offices on 0845 680 0153* selecting Option 2.

PCNs cannot be considered under Northamptonshire County Councils formal complaint process. PCNs must be considered through the statutory process as laid down by the Department for Transport.

COSTS

Local authorities have a duty to act fairly and proportionately and are encouraged to exercise discretion sensibly and reasonably and with due regard to the public interest.

The power to award costs is held by the Traffic Penalty Tribunal but before a costs order is appropriate the paying party has had to have acted frivolously or vexatiously or in the case of the Council its decision to oppose the appeal was wholly unreasonable. Strictly costs relate to the conduct of the appeal and not whether the PCN should have been issued in the first place.

If a PCN has therefore been cancelled, requests for compensation for postage costs, stress, production of documents, making telephone calls and loss of earnings will be refused.

DATA PROTECTION/GENERAL DATA PROTECTION REGULATIONS (GDPR)

If you are not the registered keeper of the vehicle as determined by the Driver and Vehicle Licensing Agency then regrettably our officers will be unable to discuss a case in detail without permission from the keeper.

Security questions will be asked of the keeper to ensure that the officer is satisfied that they are speaking to the keeper.

You can view Northamptonshire County Council's Parking Services **Privacy Notice** via: <http://www3.northamptonshire.gov.uk/councilservices/northamptonshire-highways/parking/Pages/parking-enforcement-.aspx>

DEBT REGISTRATION

If a PCN remains unpaid after a Charge Certificate has been issued, the Council will register the debt at the County Court Business Centre. The Council will then apply for a warrant for an enforcement agent to recover the debt on its behalf.

DISPENSATIONS, BAY SUSPENSION AND WAIVERS

Dispensations and exemptions apply to the following vehicles:

- Police, Fire Brigade and Ambulances whilst attending emergency situations;
- Vehicles involved in contracted highway maintenance where there is a need for them to park close to the work site;
- Livered Council vehicles carrying out statutory duties such as refuse collection, street cleansing and verge maintenance;
- Post Office vans – providing they are carrying out postal duties at the time; and
- Statutory utility companies e.g. electricity and gas board – providing they are carrying out their duties;
- Parking enforcement vehicles providing they are carrying out their statutory duties.

Dispensations are also available to:

- Funeral vehicles i.e. hearse/cortege vehicle;
- Weddings i.e. wedding car; and
- Removal vehicles.

In addition, designated parking bays on-street may be suspended for the following reasons:

- To allow maintenance of adjacent property where highway access is required for deliveries, essential vehicles, skips etc. A car is not considered an “essential vehicle” and will be expected to park in accordance with the regulations;
- Tree maintenance;
- At the request of the police; and

- For security reasons

If a suspension is required, 10 working days' notice is needed to initiate the suspension. Bays that are suspended are identified by yellow Parking Suspension signs. There are costs associated with suspensions that must be received in advance of the event.

ENFORCEMENT AGENTS

With effect from April 2015, the County Council uses the services of Jacobs and Newlyn to assist with the recovery of unpaid PCNs.

New legislation Tribunals, Courts and Enforcement Act 2007 came into effect on 6th April 2014, details of which can be found on the Pay a Parking Fine page on Northamptonshire County Council's website.

FOREIGN REGISTERED VEHICLES

A PCN will be issued to a foreign registered vehicle if it is parked in contravention of the regulations. The keeper of the vehicle has the same statutory rights of appeal.

HIRE VEHICLES

The responsibility for the payment of PCNs issued to vehicles on hire rests with the hirer providing a valid hire agreement is in place. If a valid hire agreement is not in place as per the specifics below then the vehicle keeper i.e. the hire company remains responsible for the payment of the PCN which will not be cancelled.

The Road Traffic (Owner Liability) Regulations 2000 details the particulars required in a hiring agreement to render it compliant with Section 66 of the Road Traffic Offenders Act 1988. In order for a vehicle hire firm to deflect liability for payment of the penalty charge to the hirer, they must be in possession of a hire agreement that conforms to Schedule 2 of the above 2000 Regulations.

