



Parking Enforcement Policy.

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Introduction

The Parking Enforcement Service in Torbay covers parking controls in the towns of Torquay, Paignton and Brixham, as well as the surrounding areas.

The prime aim of enforcement is to achieve the following policy objectives –

- To integrate traffic management policies with effective on-street enforcement.
- Provide dedicated on-street enforcement.
- Be responsive to changing priorities, local factors and demand.
- Provide parking exemptions or dispensations as appropriate.

Parking enforcement will be ‘fair but firm’ and community support for or acceptance of parking controls is conditional upon achieving this balance in the enforcement operation. The guidance set out in this document has been designed to assist in this objective and establishes the “ethos” of the scheme; whilst individual areas will minimise the potential for misunderstanding and dispute over specific parking issues. In general, enforcement activity will comply with the following principles –

- Fairness in applying the legislation and securing compliance.
- Targeting of enforcement action where necessary.
- Consistency of approach.
- Transparency about what enforcement action is taken and why.

This policy covers both on and off-street enforcement activities. This document will be made available to the public as a clear guidance for them using the highway and car parks in Torbay. For ease of use, categories have been listed in alphabetical order.

The policies contained in this document may be subject to amendment as deemed necessary.

Ownership of this document rests with the Parking Operations Officer at Torbay Council, who is responsible for the guidance contained within, and for review and amendment where necessary.

Enforcement Practice

General Note

Unless otherwise stated, the guidance detailed within this document applies everywhere within the SPA (Special Parking Area), which includes on-street restrictions and off-street car parks within the Torbay area.

Abandoned Vehicles

Abandoned vehicles are eyesores and potentially dangerous, and in many cases are the result of crime. A vehicle will be classed as abandoned if it is displaying an out of date tax disc, (or no tax disc), either on or off-street, and has already received 2 Penalty Charge Notices (PCNs) without any evidence of being moved during the interim period. This vehicle will then be dealt with within the relevant legislation by the Councils Abandoned Vehicle Officer.

Bailiffs

Bailiff's vehicles are only exempt from the regulations where they are actively being used for the removal of goods from a property. A bailiff calling to collect on a warrant (where goods are not being removed from the premises) is not exempt and unless there is any indication that goods are to be removed (when the normal loading provisions will apply) the vehicle will be enforced.

Bank Holidays

All double and single yellow lines and other waiting restrictions are in force on statutory Bank Holidays and will be subject to normal enforcement activity. In fact there may be a need for a higher on-street presence where there are special events taking place and in particular on busy days during the summer.

Breakdowns

It is recognised that vehicles do break down from time to time and have to be pushed towards the side of the road or may not start when parked in limited waiting bays etc. These can be unforeseen circumstances and as such some discretion will apply. Anyone notifying the Council by telephone that a vehicle is broken down will be provided a short grace period so the vehicle can be started or moved.

Bus Stops

Due to the congestion and inconvenience caused by vehicles parked in bus stops the Council will enforce all these areas frequently.

There is no leeway provided to any vehicles encroaching into bus stops where part of the vehicle is parked on a legal contravention and part of the vehicle is in a bus stop. This is due to the amount of space required by a bus to safely enter and exit the bus stop.

Coaches

The Council recognises that coaches may need to set down a large group of people in a safe manner. Therefore discretion will be given where this type of activity takes place. Coaches should not however park in loading-restricted areas, bus stops, or where it is dangerous to park.

Torbay Council will provide dedicated coach parking and stop-off points where coach drivers can safely drop off and pick up passengers.

Complaints

All complaints regarding Civil Enforcement Officer (CEO) conduct must follow the standard corporate complaints procedure and be in writing. This will commence a process ensuring any complaint is handled correctly and seriously ensuring each specific point is raised with the Civil Enforcement Officer concerned.

Council and other Utility Vehicles (see also the section on Statutory Undertakers)

Liveried Council or Tor2 (Council Contractor) vehicles will not be enforced.

In off street car parks they are provided a notice of exemption through their livery under the Off Street Parking Places Order.

