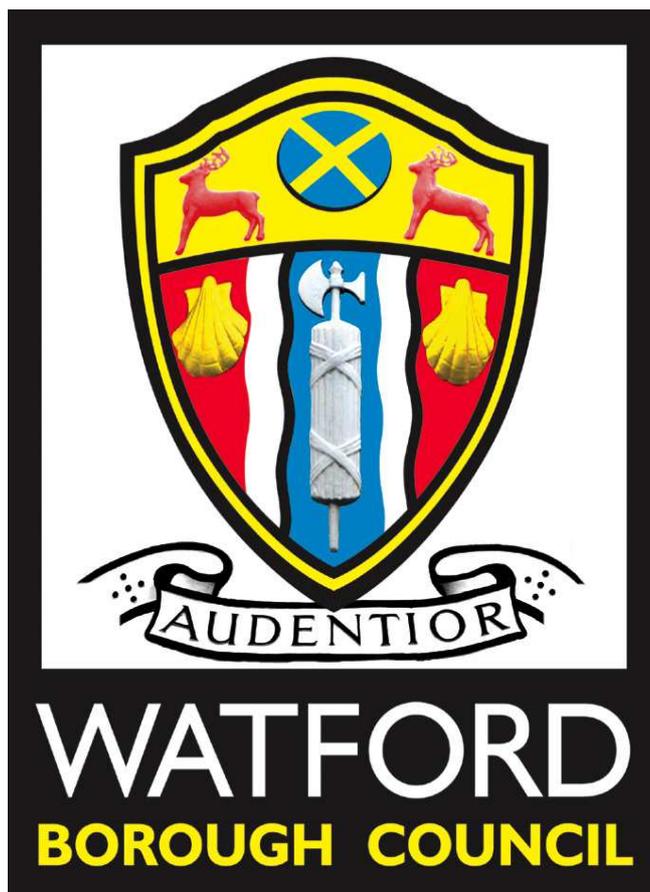


# **Watford Council**

## The Parking Service



Civil Parking Enforcement

Penalty Charge Notice

Cancellation Policy and Guidance Document

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## Introduction

This document provides a general background into the considerations made in respect of cancellations to Penalty Charge Notices. It should be noted that this policy has been devised as a tool for guidance purposes only, providing a general overview of the Council's policy, and that each case must be considered on its own merits, taking into account all of the evidence and circumstances relating to the contravention. Any omission of a particular claim made by an individual will be considered in accordance with the principles of this document and its intention of reasonableness and fairness.

It should be borne in mind that the objective of the Parking Service is to manage its road space effectively and keep the town free from congestion, obstruction and dangerously parked vehicles, ultimately seeking 100% compliance by motorists and removing the need for Penalty Charge Notices to be issued. Therefore, it is hoped that motorists may use the information contained within this document as a tool to avoid incurring penalties when parking within Watford.

Policies continue to be subject to review and are updated accordingly.

## Mitigation and Discretion

The Council may apply discretion to any mitigating circumstances presented at any stage of the Penalty Charge Notice process and motorists are not restricted to raising mitigation only at the stage of formal representations. However, the general guidelines that apply to the decision making process of cancelling or upholding Penalty Charge Notices are contained within this document and discretion will only be applied where there are compelling grounds to do so.

Whilst it is intended that the use of discretion should be exercised consistently there is no requirement that all motorists be treated equally, only that the decision reached must take into consideration all of the individual circumstances put forward.

It is not intended that this document act as a definitive example of what action is taken in all circumstances. The duty of a Council Officer to use discretion may take precedence over any guidance given in this document if the circumstances warrant exercise of that discretion.

## Parking Attendants/Civil Enforcement Officers

Civil Enforcement Officers (CEO), formerly known as Parking Attendants, do not have any discretion in circumstances where they observe a vehicle parked in contravention and must issue a Penalty Charge Notice on all occasions. Not to do so is likely to bring both their impartiality and the integrity of the service into question. Any notes displayed within a vehicle will be recorded but will not prevent the issue of a penalty.

It is also important to note that a CEO cannot cancel a penalty once it has been issued and all challenges must be made in writing to the Council at the address printed on the reverse of the penalty or by using the online challenge and representations facility present on the Council's website.

For reasons of health and safety CEO's must not enter premises or divulge any personal information but can be identified from their unique number, worn prominently on their uniform and recorded on any penalty that they issue.

Payment of any Penalty Charge Notice should never be made directly to a CEO.

All CEO's are salaried staff and it is an express condition of the parking enforcement contract that staff do not receive any bonus or commission in relation to the Penalty Charge Notices that they issue, nor do they work to any form of ticket target regime.

## Observation Periods

The Council has adopted a policy of allowing set observation periods in relation to some contraventions in an attempt to ensure that motorists are not penalised when they may be conducting some form of genuine and permitted operation, such as loading and unloading. These times are pre-set into the Civil Enforcement Officer's hand-held computers and Penalty Charge Notices cannot physically be generated until the observation period has elapsed.

However, some contraventions may have potentially serious consequences or there may be a need to protect the bays for designated users, such as blue badge holders. In these instances a Penalty Charge Notice is issued instantly.

Observation times are not a legal requirement and are entirely at the discretion of the Council.

## Grace Periods

From 6<sup>th</sup> April 2015, the law required that a Penalty Charge Notice must not be issued to a vehicle which has stayed in a permitted parking place on a road or in a local authority car park beyond the permitted parking period for a period of time not exceeding ten minutes. The law applies both on-street and off-street whether the period of parking is paid for or free and the contraventions to which this applies are marked on the list below with an asterisk.

However, if a vehicle is parked unlawfully, for example, without any pay and display ticket at all or out of a marked bay, the grace period would not apply. Grace periods similarly do not apply to restricted and prohibited parking areas, such as yellow lines.

## **Contraventions and how to avoid Penalty Charge Notices**

The best way to deal with a Penalty Charge Notice is to avoid being issued with one in the first place. Below is a list of contraventions enforced in Watford and some general guidance on how you can ensure that your vehicle is legally parked.