The above applies to hire vehicles as defined by Section 66 of the Road Traffic Offenders Act 1988, i.e. vehicles hired for a period not exceeding six months and only in such circumstances is there a requirement for the hire firm to complete a compliant hire agreement if they are seeking to rely on ground 2 (4) (e) of Schedule 6.

If the original hire agreement provided does meet the requirements, the hire company has therefore failed to correctly transfer liability and discharge its duty under the Road Traffic Act 1991, Schedule 6 grounds for representation which is expressed in the Act as follows:

- 2 (4) (e) that the recipient is a vehicle-hire firm and –
 - (i) The vehicle in question was at the material time hired from that firm under a vehicle hiring agreement; and

- (ii) The person hiring it had signed a statement of liability acknowledging his liability in respect of any penalty charge notice fixed to the vehicle during the currency of the hire agreement.

Vehicles under contract hire, hire purchase or leasing are generally “kept” by the same company or driver for a period exceeding 6 months and in accordance with current law and precedent, adjudicators will regard periods of “keepership” of a vehicle in excess of this time period as implying a degree of permanence, sufficient for the keeper to be regarded as if they were the owner of the vehicle for the purposes of enforcement under Schedule 6 of the Road Traffic Act 1991. Upon receipt of the necessary evidence to transfer liability for a term in excess of 6 months, the Council will amend the details accordingly and direct further notices to the new keeper.

INSTALMENT PLANS – POLICY

The council has made a decision not to allow payment of Penalty Charge Notices (PCNs) by instalment for the following reasons:-

- The cost of administering the system: officers spent a disproportionate amount of time arranging instalments plans, monitoring payments and chasing late payments;
- Many customers who had been allowed instalment plans failed to adhere to them;
- Only short term instalments could be allowed to keep within the statutory PCN timescales;
- The legislation under which parking enforcement is undertaken, the Traffic Management Act 2004, clearly states that in order for a case to be closed, full payment must be made within certain timescales. This legislation does not provide the motorist with the opportunity to settle a case over any period of time other than that stated within the legislation. It is the Council's experience that those seeking instalment plans wish to do so over a longer period than could be allowed under this Act;
- Payment arrangements could not be allowed during the discounted period as legislation states that the discounted period only lasts for 14 days; and
- A PCN is a penalty issued to deter motorists from parking in contravention of the regulations/restrictions. The deterrent may be compromised if small repayments, or long term payment arrangements, are accepted in settlement of such notices.

LEGISLATION

The statutory acts governing parking enforcement are covered by the Traffic Management

Act 2004 (Part 6). Information on the Traffic Management Act 2004 can be obtained from most libraries, relevant websites or can be purchased from HMSO. The Council will not supply copies of the Act.

Viewing of the Traffic Regulation Orders can be done, by prior arrangement, at:

Northamptonshire Highways
One Angel Square
Angel Street
Northampton
NN1 1ED

Telephone Number: 01604 883400

LIABILITY

The liability for a PCN remains with the registered keeper and will not usually be transferred to the driver, employee, spouse, dependant etc.

LOST PCN's

If you have lost your PCN and wish to either pay the charge or challenge its issue then you will need to contact Parking Services on 0845 680 0153* (option 2) during office hours to obtain the PCN number. Security questions relating to the charge will need to be answered before any information is released due to the Data Protection Act.

MOVING TRAFFIC CONTRAVENTIONS

Northamptonshire County Council does not currently enforce moving traffic contraventions e.g. banned turns and yellow box junctions. The responsibilities for these remain with the police.

OBSERVATION PERIOD (10 MINUTES effective 6th April 2015)

The law now requires that a 10 minute 'grace period' applies to on-street and off-street permitted parking, whether paid-for or free of charge. If a motorist overstays the permitted parking period a penalty charge will only be payable for the contravention 10 minutes after expiry of the permitted parking period; therefore, only after a 10 minute grace period has elapsed.

The 10 minute grace period does not apply to any other contravention such as being parked without a valid ticket/permit or in a disabled bay without a valid blue badge and should not be confused with a discretionary observation period at the start of permitted parking – please see Section 4 for details of these periods.