On street these vehicles undertake essential work on the highway and are therefore not enforced.

Examples of essential works include the following –

- Servicing street furniture
- Maintenance of utility boxes
- Vehicles performing environmental duties
- Graffiti removal
- Collection of Litter

Council Staff Parking

In general, preferential treatment will not be given to Council employees using their own vehicles for business purposes and as such staff are provided parking permits to use in off street car parks during work time only to receive a discount on the daily parking charges.

Staff parking permits are valid in certain car parks and there are certain restrictions on the use of these permits, in order to ensure there is sufficient space for other drivers to park.

Great Western Car Park	Limited to three hours
Brixham Central Car Park	Limited to three hours

Cycle Tracks/Lanes

Unless the cycle lane is mandatory and is correctly signed and marked, and there is a Traffic Regulation Order covering the lane, there is no automatic contravention for parking on a cycle lane. A PCN can only be issued if there is another restriction in place, such as a yellow line.

If there is no restriction and the cycle lane is advisory only no enforcement will take place.

Note –

Mandatory cycle lanes require separation from the carriageway by means of a thick, solid white line.

Advisory cycle lanes are separated from the main carriageway by a thick, dashed white line.

Diplomatic Vehicles

Penalty Charge Notices will not be issued to vehicles parked in contravention and displaying diplomat plates (usually in the format of three numbers, followed by 'X' or 'D' and another three numbers).

Disabled Bays

The Council provides two types of disabled bays; statutory and advisory. Drivers who park in statutory disabled bays (marked and signed bays), without displaying a valid blue badge will be issued with PCNs.

Advisory disabled bays (no sign) rely on the good will of other drivers not to park in them. These bays are usually sited in residential areas, outside the property of the disabled badge holder. CEOs cannot enforce this type of bay.

Disabled Badge Holders

People with mobility problems can be issued with blue disabled badges. These can be obtained from the Care Trust subject to application criteria.

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

On street under the terms of the Blue Badge regulations, badge holders may park -

- In designated disabled parking bays.
- In any parking place, e.g. pay and display bays, and all limited waiting bays, without time limit.
- For up to 3 hours on a single or double yellow line with the badge correctly displayed with the serial number, expiry date showing and the clock set to show the time of arrival, and where loading restrictions are not in force. A Penalty Charge Notice will be issued if the time shown on the clock has been exceeded or the clock is not correctly displayed.

Blue badge holders may not park -

- Where loading restrictions are in force, or in loading bays.
- On bus stops which are subject to bus stop clearway order, or on any clearway.
- On school zigzag areas.
- In taxi ranks.

Where a CEO suspects that a blue badge is being used fraudulently they will enforce the vehicle displaying the blue badge should it be in contravention.

Car Parks

All disabled badge holders must purchase a pay and display ticket and display their blue badge when parking in a disabled bay.

Blue badge holders may obtain an annual permit from the Council, if they are in receipt of the higher rate of the mobility component of disability living allowance or a war pension. These are for use in any unreserved bays and the Council issued permit must be displayed along with the blue badge – the permit itself is not sufficient.

There may be conditions attached to the use of the annual permit (e.g. a maximum length of stay).

Displaying Pay and Display Tickets

Pay and Display tickets should be displayed in the front windscreen of the vehicle, so that the details can be easily read by the CEO. Non adhesive tickets should be placed clearly on the dashboard to be seen through the front windscreen.

More than one Pay and Display ticket should not be displayed at any one time.

Vehicles not displaying pay and display tickets when in off street car parks or in on street charging areas will be enforced. Vehicles displaying expired tickets will also be enforced.

Double Parking

This activity on the highway is generally not permitted and causes a health and safety issue to both pedestrians and all road users. However in some unusual circumstances a loading provision will permit double parking if active loading is taking place and there is no available parking at the kerbside which the driver can use.