### **On-Street Codes**

<b><u>Code</u></b>	<b><u>Contravention</u></b>	<b><u>Avoid a Penalty Charge Notice</u></b>
<u>01</u>	<u>Parked in a restricted street during prescribed hours</u>  <b>(PCN higher - £70)</b>	When parking on single yellow lines read the sign plate indicating the times that waiting is prohibited. In Controlled Parking Zones no sign will be present and the restriction will be effective during the same controlled hours of the zone. These times are shown on the zone entry signs. Double yellow lines do not require a time plate and prohibit waiting at all times. You may only wait on these lines if you are carrying out loading/unloading or allowing passengers to board or alight. Blue badge holders may wait on yellow lines for up to 3 hours but must ensure that their clock is correctly set and prominently displayed. It is not uncommon for restrictions to change or for times to differ on opposite sides of the road so read all signs present carefully.  Observation Period: 5 minutes.
<u>02</u>	<u>Parked where loading or unloading is prohibited</u>  <b>(PCN higher - £70)</b>	You must not wait at a location where loading restrictions are in force. They apply to both single and double yellow lines and will be supported by signage and yellow chevrons on the kerb. A single chevron denotes a loading restriction between specific times and a double chevron prohibits loading at all times. Blue badge holders are not permitted to park where loading is prohibited.  Observation Period: None.
<u>05/05s</u>	<u>Parked after expiry of paid for time at a pay and display/voucher bay*</u>  <b>(PCN lower - £50)</b>	Ensure that you purchase adequate time to allow for the duration of your stay and move your vehicle following expiry of the pay and display ticket. Any voucher relied upon must be correctly validated and you should check that all tickets or vouchers displayed are clearly visible before leaving your vehicle, particularly after closing doors. Blue badge holders may park in pay and display bays or shared use bays without any time restriction.  Observation Period: 6 minutes.
<u>06/06s</u>	<u>Parked without payment of the initial charge without a clearly displayed ticket/permit/voucher</u>  <b>(PCN lower - £50)</b>	Ensure that you have the means to make payment upon arrival at a location where payment is required. Ensure that any voucher relied upon is correctly validated and that all tickets or vouchers are prominently displayed, prior to leaving your vehicle, particularly after closing the vehicle's doors. It is advisable to ensure that any old tickets or vouchers are removed from your vehicle to avoid any confusion. Pay and display holders are available from the Parking Shop free of charge.  Observation Period: 5 minutes.
<u>07/07s</u>	<u>Parked where additional payment made to extend the stay beyond the time initially purchased* (meter feeding)</u>  <b>(PCN lower - £50)</b>	Ensure that you purchase adequate time to allow for the duration of your stay. Upon expiry of the time shown on your pay and display ticket the vehicle must be moved to another location. Do not purchase any additional tickets beyond the initial ticket paid for.  Observation period: None.
<u>12</u>	<u>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</u>  <b>(PCN higher - £70)</b>	Read all applicable signage upon entering a controlled parking zone and any signs alongside the bays that you wish to park within. You can then be sure that you have parked within the correct bay. Ensure that any voucher relied upon is correctly validated and that all tickets or vouchers are prominently displayed, particularly after closing doors.  Observation Period: 5 minutes.

19	<p><u>Parked in a residents' or shared use parking place displaying an invalid voucher or an invalid pay and display ticket*</u></p> <p><b>(PCN lower -£50)</b></p>	<p>Read all applicable signage upon entering a controlled parking zone and any signs alongside the bays that you wish to park within. This will tell you when the restrictions are in force and if they apply on match days or evenings. Ensure that all visitor vouchers or pay and display tickets relied upon are correctly validated and displayed.</p> <p>Blue badge holders may park in shared use and pay and display bays without time limit.</p> <p>Observation Period: 5 minutes.</p>
20	<p><u>Parked in a loading gap marked by a yellow line</u></p> <p><b>(PCN higher - £70)</b></p>	<p>Ensure that you read all applicable signage alongside the location where you wish to park. You should not park on a loading gap unless you have a genuine need to load or unload. Blue badge holders are not permitted to park in loading areas, unless loading or unloading.</p> <p>Observation Period: 5 minutes.</p>
21	<p><u>Parked in a suspended bay/space or part of bay/space</u></p> <p><b>(PCN higher - £70)</b></p>	<p>Ensure that you read the signage at the location where you wish to park. This will tell you which bays have been suspended and the times and dates that parking is prohibited, No vehicle is permitted to park within a suspended bay unless they have been granted express permission to do so.</p> <p>Observation Period: None.</p>
22	<p><u>Re-parked during determined time of leaving a bay/space in the same parking place</u></p> <p><b>(PCN lower -£50)</b></p>	<p>Ensure that you have read the signage and do not return to any location within the no return period stated. Upon expiry of any paid for or permitted time ensure that the vehicle is moved to another location and is not returned within any no return period stated.</p> <p>Observation Period: Instant.</p>
23	<p><u>Parked in a parking place or area not designated for that class of vehicle</u></p> <p><b>(PCN higher - £70)</b></p>	<p>Ensure that you read any applicable signage alongside the location where you wish to park. Do not park in bays which are marked for the use of specified vehicles, such as motorcycles, unless you are driving that class of vehicle.</p> <p>Observation Period: 5 minutes.</p>
24	<p><u>Not parked correctly within the markings of the bay or space</u></p> <p><b>(PCN lower -£50)</b></p>	<p>Ensure that you check that your vehicle is correctly parked prior to leaving the location where you have parked. You should seek alternative parking in the event that all the wheels of your vehicle cannot fit fully within the bay markings.</p> <p>Observation Period: None.</p>
25	<p><u>Parked in a loading bay with no sign of loading</u></p> <p><b>(PCN higher - £70)</b></p>	<p>Only park within a loading bay when you have a genuine need to load or unload goods. Ensure that you have read the signage indicating when loading is permitted or prohibited. Any loading should be necessary and not simply convenient. Blue badge holders are not permitted to park within these bays, other than to load and unload.</p> <p>Observation Period: 5 minutes.</p>
27	<p><u>Parked in a special enforcement area adjacent to a dropped footway</u></p> <p><b>(PCN – higher - £70)</b></p>	<p>Ensure that you are aware of the presence of dropped kerbs when parking your vehicle, both those provided as pedestrian crossing points and those allowing vehicular access to residential or commercial driveways. Penalty Charge Notices will be issued instantly to any vehicle parked with one or more wheels alongside the transition of the dropped kerb.</p> <p>Observation Period: 5 minutes.</p>