OFF-STREET ENFORCEMENT

Northamptonshire County Council enforces parking contraventions in some car parks across the county on behalf of the district and borough councils under legal agreements dated as follows:

- | | | |
|-------------------------------------|---|--------------------------------|
| • Northampton Borough Council | - | 1 st October 2006 |
| • Corby Borough Council | - | 12 th February 2013 |
| • Daventry District Council | - | 30 th May 2013 |
| • Borough Council of Wellingborough | - | 16 th October 2015 |
| • South Northamptonshire | - | 6 th May 2016 |

The Borough and District Council's do not have a say in deciding the outcome of challenges and representations for PCN's issued in their car parks. This is so that officers at Northamptonshire County Council who are fully trained and experienced make the decisions based on the evidence available to them and in accordance with policies and procedures in place.

OUT OF ORDER PAY & DISPLAY MACHINES

As part of the new legislation effective 6th April 2015, PCN's can no longer be issued to vehicles parked without displaying a pay & display ticket where the parking machine is out of order (and parking hasn't been formally suspended) and there is no alternative means of payment available to the driver and clearly indicated.

This applies to **ON-STREET MACHINES ONLY**. Each on-street machine should have a clear sign stating that if the machine is out of order then to use another machine and usually details of the nearest machine – see tariff insert.

Generally in car parks there is another machine that can be used but if all machines were out of order then common sense would apply. Motorists should check the area for the next available pay & display machine to make payment as enforcement will continue as there is alternative means available.

PAYMENTS

Payment of the PCN must NOT be made if the driver or keeper of the vehicle wishes to challenge the PCN or make a representation as by paying you are admitting that the ticket was right and once paid, you will not be able to appeal further.

Payments can be made: On-line: at

<http://www3.northamptonshire.gov.uk/councilservices/northamptonshire-highways/parking/Pages/pay-a-parking-fine.aspx>

- By automated 24hr telephone line: 0845 680 0153* (Option 1) – credit and debit card only (**we do NOT accept Visa Electron or American Express**). Have your vehicle details and PCN number ready.
- By Post: cheques and postal orders should be made payable to Northamptonshire County Council and write your PCN number on the reverse. Please send a stamped addressed envelope if you require a receipt. Please post to: Northamptonshire County Council, Parking Services, One Angel Square, Angel Street, Northampton NN1 1ED.

PLEASE NOTE: WE DO NOT ACCEPT CASH EITHER BY POST OR IN PERSON (WE NO LONGER OFFER A FRONT FACING SERVICE)

Allow 2 working days for 1st class post and 5 days for 2nd class.

PENALTY CHARGE NOTICES (PCN)

PCN's are usually downloaded in real-time so the details and photographs, if taken are available to view almost immediately. Officer notes and additional information recorded will not be available until the following day and until this is available, Parking Investigation Officers cannot consider a case properly. **There may be occasions where PCN's are not downloaded at the time of issue but will generally be available/on the system by the following day/within 24 hours.**

There are two band charges for Penalty Charge Notices depending on contravention and severity:

- A charge of £70 applies for the more serious contraventions such as parking on yellow lines or in a disabled bay; and
- A charge of £50 applies to the less serious contraventions such as overstaying on pay and display bay.

Discount Period

For all PCNs there is a discount of 50%, i.e. for a PCN charge of £70 the discounted payment rate is £35 and for a PCN charge of £50 the discounted rate is £25. The discount period is applicable for the first 14 days from issue only.

If a claim is made that the PCN was not received, then the discount period may be reset to take this into account. However repeated claims of this nature will be noted and the

discount will not be reset.

POCKET BOOK DETAILS

The CEO no longer maintains a separate pocket book in which notes are taken in relation to every PCN that is issued. This is now a function of the handheld itself so notes are automatically downloaded onto a case – these notes are used to assist in the investigation of any challenge, representation or appeal that is received.

POSTAL PCNs

A PCN can be issued by post if a CEO is prevented from issuing it through abuse or aggression, or the driver returned to the vehicle but drove away before the PCN was issued. Details of the keeper of the vehicle are obtained by the DVLA and a Notice to Owner will be posted to the address given by the DVLA.

REASONABLE ADJUSTMENTS – POLICY

Public authorities such as a local authority, must take steps to remove the barriers you face because of your disability when they carry out their work. The **Equality Act 2010** calls this the duty to make reasonable adjustments.