Under legislation this is not only classed as two vehicles parking side by side and potentially causing congestion, but for a vehicle parking more than 50 cm from the edge of the carriageway, especially in areas where the road is narrow and parking too far into the carriageway causes difficulties/obstruction for larger vehicles, including ambulances, fire engines, buses, waste collection vehicles, etc.

Drain Cleaning Companies

It can be a common occurrence that when drain cleaning companies are called to premises in an emergency when effluent can cause a danger to the public's health that pumping equipment may need to be used from such vehicles. In these circumstances these vehicles will be exempt from enforcement but only when CEOs witness pumping activity taking place from the vehicle.

Drive-aways

If a driver returns to the vehicle before the PCN has been printed or manually completed, and the observation period required for that contravention has expired it can be forwarded to the registered keeper by means of post.

Drivers in vehicles

Where a vehicle is parked in contravention of a restriction where an observation period applies and the driver is sitting in the vehicle, the CEO must ask the driver to move the vehicle and park legally; issuing a PCN only if this request is not met. Where a passenger is present in the passenger seat they should again be offered the choice to move the vehicle. If they state they have no insurance to drive the vehicle or refuse to move it then the vehicle will be enforced in the normal way.

In circumstances where no observation period applies the PCN issuing process should commence immediately regardless of whether or not a driver is present. This is to avoid motorists deliberately parking in contravention and merely wait for a CEO to attend and ask that the vehicle is moved.

Dropped Kerbs

A dropped kerb is defined as a part of a footway that has been dropped to provide a crossing point for pedestrians, wheel chair users and those using push chairs. Dropped kerbs also give access to a driveway beyond the footway. Some, but not most crossovers, will be marked with yellow or white lines.

Civil Enforcement Officers may issue a PCN to any vehicle parked in this manner where active loading or unloading is not taking place.

Duplicate PCNs

If a vehicle is parked in contravention for more than one day, and has already received one PCN, a second PCN will be issued the next day. If the vehicle continues to be parked in contravention for a third day a judgement will be taken as to whether it is appropriate to issue another PCN or report the vehicle as abandoned. No more than three PCNs will be issued in these circumstances. Please note this may not apply in pay and display areas within Torbay

Expired Permits

Residents or businesses displaying an expired permit must be given a 10 day grace period in which to renew their permit. This does not apply to weekly permits which will be enforced upon expiry.

Fire Department Vehicles

Devon and Somerset Fire engines and appliances are exempt from all parking restrictions whilst actively being used in an emergency situation.

Other liveried Devon and Somerset vehicles are not exempt from on street parking restrictions. These vehicles are issued parking permits to be used in the off street car parks. Any of these vehicles parked in breach of an on street parking restriction, or not displaying a permit in an off street car park, should be enforced as normal. If it is apparent to the CEO that the vehicle is being used to attend an emergency then it should not be enforced.

Footway (Pavement) Parking

A Penalty Charge Notice may be issued for the contravention of parking on the footway or grass verge in the following circumstances –

- Within the Special Parking Area if there is an existing restriction on the road (e.g. yellow lines) adjacent to the footway or grass verge.

There is no provision for a Penalty Charge Notice to be issued for this contravention outside the Special Parking Area or in areas where there are no restrictions already on the road.

Funerals and Weddings

The Council recognises that weddings and funerals are important events and are sensitive issues. Visitors to either event should park legally away from the event. However, essential vehicles and close family may need to park quite centrally near the premises being used for the occasion.

There is no automatic exemption for funeral or wedding vehicles. However, CEOs should exercise discretion where it is clear that a funeral or wedding is taking place and should be prepared to give advice where necessary on the best parking arrangements.

If the vehicles are obvious that they are involved with this type of activity then they should not be enforced.

If vehicles are stopped in order to allow people to board or alight, they will be entitled to the exemption for boarding and alighting.

In most circumstances the Council will be aware of Weddings and Funerals before they take place and will ask no enforcement takes place at these locations.

Glaziers

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

In cases where glazier's vehicles are parked adjacent to the premises, CEOs will observe if the glass is of a size e.g. shop window, which would warrant adjacent parking. Glaziers will be exempt from the regulations in these cases. Otherwise, the vehicle should be parked legally or display a dispensation issued by the Council.