30	<p><u>Parked in a free parking space for longer than the maximum period*</u></p> <p><b>(PCN lower -£50)</b></p>	<p>Read the signage and take note of the permitted length of stay and no return period. Ensure that your vehicle is moved to another location upon expiry of the stated period. Blue badge holders may park in free bays without time restriction.</p> <p>Observation Period: 5 minutes.</p>
40	<p><u>Parked in a designated disabled persons parking place without clearly displaying a valid disabled persons badge</u></p> <p><b>(PCN higher - £70)</b></p>	<p>Only park within a disabled bay if you are the holder of a valid blue badge or conveying the badge holder. Read all signage and ensure that you are aware of the times that blue badge parking is permitted. Ensure that the blue badge and time clock are clearly and correctly displayed before leaving the vehicle. Blue badge holders should not park within a disabled bay situated within a controlled parking zone unless they also hold a valid residents permit.</p> <p>Observation Period: None.</p>
45	<p><u>Parked in a taxi rank</u></p> <p><b>(PCN higher - £70)</b></p>	<p>Only park within a taxi rank if you are driving a licensed Watford Hackney Carriage. Taxi drivers should only leave their vehicle unattended where it is absolutely necessary to provide assistance to passengers. Read all applicable signage to ensure that you are aware of the times the rank permits or prohibits.</p> <p>Observation Period: Taxis – 10 minutes, Others – None.</p>
47	<p><u>Parked in a restricted bus stop or bus stand</u></p> <p><b>(PCN higher - £70)</b></p>	<p>No vehicle other than a bus may wait within a bus stop or bus stand.</p> <p>Observation Period: None.</p>
48	<p><u>Parked in a restricted area outside of a school during school term time</u></p> <p><b>(PCN higher - £70)</b></p>	<p>Read all signage to ensure that you are aware of the days and times that the restriction applies. No vehicle is permitted to wait during the restricted hours under any circumstances.</p> <p>Observation Period: None.</p>
49	<p><u>Parked wholly or partly on a cycle track</u></p> <p><b>(PCN higher - £70)</b></p>	<p>Ensure that you check all visible signage and road markings at the location where you wish to park your vehicle and that you are not parked causing an obstruction to the cycle track.</p> <p>Observation Period: None.</p>
55	<p><u>A commercial vehicle parked in a restricted street in contravention of overnight waiting ban</u></p> <p><b>(PCN higher - £70)</b></p>	<p>All vehicles in excess of 5 tonnes are excluded from waiting on yellow lines when this restriction is in force. It includes vans or other hired vehicles that exceed the weight limit. Read the signage and ensure that you are aware of the times that the restriction is effective.</p> <p>Observation Period: None.</p>
56	<p><u>Parked in contravention of a commercial vehicle waiting restriction</u></p> <p><b>(PCN higher - £70)</b></p>	<p>All vehicles in excess of 5 tonnes are excluded from waiting at a location when this restriction is in force. It includes vans or other hired vehicles that exceed the weight limit. Read the signage and ensure that you are aware of the times that the restriction is effective.</p> <p>Observation Period: None.</p>
99	<p><u>Stopped on a pedestrian crossing area marked by zig-zags</u></p> <p><b>(PCN higher - £70)</b></p>	<p>No vehicle should stop on the zig-zag markings at a pedestrian crossing for any reason. You should be aware that this contravention is also considered to be a traffic offence and a Fixed Penalty Notice may be issued by the Police.</p> <p>Observation Period: None.</p>

## Off Street Codes

<u>70</u>	<u>Parked in a loading area during restricted hours without reasonable excuse</u>  <b>(PCN higher - £70)</b>	You must not wait in a loading area unless you have a genuine need to load or unload. Always check all signage and bay markings to ensure that you are parked within a permitted bay and you are aware of the times that loading restrictions may apply.  Observation Period: 5 minutes.
<u>71</u>	<u>Parked in an electric vehicles' charging place during restricted hours without charging</u>	Ensure that you check all signage and bay markings at the location where you wish to park. This will tell you if the selected location is reserved for electric vehicles whilst charging. You should seek alternative parking if the purpose does not apply to your vehicle.  Higher Rate Observation Period: None
<u>73</u>	<u>Parked without payment of the parking charge</u>  <b>(PCN lower - £50)</b>	Read all signage so that you are aware of the times and charges that apply. Ensure that all tickets purchased are clearly and correctly displayed prior to leaving your vehicle. Blue badge holders must make payment unless signage specifies to the contrary.  Observation Period: 5 minutes.
<u>74</u>	<u>Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited</u>  <b>(PCN higher - £70)</b>	It is not permissible to sell or offer for sale any goods by using any vehicle within a Council car park, without the express permission of the Council.  Observation Period: None.
<u>80</u>	<u>Parked for longer than the maximum period permitted*</u>  <b>(PCN lower - £50)</b>	Read the signage and take note of the permitted length of stay and no return period. Ensure that your vehicle is moved to another location upon expiry of the permitted period.  Observation Period: 5 minutes.
<u>81</u>	<u>Parked in a restricted area in a car park</u>  <b>(PCN higher - £70)</b>	Ensure that you check all markings and signs at the location where you wish to park your vehicle. Do not park within hatched areas or any space which is signed as prohibited.  Observation Period: 5 minutes.
<u>82</u>	<u>Parked after the expiry of paid for time*</u>  <b>(PCN lower - £50)</b>	Ensure that you purchase adequate time to allow for the entire duration of your stay and move your vehicle upon expiry of the pay and display ticket. You should check that all pay and display tickets are clearly visible before leaving your vehicle, particularly after closing the doors.  Observation Period: 6 minutes.
<u>83</u>	<u>Parked in a car park without clearly displaying a valid pay and display ticket or voucher</u>  <b>(PCN lower - £50)</b>	Ensure that all tickets are correctly displayed prior to leaving your vehicle, particularly after closing the doors.  Observation Period: 5 minutes.
<u>84</u>	<u>Parked with additional payment made to extend the stay beyond time first purchased*</u>  <b>(PCN lower - £50)</b>	Ensure that you purchase adequate time to allow for the entire duration of your stay. Upon expiry of the time shown on your pay and display ticket the vehicle must be moved to another location. Do not purchase any additional tickets beyond the initial ticket paid for.  Observation Period: None.

