



**Version 12 – JUNE 2016**

## **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 and through sharing best practice with other local authorities delivering Civil Parking Enforcement (CPE). 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

## 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 1<sup>st</sup> class post and 5 for 2<sup>nd</sup> 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.

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 three 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](mailto: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**

Waiting and loading restrictions, as indicated by yellow and/or white lines/markings on the carriageway and/or kerbs, may be in force throughout the year including on bank holidays. Motorists should not assume that restrictions do not apply on bank holidays unless this is specifically stated in the relevant signage. 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 car parks – free in designated disabled badge holder bays or if unavailable any pay and display bay up to the maximum stay permitted, **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 showing the time of arrival
- On street disabled bays – if a time restricted bay then the parking disc showing the time of arrival must be displayed and time not exceeded
- On street time limited bays
- 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). Parking must always be in accordance with the Blue Badge Scheme guidelines.

The Blue Badge and parking clock (if time limited) must be displayed clearly within the vehicle so the particulars of the badge, serial number and expiry date are visible outside of the vehicle. Failure to clearly display the Blue Badge or parking clock correctly, or if a vehicle displaying a Blue Badge is parked causing an obstruction such as a dropped kerb or exceeds the 3 hour maximum stay on yellow lines/disabled bay may result in a PCN being issued.

When parking on yellow lines or in other places where there is a time restriction, you must display the blue parking clock to show your time of arrival. It must be displayed on the vehicle's dashboard or fascia panel, so that it can be seen clearly through the front windscreen from outside the vehicle. The clock should be set to show the quarter hour period during which you arrived. Failure to display or incorrectly set clocks may incur a PCN that may not be cancelled upon appeal.

### 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. Following three reports of misuse the badge may be withdrawn and returned to the issuing authority.

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 requisite 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.

## **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 and Councillors are expected to comply with parking regulations and PCNs issued will not be cancelled unless mitigating circumstances apply. This includes Civil Enforcement Officers (CEO) who are also expected to park in accordance with the regulations and must never use their knowledge for their own gain.

A permit must be clearly displayed by those officers and contractors working on behalf of the Council, 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.

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. 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**

Except on designated clearways a vehicle is allowed reasonable time i.e. no more than 2 minutes to drop off and pick up passengers irrespective of any waiting or loading restrictions in place. Unlimited time applies to those who have a disability. However the driver must not leave the vehicle (unless assistance is being given to an elderly or vulnerable person). A PCN may be cancelled if evidence shows that the driver was dropping off or picking up passengers demonstrating that the time did not exceed 2 minutes or the driver needed to support a person with a disability.

Dropping off and picking up of passengers is not permitted on zig-zags (school and pedestrian crossings) 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**

Estate Agents 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).

## **FUNERALS AND WEDDINGS**

Exemptions apply for the hearse and wedding car 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, they are required to park close to the location of the repair and this might mean being in contravention of the regulations. A PCN issued in these circumstances may be cancelled if evidence is provided that the vehicle was actively involved in work. It is usual to expect the company to have contacted our office 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. Details of the new permit types will be provided but the responsibility for applying remains with the motorist and once advised of the permit possibilities, 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 further details.

## **HOSPITAL/DENTAL/DOCTOR/OPTICIANS APPOINTMENTS**

If there is a delay in the appointment time or the treatment took longer than anticipated, and a PCN has been issued for overstaying the parking time, taking into consideration the additional 10 minutes grace period already given since the changes in legislation, cancelling the PCN will not usually be considered. If evidence is requested, then the driver of the vehicle will need to provide written confirmation from the dentist, doctor etc that the delay was caused for reasons outside the driver's control.

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.

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.

## **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. If the vehicle was parked in contravention before the keys were lost, stolen or locked inside, the PCN will not be cancelled. Consideration for cancelling any further PCN's 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**

A PCN 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.

## **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.

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 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.

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.

Where a blue badge holder has parked in the following Corby Car Parks; 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.

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.

Motorists that do not correctly display a pay and display ticket so that it is clearly visible from outside of the vehicle will be issued with a PCN (this would apply where it was not possible for the CEO to ascertain whether the correct tariff has been purchased). The PCN may be cancelled if sufficient evidence is provided and supported by the evidence gathered by the CEO. However, the PCN 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 scheme rules correctly in future and insufficient mitigation has been provided.

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.

## **PEDESTRIAN CROSSINGS**

A PCN will be issued to a vehicle parked on a pedestrian crossing. 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 business address is within a residents parking zone.

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 Penalty Charge Notice 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.

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

Whilst we endeavour to send out reminders for renewals in certain cases 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**

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.**

## **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 superintendant 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 Council's.

## **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.

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 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.

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 supporting the incident will be considered.

## **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 and reported police station 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.

## **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 waiver the contravention.

## **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 zig-zags (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.



### 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 provide 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 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
- 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**

**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
- 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 valid waiver to park at the location in question had been issued and was on display in the vehicle
- 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 (see Statutory Grounds 6, below).

### **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.

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**

<b>Code</b>	<b>Contravention</b>	<b>Observation Times</b>	<b>Penalty Charge</b>
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:**

**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 6<sup>th</sup> April 2014, details of which can be found on the Pay a Parking Fine page on Northamptonshire County Council's website.

### **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](http://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.

## 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.**

The address to write to is:

Northamptonshire County Council  
Parking Services (4<sup>th</sup> Floor)  
Riverside House  
Riverside Way  
Bedford Road  
Northampton  
NN1 5NX

**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.**

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.

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.**

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.

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.

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

**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 since payment is acceptance of liability and automatically closes the case.**

## **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.

## **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: The Parking Manager, Northamptonshire County Council, Parking Services (4<sup>th</sup> Floor), Riverside House, Riverside Way, Bedford Road, Northampton NN1 5NX.

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**

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.

## **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;
- 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.

## **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.

## **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  
Riverside House  
Riverside Way  
Northampton NN1 5NX

Telephone Number: 01604 883400

## **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 6<sup>th</sup> 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 <sup>st</sup> October 2006   |
| • Corby Borough Council             | - | 12 <sup>th</sup> February 2013 |
| • Daventry District Council         | - | 30 <sup>th</sup> May 2013      |
| • Borough Council of Wellingborough | - | 16 <sup>th</sup> October 2015  |
| • South Northamptonshire            | - | 6 <sup>th</sup> 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 6<sup>th</sup> 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**. Generally in car parks there is another machine that can be used but if all machines were out of order then common sense would prevail!

If there is another machine available to make payment in the vicinity then enforcement will continue as there is alternative means available.

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.

## **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 since payment is acceptance of liability and automatically closes the case.**

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 4<sup>th</sup> Floor, Riverside House, Riverside Way, Bedford Road, Northampton NN1 5NX.

**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 1<sup>st</sup> class post and 5 days for 2<sup>nd</sup> class.

## **PENALTY CHARGE NOTICES (PCN)**

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

## **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 companies access charge.