Where no activity is seen to be taking place nearby or at the vehicle. If the CEO is approached by the driver employed by the company using the vehicle for glazing works, they will permit the vehicle to be parked in contravention for one hour before enforcing the vehicle or a dispensation is obtained from the Council.

Grace Periods

Grace periods are slightly different from observation periods, in that they serve a different purpose, primarily one of offering fairness in enforcement activity. They relate to pay and display bays on-street and to car parks, i.e. where a driver has to obtain and display a ticket to enable the vehicle to be parked.

The grace period is based on the amount of time purchased, for example 10 minute tickets will be provided no grace period whereas 24 hour tickets will be provided longer grace periods and a sliding scale of grace period provided by the CEO.

The time on the pay and display machine is noted by the CEO and compared to their handheld computer and any time difference is allowed by the CEO to ensure there are no concerns that the time the PCN is issued does not co-incide with the time on the pay and display machine or the time displayed on the ticket.

Where a driver is not displaying a valid pay and display ticket, an observation period will be given depending on the type of parking bay.

Health Care/Emergency Service Employees

The Health Emergency Badge scheme offers a dispensation to workers within the health care industry.

The scheme will permit such users dispensation to park on a yellow line no waiting parking restriction for up to one hour (similar to the disabled blue badge) with an authorised clock set. It can also provide up to 1 additional hours parking in a limited waiting bay and 15 minutes parking in a loading bay.

These dispensations are not valid in off street car parks or on street pay and display parking bays.

Hours of Enforcement

Enforcement will be carried out during the hours of control, which vary according to the restriction. This is currently from 6am to midnight with the only day enforcement not taking place on being Christmas Day.

Lighting Engineers

'SEC' and 'Western Power Distribution' who are the Council approved Lighting Contractors for on street lighting and off street car parks are exempt from all restrictions when working adjacent to a lighting column. An engineer must be seen to be present with chapter 8 signage and activity taking place at the vehicle to prevent a PCN being issued. If there is no activity then the vehicle should be enforced in the normal way.

Limited waiting bays

There are a number of limited waiting bays in the Torbay area. These provide for a waiting time of 30 minutes, 1, 2, or 3 hours and for a no return which varies according to the location.

PCNs should be issued to vehicles parked for longer than the maximum period permitted and for returning within the no return period.

Lines and Signs

Where a restriction should be signed, and the sign is missing, a Penalty Charge Notice must not be issued. The CEO must report the defect at the end of the shift for remedial action to be taken.

Where a line on the highway is substantially obscured or missing the same action as for missing signs (above) must be taken.

However, if there are small lengths of yellow lines missing (less than the length of a small car), the CEO should issue a Penalty Charge Notice, and report the defective section.

Loading/Unloading Guidelines

Any vehicle can load or unload continuously in places where such activity is permitted.

CEOs will observe vehicles to ascertain if vehicles are indeed loading or unloading. If during this time no activity is noted, the CEO will assume the vehicle is not involved in any loading or unloading activity and the vehicle will be enforced. Loading/unloading may be allowed for commercial purposes or if the items being loaded or unloaded are not easily portable. The process does have to be continuous and the CEO must see some evidence of loading/unloading.

Loading and unloading is permitted –

- In permit holder bays.
- On single or double yellow lines.
- In loading bays.
- Pay and display bays on street

Loading and unloading is not permitted –

- At bus stops that are subject to Bus stop clearway restrictions, taxi ranks, on clearways where stopping is prohibited, in doctor/hospital/ambulance bays.
- Where kerb markings indicate no stopping or parking restrictions.
- On school zigzag markings.
- In suspended bays.

Loading and unloading is permitted in on street pay and display parking places but a valid pay and display ticket must be purchased that covers the amount of time required to facilitate this activity.

Motorcycle Parking

Motorcycles are legally defined as powered two wheeled vehicles.