85	<u>Parked in a permit bay without clearly displaying a valid permit</u>  <b>(PCN higher - £70)</b>	<p>Read all applicable signage and any signs alongside the bays that you wish to park in. This will tell you if the selected bay is reserved for permit holders or if a permit is required. Ensure that any permit relied upon is correctly displayed prior to leaving your vehicle.</p> <p>A blue badge is not a permit and does not allow parking in a permit bay.</p> <p>Observation Period: 5 minutes.</p>
86	<u>Parked beyond the bay markings</u>  <b>(PCN lower - £50)</b>	<p>Ensure that you check that your vehicle is correctly parked prior to leaving the location where you have parked. You should seek alternative parking in the event that all the wheels of the vehicle cannot fit fully within the bay markings.</p> <p>Observation Period: None.</p>
87	<u>Parked in a designated disabled persons parking place without displaying a valid disabled persons badge</u>  <b>(PCN higher - £70)</b>	<p>Only park within a disabled bay if you are the holder of a blue badge or conveying the badge holder. Read all signage and check bay markings to ensure that the bay is not reserved for use. N.B - Blue Badge holders are required to pay the relevant fee in Watford Car Parks.</p> <p>Observation Period: None.</p>
89	<u>Vehicle parked exceeds the maximum weight or height or length permitted</u>  <b>(PCN higher - £70)</b>	<p>Read the signage within the car park, which will state any weight, height or length restrictions that may apply. Seek alternative parking if your vehicle exceeds any of the restrictions shown.</p> <p>Observation Period: None.</p>
90	<u>Re-parked within determined time of leaving a bay or space in a car park</u>  <b>(PCN lower - £50)</b>	<p>Ensure that you have read the signage and do not return to any location within the no return period stated. Upon expiry of any paid for or permitted time ensure that the vehicle is moved to another location and is not returned within any no return period stated.</p> <p>Observation period: None.</p>
91	<u>Parked in a car park or area not designated for that class of vehicle</u>  <b>(PCN higher - £70)</b>	<p>Ensure that you check all signage and bay markings at the bay where you wish to park. Do not park in bays marked for a specific type of vehicle, such as motorcycles, unless you are driving that type of vehicle.</p> <p>Observation Period: 5 minutes.</p>
92	<u>Parked causing an obstruction</u>  <b>(PCN higher - £70)</b>	<p>Ensure that you only park within marked and designated bays within a car park. Do not park in hatched or restricted areas or outside of bay markings.</p> <p>Observation Period: None.</p>
93	<u>Parked in a car park when closed</u>  <b>(PCN lower - £50)</b>	<p>Ensure that you read the car park signage and note the closure time stated.</p> <p>Observation Period: None.</p>
95	<u>Parked in a parking place for a purpose other than the designated purpose for the parking place</u>  <b>(PCN lower - £50)</b>	<p>Ensure that you check all signage and bay markings at the location where you wish to park. This will tell you if the selected location is reserved for a specific purpose. You should seek alternative parking if the purpose does not apply to your vehicle.</p> <p>Observation Period: 5 minutes.</p>

## **Challenging Penalty Charge Notices and Evidence**

### **Challenges**

Parking law allows a period of 14-days, beginning with the date of issue, whereby a Penalty Charge Notice can be paid at a 50% reduction of the sum due. During this period the driver or registered keeper is permitted to make a challenge to its issue giving reasons why they believe that the penalty should be cancelled.

Upon receipt of the challenge the matter will be placed on hold and a reply provided within 14-days stating whether the case has been cancelled or upheld. You will be provided with another 14-days to make payment if the case is upheld and advised upon how you can contest the matter further if you do not agree with our decision.

**Note: Motorists cannot pay and contest a penalty. Payment is an acceptance of liability and the Council is not obliged to re-open cases or to refund any monies paid in these circumstances.**

### **Statutory Representations**

In accordance with parking law a Notice to Owner (NTO) will be forwarded to the registered keeper of a vehicle in the event that the Penalty Charge Notice is unpaid or uncontested, after 28-days. This document provides the registered keeper an opportunity to contest the penalty by making formal representations against its issue. There are currently 8 Grounds upon which statutory representations can be made and an additional ground allowing for mitigation, should no other ground apply:

#### **1. *The alleged contravention did not occur***

Possible claims:

- the vehicle was not present at the time of the contravention
- that an exemption applied and no contravention was committed i.e. blue badge, loading/unloading, breakdown or other
- defective lines/signs or equipment mean that the location was not enforceable
- no penalty was issued to the vehicle

Policy:

- it must be established that the contravention did occur or the penalty will be cancelled.
- further evidence may be required, which will be dependant upon the nature of the claim. This evidence may include copies of a valid road fund licence, blue badges, invoices, delivery notes or receipts, breakdown reports or any other similar supporting document.
- the council will verify the validity of any documents presented and check all internal records in relation to any claim made including maintenance reports and site checks, if applicable.

#### **2. *The recipient of the Notice To Owner was not the owner/keeper of the vehicle at the time of the contravention***

Possible claims:

- never owned the vehicle
- sold the vehicle prior to the contravention date
- became the owner of the vehicle after the contravention date

Policy:

- it must be established that the DVLA registered keeper was the owner of the vehicle at the time of the contravention or that any other legal or hire agreement transferring liability to the driver meets the legislative requirements
- further evidence may be required, which will be dependant upon the claim made. This may include a bill of sale, proof of purchase, DVLA registration documents or letter of confirmation, invoices, insurance documents or other similar supporting documentation.
- details of the person to whom the vehicle was sold or purchased from will be requested
- cancellations will be made where it is established that the named keeper was not liable for the contravention – a new Notice to Owner will be generated addressed to the keeper that has been shown to be liable. The Council retain the right to pursue the named keeper in the event that details provided later prove to be incorrect.

### **3. *The vehicle had been taken without the owners consent***

Possible claims:

- the vehicle was stolen prior to the time and date of the contravention
- the vehicle was driven by a third party with or without the consent of the owner

Policy:

- it must be established that the vehicle had been reported as stolen prior to the contravention. Penalty Charge Notices contested on this ground are only cancelled where this claim is confirmed.
- further evidence will be required in the form of a verifiable Police crime reference number.
- cancellations will not be made in any other circumstance because liability remains with the DVLA registered keeper.

### **4. *The owner is a hire company and have supplied the name of the hirer***

Possible claims:

- the vehicle had been hired to an individual who had accepted liability for any Penalty Charge Notices incurred whilst the vehicle was in their possession.
- an employee is responsible for Penalty Charge Notices incurred in a company vehicle

Policy:

- liability in relation to the contravention must be established and a Notice To Owner forwarded to the responsible party
- the company must supply details of the hire agreement in accordance with the requirement of the Road Traffic (Owner Liability) Regulations 2000
- the company must supply a suitably completed statement of liability signed by the driver
- cancellations will not be made in any circumstance where these requirements have not been met. The council retain the right to pursue the named keeper in the event that details provided later prove to be incorrect.