When must a local authority make reasonable adjustments?

A local authority has a **duty** to make reasonable adjustments if:

- You are disadvantaged by something because of your disability, and
- It is reasonable to make the changes to remove the disadvantage.

What is meant by ‘reasonable’

Adjustments only have to be made if it's **reasonable** to do so. What's a reasonable thing to ask for depends on things like:

- your disability
- its practicality
- if the change you ask for would overcome the disadvantage you and other disabled people experience
- the size of the organisation
- the resources it would require
- the cost of making the changes
- if any changes have already been made.

How Parking Services will make reasonable adjustments

Penalty Charge Notices (parking fines)

Whilst we have a policy in place to request all challenges and representations in writing, we are aware that this is not always possible. If our officers feel (or are advised) that additional assistance is required then we will make reasonable adjustments where possible to suit your needs.

Examples of these reasonable adjustments include but not limited to:

- A mutually convenient telephone appointment where you can dictate your challenge/representation to an officer;
- A pre-booked face to face meeting (in exceptional circumstances) at One Angel Square, Northampton where you can dictate your challenge/representation; and
- 3rd party liaison acting on your behalf, providing authority has been received from you, to discuss/deal with the case as your representative.

Parking permits

Whilst there is an application/renewal process in place via Northamptonshire County Council's website or by post, we are aware that this does not suit everybody and if our officers feel (or are advised) that additional assistance is required then we will look to make reasonable adjustments where possible to help you.

Examples of these reasonable adjustments include but not limited to:

- A mutually convenient telephone appointment where you can make your application/renewal verbally. However, the call may need to be recorded depending on your disability as the recording may need to act as your signature confirming that you agree to the Terms and Conditions of the scheme;
- A pre-booked face to face meeting (in exceptional circumstances) at One Angel Square, Northampton where you can apply/renew in person. However if you are unable to provide a signature then your usual mark will need to be witnessed as your acceptance of the Terms and Conditions of the scheme; and
- 3rd party liaison acting on your behalf, providing authority has been received from you, to apply/renew your permit as your representative. We would agree in this instance a way of arranging for the Terms and Conditions to be signed by you as acceptance.

Who pays for Reasonable adjustments?

The local authority will cover the costs of all reasonable adjustments.

Refusing a request for reasonable adjustments

If we reject your request for an adjustment to be made, we will explain this decision to you, the factors that have been taken into account and may suggest alternatives which will be given the same level of consideration as the original request.

REGISTERED KEEPERS LIABILITY

PCNs issued to a vehicle are ultimately the responsibility of the registered keeper of the vehicle as recorded at DVLA.

RESTRICTED HOURS

The hours during which restrictions are in force vary but generally the following principles apply:

- Single yellow and/or white lines means no waiting or parking during times shown on the signs (restrictions apply on Bank Holidays) – signs are not required within a controlled parking zone unless the restriction times differ from the zone;
- Double yellow lines mean no waiting or parking at any time and do not need accompanying signs;
- If a loading and unloading restriction applies, this is indicated by yellow kerb markings: two kerb markings mean no loading/unloading at any time; one kerb marking means no loading/unloading during times indicated on the sign.
- Loading bays are marked 'loading only' and apply 24/7; and
- Disabled bays are marked with white lines and are sometimes (but not always) indicated by writing 'Disabled' and are in force 24/7 (unless signage states otherwise). Signage will indicate whether a maximum time permitted applies.

TAXI RANKS

Only hackney carriages are permitted/licensed to collect passengers from a taxi rank, as well as being available to be hailed in the street.

Private Hire vehicles or mini cabs are not licensed to collect passengers from ranks or to be hailed in the street – they are licensed only to be hired by prior arrangement.

Any vehicle parked in a taxi rank, other than those permitted will receive a PCN that will not normally be cancelled.

UNIFORMS

There are rules which govern the type of uniform worn by a CEO. Each CEO has an identification number and identity card, which will not show a name. Whilst CEOs are expected to wear suitable headgear, if this is not worn it does not invalidate the issue of the PCN.

* Calls cost 4 pence per minute, plus your phone company's access charge.