On Street

Where dedicated motorcycle parking bays are provided on street which are marked on the road and signed with the motorcycle symbol, parking is free for all motorcycles. Otherwise motorcycles parked outside of these areas must follow the same terms and conditions as other motor vehicles and park in a marked pay and display bay and the rider must purchase a ticket for the duration of the stay. Tickets should be affixed to the motorcycle using a secure ticket holder available from any good motorcycle accessory store, or alternatively the rider should take the ticket with them and will be required to produce the ticket if a Penalty Charge Notice is issued to the motorcycle.

Motorcycles must abide by the normal parking restrictions as stated on site, ie limited waiting bays where the time limit applies, pay and display bay with a ticket being purchased and displayed.

Car Parks

Parking for motorcycles is free in council run car parks, provided it is within the designated area marked as motor cycles only.

It will be a contravention for other vehicles (including motorcycles with sidecars or Quads, Trikes) to park in these bays.

Please refer to the section on Quad bikes for information regarding enforcement of this vehicle type.

Obscured/incorrectly validated Permits

If a parking permit is not clearly displayed in a vehicle, so that it cannot be read, a Penalty Charge Notice will be issued.

Where a day permit has been incorrectly validated, more than one day/date/year field has been scratched off, with no date entered or without today's date or the vehicle number altered or entered incorrectly a Penalty Charge Notice will be issued.

However, if the alteration or error is minor (e.g. one digit or letter of the vehicle is shown incorrectly or has been altered), or where only part of a day/date or year has been scratched off, a Penalty Charge Notice should not be issued providing that the CEO is satisfied that there is no deliberate attempt to use the permit fraudulently.

Observation Periods

When a vehicle is parked in contravention of the regulations, and depending upon the type of restriction, the CEO may observe the vehicle for a time before issuing a Penalty Charge Notice.

An observation period is primarily designed to ensure that the vehicle is not engaged in an exempt activity, such as loading or unloading.

Observation periods are not a statutory requirement and Civil Enforcement Officers reserve the right to issue Penalty Charge Notices instantly if appropriate. Many types of restrictions do not carry any observation periods anyway such as Bus Stops, Loading Bans, Disabled Bays, Taxi Ranks, double yellow lines outside and near schools etc.

Overseas Registered Vehicles

Penalty Charge Notices will be issued to vehicles registered overseas if they are parked in contravention.

Parking Dispensations Notices

These will be available from the Council via its website and from Connections Offices. These allow vehicles to extend their stay on yellow lines or wait where there is no alternative place to park. The vehicle must be necessary for the works being carried out for example constant access is required.

To obtain a dispensation, the driver of the vehicle must demonstrate the nature of the work, that the vehicle is necessary for the work, and there is no alternative place for it to park.

The vehicle must display a dispensation in the windscreen, which will contain details of the registration number, date and time(s) to which the dispensation relates and the location.

Parking Outside Bay markings

The Council does make reasonable allowances for vehicles being parked outside of the bay markings unless this causes inconvenience to other users or causes obstructions.

The general rule is that the vehicle would have to be outside the bay markings by at least one third before enforcement would take place.

Bus stops are classed differently as the large buses using these stops need the entire bay to accommodate passengers alighting safely. Therefore the one third rule would not apply to vehicles overlapping into bus stops.

Pay and Display Machine Faults

If a pay and display machine is found to be faulty it is usually the driver's responsibility to look (within a reasonable distance) for an alternative machine from which to purchase a Pay and Display ticket, providing that the alternative machine is situated in the same road.

In the event that the Pay and Display machine is marked as 'out of order' and there are no alternative payment points, a vehicle will be allowed to park for the maximum parking duration of the bay or car park.

Where a motorist leaves a note in his vehicle stating that the machine is faulty, or reports it personally to a CEO or the Council directly, the CEO must check the machine. A Penalty Charge Notice should be issued, unless the CEO can confirm that the machine is faulty. If the machine is found to be faulty, a Penalty Charge Notice must not be issued.