### **5. *The penalty exceeded the relevant amount***

Possible claims:

- the Penalty Charge Notice shows an incorrect sum to be due or payment in relation to an incorrect charging band is requested

Policy:

- the correct sum due must be established and confirmation of the amount printed on the Penalty Charge Notice issued.
- cancellations will be made where it is confirmed that the incorrect sum due has been stated.

### **6. *There has been a procedural impropriety on the part of enforcement authority***

Possible claims:

- the council has failed to act in accordance with the conditions binding upon them by the TMA 2004, including service of documents within specified time periods, failure to adhere to specified time periods or the action of an unauthorised enforcement procedure

Policy:

- the matter must be investigated to determine if a requirement of the Act has been breached or an action taken that it is not permitted by the TMA 2004, whether within or outside specified time periods or involving the service of documents
- cancellations will be made where it is established that the Council has failed to meet an obligation of the Act or where action has been taken that it is beyond the Council's or its agents legal authority

### **7. *The Traffic Order was invalid***

Possible claims:

- the Traffic Regulation Order (TRO) does not support the location or contravention that the Penalty Charge Notice refers to.
- the construction of the TRO is incorrect or the statutory process was not correctly applied

Policy:

- review the TRO and all stages of the statutory process relating to the making of the TRO, including consultation and advertising.
- cancellations will only be made where it is established that the TRO does not support the issue of a Penalty Charge Notice at the specified location or against the type of vehicle to

which the contravention relates, or where the statutory process has not been correctly applied.

#### **8. The Penalty Charge Notice has been paid**

Possible claims:

- the Penalty Charge Notice was paid; either in full or by payment of any applicable discounted rate, in full and final settlement, in accordance with the terms of payment outlined by the notice.

Policy:

- evidence may be required to support any claim that the penalty has been paid. This may include receipts, bank statements or any other such relevant document.
- the council will investigate all transaction and banking records and systems, both electronic and manual.
- cancellations will be made where it is established that full payment was made in satisfaction of the total sum outstanding on the date that payment was presented.

#### **9. Any other information that you would like the Council to consider**

It is the right of any motorist/vehicle owner who receives a Penalty Charge Notice to contest its issue by putting forward any mitigating circumstances that may not be applicable to one of the above statutory grounds.

It should be noted that there is no requirement to ensure that decisions made in respect of discretion are equal to all, only that the final decision of the Council is taken after applying full and due consideration to the individual merits of each case presented.

However, there are some reasons that are unlikely to be accepted and where discretion will not be applied, unless some other exceptional circumstance is relevant:

- o a legal parking space could not be found or there was nowhere else to park
- o only parked for a short time
- o the restrictions are unfair
- o other vehicles did not receive a penalty
- o not causing an obstruction or there were plenty of other spaces available for use
- o ran out of petrol
- o any other situation where the circumstances were within the motorists/owners control and could have lead to the avoidance of the penalty being issued

It should also be noted that cancellations are unlikely to be made where Penalty Charge Notices have previously been issued in similar circumstances, which resulted in cancellation, unless some other exceptional circumstance is presented.

#### Appeals

In the event that the Council rejects your formal representations and you do not agree with our decision then you will have the opportunity to refer your case to the Traffic Penalty Tribunal (TPT), formerly known as the National Parking Adjudication Service.

Parking legislation dictates that appeals can only be made to the Traffic Penalty Tribunal following rejection of Notice to Owner representations.

The Traffic Penalty Tribunal is an independent body, whereby cases are heard by a qualified barrister of at least 5 years standing, and their decision is final and binding upon both the Council and the appellant.

The Council will again thoroughly review all stages of the notice processing procedure prior to forwarding documentation to the Traffic Penalty Tribunal. Cases will not be contested only where information becomes evident indicating that the motorist/owner should not be penalised.

For further information on the Traffic Penalty Tribunal you can visit their website at: [www.patrol.co.uk](http://www.patrol.co.uk)

## Enforcement Agents (formerly bailiffs) and Recovery

Unpaid Penalty Charge Notices will be sent to the Traffic Enforcement Centre (TEC) for registration of the debt. Where payment remains outstanding the Council will make a request to TEC for authorisation of a warrant of execution to allow Enforcement Agent's to pursue the debt on their behalf. This will increase the overall debt because the Enforcement Agent's will seek to recover any charges that they incur. The majority of these charges are now stipulated by law.

The owner/driver must seek legal advice or make payment arrangements with the Enforcement Agent once the case has reached this stage because it is no longer possible to pay directly to the Council.

The Council authorises a number of bailiff companies to act on its behalf and their respective contact details will be shown on any documentation that you are issued with. Clarification can be sought from Council parking staff by calling 01908 223 508, if those details are mislaid, but issues relating to the contravention will not be considered.

Cancellations of Penalty Charge Notices will not be made at this stage.

## Retrospective Evidence

There are some instances where the provision of evidence, which was not present at the time of the contravention, will not be accepted after the event. This will usually involve contraventions that require the display of visitor vouchers or blue badges.

Civil Enforcement Officers are required to check all windows of a vehicle for the presence of any relevant vouchers, badges, permits or tickets. The Civil Enforcement Officer will record this in their pocket-book and/or electronic notes and this will often be supported by photographic evidence.

Visitor vouchers can be validated at any time and for this reason they will not be accepted where they are not shown to be present at the time of the contravention.

Blue badges are not vehicle specific and also will not be accepted where they were not displayed at the time that the penalty was issued. In all such cases, the Council relies on the primary rule of the blue badge scheme, which requires the badge to be clearly and correctly displayed at all times that the holder seeks to rely upon the concessions that it provides.

All penalties contested in these instances will be upheld.

## Photographic Evidence

In the vast majority of cases the Civil Enforcement Officers will take photographs of a contravening vehicle following the issue of a Penalty Charge Notice. This procedure provides supporting evidence that enables Council Officers to fully evaluate if the Penalty Charge Notice was issued correctly and if a contravention occurred. However, it should be noted that photographic evidence is not a legal requirement and the absence of photographs has no bearing on the validity of a Penalty Charge Notice.

Cancellations will not be made solely on the basis that photographic evidence is not available.