Pay and display tickets – expired time

If a PCN is issued for expired time, full details of the pay and display ticket must be recorded, including the time of arrival, the amount paid, the expiry time and serial number.

CEOs will also issue PCNs for 'meter-feeding', e.g. where a driver has purchased a second pay and display ticket shortly before or after expiry of the first, with the intention of prolonging the period of time originally purchased past the maximum stay of the car park or bay.

However, some drivers do make a mistake in using the machine, and if a vehicle is displaying two pay and display tickets that have been issued within 5 minutes of each other (both for the same day and bay), a PCN will not be issued. In these cases, the total amount of time shown on the pay and display tickets will be allowed, i.e. if both tickets show that 30 minutes has been purchased, the driver will be allowed one hours parking.

The grace period for expired on and off street pay and display tickets varies depending on the amount paid. E.g. a 10 minute ticket receives no grace period, a 24 hour ticket receives a 15 minute grace period.

Pedestrian Crossings

These are official crossing points such as Pelican or Zebra crossings marked by white zig zags on the road. It is an offence for a vehicle to be left on such a zig zag for any period of time and therefore a PCN should always be issued in these circumstances.

The only exception being where an endorsable fixed penalty has been affixed to the vehicle by a Police Officer or PCSO.

Picking Up/Dropping Off Passengers

Motorists may stop to pick up or drop off passengers on any parking restriction with the exception of bus stops and taxi ranks. It is generally accepted that the maximum time allowed

for this activity is 2 minutes in the case of able-bodied passengers but there may be exceptions to this rule. For example if the motorist must accompany a child or elderly/disabled person away from the vehicle, or if there is luggage to be set down and the 2 minute rule should not be applied rigorously in these circumstances.

The picking up and dropping off of children near schools on any parking restriction is not acceptable and will be enforced by the mobile camera vehicle and or a foot patrol Civil Enforcement Officer. Parents are expected to park vehicles in limited waiting areas or unrestricted parking areas and walk their children to and from school. Such abuse of parking restrictions by parents near schools will incur a zero tolerance approach.

Where Loading and unloading is taking place and no passengers are involved in the process, enforcement should follow the standard procedures for loading/unloading.

Photographs

Taking photographs is an essential part of the enforcement process and Civil Enforcement Officers will take photos of the vehicle in contravention, the windscreen, parking restriction signs and lines. They will never take photographs of children should they be inside the vehicle when the enforcement takes place.

Police

Devon and Cornwall Police response vehicles are exempt from all parking restrictions whilst actively being used in an emergency situation.

Non liveried Devon and Cornwall Police vehicles are not exempt from on street parking restrictions. These vehicles are issued parking permits to be used in the off street car parks and are valid also in on street pay and display parking bays. Any of these vehicles parked in breach of an on street parking restriction, or not displaying a permit in an off street car park, should be enforced as normal.

If a Police Officer or PCSO approaches a CEO presenting their warrant card/ID requesting a vehicle not to be enforced then this request should be complied with.

However, if a Police Officer or PCSO requests enforcement of a vehicle then no action should be taken without direct permission from the Council.

Property moves

Residents moving property from one location to another can be provided a dispensation for the vehicles involved normally the Council will be advised of this in advance. However, in the event that a CEO is advised by a resident that vehicle are involved with a move then no enforcement should take place and the resident advised to contact the Council for a dispensation.

Quad bikes and Trikes

This type of vehicle is becoming more popular and as a result the Council will permit them to park without time limit in any free on street limited waiting bay.

In off street car parks they are classed as similar to a car (due to their size) and not a motor cycle. Therefore they cannot use the motor cycle bays and should pay the parking charge.

In on street pay and display parking bays the normal charges apply.

Requests for enforcement

From time to time, the Council or individual CEOs may be approached by members of the public requesting enforcement of a particular restriction.

Where a CEO is approached whilst he is patrolling an area, providing that the request relates to a neighbouring road or the same road and will not involve them leaving their allocated beat, the CEO should comply with the request. If the request will mean that the CEO will have to travel a considerable distance or leave their beat, then they should relay the request to base, for further instruction. The Council aims to respond to all requests for enforcement within 2 hours within normal working hours.

Royal Mail Vehicles

Vehicles belonging to the Royal Mail engaged in the collection from post boxes are exempted and may load or unload where others are not permitted. This does not include disabled bays, taxi ranks, coach bays, bus stops or areas where there is a loading ban in operation. As Parcelforce is operated as a separate company from the Royal Mail these vehicles will be treated like any other courier company.

Civil Enforcement Officers may issue PCNs to Royal Mail vehicles if they feel the vehicle is not being used for the purpose of collecting mail.

Scaffolders

Scaffolders are provided a dispensation from parking restrictions where scaffolding is being constructed, i.e. whilst loading and unloading equipment from the vehicle and erecting/dismantling the scaffold. As soon as this loading/unloading activity has been completed the scaffold truck must be moved to a legal parking place.

Scaffolders are required to obtain a dispensation if they require their vehicle to remain in situ after the loading/unloading has taken place.

Schools

Illegal parking near schools is dangerous and the Council actively patrols schools and moves on such vehicles on a regular basis. This can often be parents waiting on parking restrictions for children to finish school or dropping off children. In partnership with the Police and the Council Road Safety Team the Council tries to minimise illegal parking and patrol schools on a rota basis.

Parents are not exempt from parking restrictions and vehicles will be enforced if they fail to move or the vehicle drive away process would also apply in these circumstances. In recent years the Council have created a number of walk to school schemes where parents are provided parking permits from the school to use specific car parks and walk their children from

The yellow school zigzags are placed outside schools for the safety of children. It is an offence to stop on the zigzag area. As such, there will be no period of observation before the issue of a Penalty Charge Notice to any vehicle that is stationary on the zigzags outside of a school or on no waiting restrictions close to schools. There is no provision for any vehicles to park on school zig zags outside of term time as often the restriction is implemented as part of the overall road safety for the road and not just to protect school children entering and exiting their school.

Skip Licences

Skip licences are granted by the Councils Highways Department and such licences cover parking of the skip in contravention of the parking restrictions.

Special Events

Where there are special events taking place which may affect the parking situation in the area, the Council and/or the Police may make special arrangements – the CEOs will be advised accordingly.

Statutory Undertakers

There is an exemption for liveried vehicles being used in the service of gas, electricity, telecommunications or water companies. These vehicles will not be issued with a Penalty Charge Notice in the following circumstance –

- **If the vehicle is being used in direct connection with works on the highway and chapter 8 signage is in place**

If the vehicle is being used in connection with an emergency situation (water leak, gas escape etc.) then a Penalty Charge Notice may be issued if the Council is unaware of the work taking place. On receipt of an appeal such notices will be cancelled with the relevant evidence of the emergency. Once the emergency has been dealt with the vehicle must be moved and the vehicle is not exempt for normal routine activities, such as inspections or servicing.

The company will often arrange for a suspension if works are to be carried out, but this is not always possible, especially in an emergency situation.

CEOs will also issue a Penalty Charge Notice where it is obvious that the vehicle is not actually being used in connection with work taking place on the highway.

Statutory undertaker's vehicles often display signs stating that emergency works are being undertaken. This is not in itself an indication that the vehicle is exempt as it must be placed behind chapter 8 signage at all times. If the CEO is not satisfied that the vehicle is exempt a Penalty Charge Notice should be issued.

Suspension Procedures

Residents or businesses may apply for sections of the parking bays adjacent to their property to be suspended for moving in and out or other essential events. Suspensions may be arranged for –

- House or office removals.
- Funerals or weddings.
- Essential work on the highway.
- Essential deliveries (e.g. building materials).
- The placement of skips.
- Special events.
- Filming.
- Facilitating the movement of traffic or safety reasons.

Applications for bay suspensions are handled by the Council's parking officers who will also determine what proof is to be submitted. The applicant should request a suspension at least one month in advance providing the exact location within the parking bay. House numbers, if relevant, should be included.