## Pocket-Book Evidence and Electronic Notes

The Civil Enforcement Officer is required to record all relevant details of the contravention and the vehicle subject to the Penalty Charge Notice, including observation times and the presence of any permits or badges noted to be on display. Pocket-book and/or electronic notes are the primary evidence in support of the Penalty Charge Notice and cancellations may be made where required information is omitted or incorrect.

## Self-Written Evidence

There are some instances where self-written evidence will not be accepted and the circumstances must be verified by a third party. This may include invoices, delivery notes or confirmation letters from employers or line managers in support an individual contesting a Penalty Charge Notice.

Cancellations will not be made unless sufficient requested evidence is provided.

## Processing and Civil Enforcement Officer Errors

There are statutory requirements that a Civil Enforcement Officer must fulfil in order to issue a Penalty Charge Notice legally. Council staff will check the Penalty Charge Notice process and make cancellations wherever it is evident that an error has occurred.

## **Concessions and Exemptions**

### Blue Badge Holders

In recognition of the fact that some rules are local rather than national and can differ from Authority to Authority, blue badge holders are permitted one cancellation in relation to their vehicle and will be advised of all relevant information for such badge holders parking in Watford, for future reference.

No further cancellations will be made where Penalty Charge Notices are issued in similar circumstances.

Blue badges should only be used in accordance with the terms of issue.

Where a disabled bay (without a signpost) is located within a controlled parking zone blue badge holders cannot park within these bays unless they also display a valid resident permit. Consequently, blue badges provide no exemption within residents parking bays but they may be used in shared use and pay and display bays without time limit. A separate information leaflet is available from the Parking Shop for further information.

Although blue badge holders can use special wide disabled bays in off-street car parks, in most cases blue badge holders must pay the required charge. Always read the signage carefully to determine if payment or exemption applies. Payment is required in all Council operated car parks.

### Resident/Business Permit Holders

Penalty Charge Notices are not instantly issued where a recently expired permit is observed on display. In the first instance the Civil Enforcement Officer will leave a note on the vehicle advising that the permit must be renewed. Reminder letters are sent out to permit holders as a matter of courtesy but it remains the responsibility of the resident or business proprietor to ensure that their permit is renewed upon its expiry.

Permit holders must ensure that their permit is correctly and clearly displayed allowing the Civil Enforcement Officer to verify its validity. New permit holders are available from the Parking Shop on request.

In zone G vehicles displaying resident permits or visitor vouchers are permitted to park in the pay and display bays in Market Street, The Hornets, Wiggshall Road, and Fearnley Street between 8.00am and 9.00am and between 5.00pm and 6.30pm, and all day on bank holidays.

In zones B/C vehicles displaying resident permits or visitor vouchers are permitted to park in the pay and display bays in Queens Road (The Broadway) between 8.00am and 9.00am and between 5.00pm and 6.30pm, and all day on bank holidays.

Penalty Charge Notices will not be cancelled where vehicles have remained parked in contravention outside these times.

A parking permit does not guarantee a parking space and it is not permissible to park in contravention because a space could not be identified or in any instance where a private off-street facility could not be accessed.

### Funerals and Weddings

Official vehicles of funerals and weddings are permitted to park in restricted areas close to the ceremonial location. Official vehicles are those directly involved in the ceremony such as hearses and official wedding limousines.

It is not possible to accommodate every vehicle that attends every ceremony and guests of these events must park legally in accordance with the restrictions.

Cancellations will not be made in relation to vehicles attending funerals or weddings if they are not subject to this exemption.

### Schools

There are concessions in place around a number of primary schools within the town allowing parents to drop off or collect children. All concessions have been agreed with the schools involved and information passed to parents accordingly.

Penalty Charge Notices will not be cancelled where vehicles are parked outside of concession times or in a location not agreed within the concession.

Vehicles should never park on school zig-zag markings during the hours of restriction and Penalty Charge Notices will be issued instantly where vehicles are observed doing so. It should be noted that parking on zig-zigs can significantly jeopardise the safety of children and other road users and any challenge to such penalties will be considered with this factor in mind.

In controlled parking zones school zig-zag markings will often be accompanied by the presence of an underlying single yellow line. This line will operate at the same times as the controlled parking zone hours, which are displayed on the zone entry signage. In some cases, supporting time plates may be present for additional clarity.

### Traffic Order Exemptions

Some exemptions are made to certain vehicles to allow necessary activities to take place whilst still controlling parking. Examples may be emergency service vehicles, refuse collection vehicles or statutory undertakers vehicles such as those used by utility services. This exemption includes vehicles under the control of a CEO performing enforcement activity on behalf of the council.

These vehicles must be engaged on official business to qualify for exemption and evidence will be requested in all cases.

Cancellations will not be made where it is shown that the vehicle was not involved in official business or a statutory duty.

### Breakdown

Cancellations may be made where it is established that a Penalty Charge Notice was incurred at a time when the vehicle had broken down.

The breakdown must be a legitimate reason that caused the owner to leave the vehicle parked in contravention and does not include running out of petrol or some other avoidable reason.

CEO's will record any notes present within the vehicle but have no discretion not to issue a Penalty Charge Notice where the reason for breakdown is not clearly obvious.

Evidence must be supplied to substantiate any claim of breakdown, which can be in the form of recovery documentation, garage invoices, receipts for replacement parts or some other form of similar satisfactory evidence.

Parking law has established that a breakdown is not a licence to leave the vehicle parked in contravention indefinitely and it must be removed within a reasonable period of time, which is generally considered to be 24 hours.

Cancellations will only be made where evidence is supplied that satisfies the criteria of this exemption.

### Emergencies

These are unforeseen circumstances, which prevented the owner or driver from moving the vehicle. This may be as a result of some serious medical condition or by some other circumstance beyond their control.

Evidence will be required to substantiate the circumstances put forward and cancellations will only be made where the claim is established.

### Police & Emergency Services

Vehicles belonging to the Police and other emergency services are not automatically exempt from observing parking regulations. Exemptions only apply to these vehicles when they are specifically engaged in official business. If no appropriate activity is observed whilst the vehicle is parked in contravention then it will be issued with a Penalty Charge Notice, which will only be considered for cancellation upon appropriate evidence being supplied from a senior officer to confirm the activity that was being carried out at the time.

## **Useful Information When Parking In Watford**

- Bank Holidays

All parking restrictions apply on Bank Holidays unless the signage specifically states otherwise.

Bank Holiday enforcement has taken place in Watford since 1998. There are signs on all major roads leading into Watford advising that Bank Holidays are enforceable and this information is repeated on visitor vouchers and pay and display machines. First team football matches are regularly played at the Vicarage Road Stadium on Bank Holidays in addition to the significant number of visitors to the Harlequin shopping centre. As a result, parking enforcement is conducted and Penalty Charge Notices will not be cancelled where they are contested on this ground.

Also see "Examples of Signage Found in Watford"

- High Street and The Parade

The High Street and The Parade are situated within an area that is restricted for pedestrians only. Signage indicating this restriction can be found at all entrances to the zone in lower section of the High Street, Albert Road South and Clarendon Road. Some sections of the pedestrian zone permit access to blue badge holders and commercial delivery vehicles during designated hours in designated bays. All other vehicles are prohibited at all other times. Therefore, Penalty Charge Notices issued in this location will not be cancelled.

Taxis should only wait in this location in designated bays and drivers must wait with their vehicle at all times. Waiting within the pedestrian zone is not permitted and taxis may only remain stationary to allow passengers to board and alight.

Also see “Examples of Signage Found in Watford”

- Match Day Enforcement

The Vicarage Road stadium hosts a professional football team that attracts thousands of visitors to the town midweek, weekends and on public and bank holidays. This places a huge demand on the available parking facilities in the local area and as a result residents were consulted on additional match day restrictions being introduced in some areas. In zones where the majority of residents agreed the enforcement hours were extended to cover first team football matches.

The dates of the forthcoming fixtures to be played are shown on large controlled parking zone signs, which can be found at the entry point to all zones subject to match day parking restrictions. All motorists are obligated to consult this signage when entering the controlled zones.

Fixture information may also be obtained via the Council’s and football teams telephone hotlines and websites. Additionally, fixtures are displayed on dot matrix information signage in Hempstead Road, Stephenson Way, St Albans Road and duplicated in the Parking Shop window. There are high visibility stickers on every pay and display machine within match day restricted zones bearing the Council’s match day hotline telephone number.

At the commencement of each season fixture lists are hand delivered to all residents of zones that bear match day restrictions. It should be noted that these fixtures are dictated by the television companies and can be subject to change at short notice. Equally, it is not possible to provide dates relating to cup games, which are solely dependant upon the progress of the club. Therefore, motorists must take responsibility for ensuring that they are aware of when fixtures are being played.

Pay and display bays outside the stadium in Vicarage Road are suspended 4 hours prior to every match for safety reasons upon request of the Police. It should be noted that this may equally apply to some selected friendly matches where attendances are likely to be significant but no enforcement elsewhere will be conducted in such circumstances.

Cancellations will not be made to vehicles parked in this location or to penalties contested on the grounds that the motorist was unaware that match day restrictions applied.

Websites:

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

[www.watfordfc.premiumtv.co.uk](http://www.watfordfc.premiumtv.co.uk)

Hotlines:

Watford Football Club - 0870 111 1881

Council – 0800 012 1753

Also see “Examples of Signage Found in Watford”

- Visitor Vouchers

All visitor vouchers outline clear instructions for correct validation. It is an essential requirement of the scheme that any tickets, permits, badges or vouchers relied upon are correctly completed and displayed **prior** to the motorist leaving their vehicle. This specifically includes ensuring that all relevant panels of the vouchers, such as the day, date, month, hours and minutes, are scratched, as required.

Cancellations will only be made in cases where it is accepted and clear that genuine human error may have occurred and the voucher could not be used again; when all the details are correctly indicated, for example, but the motorist has scratched the wrong day. In such circumstances there is little ambiguity that an error has been made but, for these reasons, a similar policy cannot be applied in the event that a motorist has failed entirely to mark a relevant section of the voucher,

such as the minutes. Furthermore, motorists should be aware that visitor vouchers cannot be considered as evidence where they were not noted to be present at the time of the contravention.

- Disabled Bays in Controlled Parking Zones

Any vehicle parked within a disabled bay which is located within a controlled parking zone must display a valid resident's parking permit or visitor voucher in order to avoid the issue of a Penalty Charge Notice. Blue badges alone do not provide a concession to park in these disabled bays.

- Special Events

Enforcement is also conducted in relation to other special events that take place from time to time such as the fireworks display in Cassiobury Park and concerts at the Vicarage Road Stadium. Temporary restrictions may be implemented and will be sign posted accordingly.

Motorists should ensure that they read all applicable signage at the location where they park so that they may be aware of the restricted parking locations and times.

- Motorcycles

All motorcycles that make use of on-street facilities must display the required permit or visitor voucher. Available road space is at a premium and payment must be made wherever it is due by all motorised vehicles.

It is not the responsibility of the Council to provide specific advice to motorcycle owners as to how tickets and vouchers should be secured to individual vehicles, particularly as the design of motorcycles can differ considerably. Consequently, this requirement remains the sole responsibility of the motorist and will not be accepted as grounds for cancellation of any penalty incurred.

If you are in any doubt, then you should make use of the dedicated motorcycle parks located around the town centre or find alternative suitable legal parking. Designated motorcycle bays can also be found in the Council operated Town Hall and Avenue Car Parks, where no payment is required.

Civil Enforcement Officers may lift any covers on a vehicle in order to record the vehicle registration mark but not in order to identify the presence of any permit, ticket or voucher etc. Therefore, motorists must ensure that any such permit/ticket relied upon is visibly displayed at all times.

Motorcycles are prohibited from entering the pedestrian zone of the High Street and The Parade, where parking is only permitted by designated vehicles, within designated bays at specified times. Consequently, it is not permitted to make use of the cycle hoops provided for pedal bicycles.

Cancellations will not be made where Penalty Charge Notices are issued in these circumstances.

Further information regarding motorcycle parks is available on the Council website and from the Parking Shop.

- Car Parks

When making use of car parks it is important to check the signage to determine the terms and conditions of use because these may vary. Some car parks may operate on a pay and display basis whilst others may require payment on entry.

Always ensure that you only park within marked bays and purchase sufficient time for the duration of your stay, where required. Pay attention to any signs indicating that a bay may be reserved for specific designated users such as blue badge holders.

Blue badge holders should note that blue badge rules do not provide any exemptions for charges in off-street car parks and the signage should always be observed to confirm if payment must be made. In Watford's car parks, blue badge holders are required to pay the relevant fee.