However, suspensions may also need to be arranged at short notice, in the case of emergency works for example.

The Council, having authorised a suspension to take place, will place out warning signs in the bays 7 days in advance.

Vehicles which park on the notified suspensions will be issued with a Penalty Charge Notice.

Tax Discs (out of date, incorrect, no tax disc)

Vehicles not displaying a valid tax disc remains the responsibility of the DVLA who may issue a notice and clamp the vehicle. However the Council regularly reports untaxed vehicles to the DVLA which have been seen by Civil Enforcement Officers while on patrol.

Taxis and Private Hire Vehicles

There is a difference between taxis and private hire vehicles

Taxis are licensed by the Local Authority and are permitted to ply for hire in the street. They may be black cabs (Hackney carriages) or saloon cars or people carriers.

Private hire vehicles are also licensed, but they are not allowed to ply for hire or to display a 'taxi' sign. They can only handle pre-arranged pick-ups.

Taxis and private hire vehicles, like all vehicles may stop to allow passengers to board or alight for as long as necessary for the purpose, this should however be obvious to the CEO. Taxis however can not wait on parking restrictions to collect fares but a grace period of 2 minutes is advised to all CEOs when observing a taxi present with a driver.

Where there are taxis waiting on an authorised taxi rank (private hire vehicles are not allowed on the ranks and must be issued with a PCN), it is not permitted for those taxis that cannot get onto the rank to queue outside the rank.

Taxi drivers, like any other driver, must not leave the vehicle parked illegally to visit toilets, shops; cafes etc and PCNs should be issued in these circumstances. This also applies within the taxi ranks where taxis can 'wait' in their vehicles but once left unattended they must be dealt with in contravention to the rank.

Where taxis are seen to be waiting on parking restrictions outside of the marked taxi ranks then evidence will be gathered by CEOs which will be provided to the Principle Licensing Officer at the Council who will address the individual parking abuses via the Licensing Committee process. Also in these circumstances when the relevant observation period has expired a PCN must be issued and the PCN will be sent to the registered keeper via post (see drive aways).

Traffic Signal Engineers

When traffic signals fail to operate it is necessary that the Council employs a contractor (Siemens) to service and repair the signals. As a result it is necessary for the engineer to park adjacent to the traffic signals, often in areas where there are TROs in place. In these circumstances the engineers will display an approved sign and be exempt from enforcement only at these locations and only when on duty.

Travellers

Due to the geography of Torbay it is common that there will be unauthorised encampments by travellers in car parks or in some on street locations. The Council will actively ensure such unauthorised encampments are moved on using the correct legislation and national guidelines. During this process the Council will reserve its right to enforce traveller vehicles based on the individual circumstances at the time.

Visitor Permits

These are permits issued to residents in controlled parking zones and where the date is scratched off although these are effectively valid per day (midnight to midnight) they will only be enforced after 10am the following day where it is clear the permit expired midnight from the day before.

Weddings

The same enforcement principles as for funerals will apply. See appropriate section.

Window Cleaners

The Council recognises that window cleaners are carrying out an essential service for businesses in the area. However they must not park in contravention to the restrictions in situ. There is also no concession for window cleaners cleaning residential properties although they (like any visitor) may display a visitor permit provided by the resident or pay to park.

Where a window cleaner needs constant access to their vehicle where pumping of water occurs from the vehicle, this is to be classed as loading/unloading and the normal restrictions related to this activity are to apply. Where a window cleaner does not operate this system then their vehicles will be enforced in the normal way.

Updates

Description	Date
Tor2 vehicles – Council and other Utility vehicles	July 2010
Travellers	July 2010
Lighting Engineers	Oct 2010
Taxi and Private Hire Vehicles	Jan 2011
Disabled Parking	Jan 2012
Motorcycle Parking	Jan 2012
Duplicate PCNs	Jan 2012
Dropping Off Picking Up Passengers	March 2013
Observation Periods	March 2013