Both the Town Hall and The Avenue Car Parks provide evening parking for a flat rate of £1.50. Large tariff boards are located prominently in both car parks and fully outline all tariffs and charging periods. This information is repeated on the pay and display machines. Please note that the flat rate of £1.50 does not apply to tickets purchased before the flat rate time displayed and you must ensure that you purchase one ticket, which provides sufficient time to cover the entire duration of your stay.

Note: the Town Hall Car Park is restricted for staff permit holders only between 7am and 4pm, Monday to Friday and is not open to members of the public during these hours. Please be advised that the multi-storey car parks are not managed by the Council's Parking Service but by external contractors who liaise with the Council's Property Services Team. Gade, Sutton and Church car parks are managed by CitiParks, whilst Queens, Kings and Palace are managed by Intu Watford.

- Electric Charging Points

The Council is committed to improving its infrastructure for electric and hybrid vehicles and, to that end, have installed a number of electric vehicle charging points across the borough. These are present in the Town Hall Car Park, Avenue Car Park, Longspring Car Park and Bushey Arches Car Park. Electric vehicle charging facilities are also present in some of the multi-storey car parks, including Queens, Sutton and Gade.

All vehicles parking in the designated electric vehicle charging points must be charging when parked. If a vehicle is not plugged into the charging unit, a Penalty Charge Notice will be issued. Similarly, all vehicles are required to pay the required tariff and, in the surface level car parks, must ensure that a pay and display ticket is clearly and correctly displayed to cover the duration of the stay. Cancellations will not be made where pay and display tickets are not displayed.

The Borough's first rapid charging point can be found in Service Road Q, at the junction with Beechen Grove. This allows for compatible electric vehicles to be charged in as little as 15 minutes and the Council are currently investigating the possibility of introducing an electric taxi fleet.

- Car Pool Vehicles

Car Pool Vehicles are available for use in the Avenue and Town Hall car parks. These are electric vehicles which can be hired out for specific periods online or via a designated app. Hirers must be part of the car pool scheme, for which a monthly charge is made. Anyone who is 19 or over and has been driving for a year or more, can become an E-Car Club member and hire an E-Car for just £5.50 (including VAT) an hour or £45 per day which includes insurance, unlimited mileage and superb 24/7 customer support. Members can book a vehicle by phone, online or on a smart phone and an E-Car can be reserved for as little as an hour or as long as several days. For further information or to join the scheme, motorists should visit [www.e-carclub.org](http://www.e-carclub.org). Motorists who use the car park should ensure that they always abide with the parking restrictions in force. If Penalty Charge Notices are issued to the vehicle whilst hired out, the Council will obtain the necessary documentation to allow the hirer to be pursued for the outstanding penalty.

- St. Albans Road

There are a number of locations where pay and display parking is restricted to 30-minutes on St Albans Road but a maximum stay of 2-hours is permitted on the residential roads close by. You must ensure that you read the signage and purchase the correct amount of time for your stay in either location. All pay and display machines bear yellow advisory stickers indicating the 30-minute/2-hour stay. Some of the roads that allow 2-hour parking are Judge Street, Yarmouth Road, Victoria Road and Hatfield Road.

Cancellations will not be made where motorists exceed the permitted maximum stay.

- Medical Permits

These permits are issued to Doctors or Health Visitors solely to enable attendance to patients that live within Controlled Parking Zones. They are not to be used for any other reason or at any other time and evidence will be required from a line manager to confirm that the driver was undertaking a professional visit at the time of the contravention.

Cancellations will only be made where this is established.

Medical permits must not be used when the holder is at the hospital, even if the hospital car park is full. As a result of identified instances of abuse, these permits are not valid for use in Willow Lane or Vicarage Road close to the hospital.

- Central Leisure Centre

The Central Leisure Centre provides free parking to all users in the designated car park on a first come, first serve basis. In any circumstances where an available space cannot be identified then alternative legal parking must be found and this does not provide any exemption to the regulations or any payment that may be required at any other location.

Leisure centre users must obtain a two-part ticket from the machine situated within the car park by simply pressing the green button, displaying the main part of the ticket clearly within their vehicle and retaining the ticket stub. Upon completion within the leisure centre, your attendance will be verified at the reception desk and your ticket stub will be exchanged for an exit token allowing you to leave the car park.

All users of the central leisure centre car park are limited to a 3-hour maximum stay with a no return period of 2-hours.

It should be noted that this car park is only for the exclusive use of those using the leisure centre and all non-leisure centre users will be required to pay £20 at the reception desk in order to exit, wherever their attendance is not confirmed.

Penalty Charge Notices will be issued to all vehicles that fail to comply with the requirements of the car park, which includes failing to display a valid ticket, exceeding the permitted maximum stay and parking outside of a marked bay.

Attendance at the leisure centre, whether confirmed by staff or otherwise, does not provide any grounds for cancellation of a penalty where the required ticket was not displayed.

- Woodside Leisure Centre

Parking is free of charge to all leisure centre users and there is no requirement to display a ticket or permit of any kind. However, all vehicles must park within the designated marked bays only when parking within the Woodside site and a Penalty Charge Notice will be issued to any vehicle parked elsewhere. It is not permitted to park within the designated disabled bays or coach bays for any period of time, for any reason, unless a valid blue badge displayed or you are the driver of a coach. In the event that the main car park and overflow parking area are full then legal alternative parking must be identified.

## **Other Information that may be useful**

### **Loading/Unloading**

Parking law has established rules on what is generally considered to constitute loading and unloading.

The operation of loading/unloading and time taken to do so must be reasonable in light of the nature of the goods being loaded. Therefore, parking on a restriction in order to transport an item that may easily be carried by hand, or taking an excessive amount of time to unload one item, will not fall within the remit of the loading/unloading exemption. All loading activity should be continuous and only exempts a vehicle whilst the activity is taking place, meaning that it will end if it is broken in any way, which includes toilet and tea breaks etc. Upon conclusion of loading the vehicle must be moved to an alternative legal parking place.

In order to ensure that motorists carrying out genuine loading operations are not unfairly penalised Civil Enforcement Officers will observe a vehicle for 5-minutes, prior to the issue of any penalty, in order to determine if any such activity is taking place. Observations times are pre-set in to the Enforcement Officer's hand-held computer and it is not possible for a Penalty Charge Notice to be generated until the period has elapsed.

Where Civil Enforcement Officers do not observe loading/unloading taking place during their observation period then a Penalty Charge Notice will be issued.

In the event that there is any doubt that loading can be carried out in accordance with the exemption then motorists should seek the purchase of a dispensation from the Parking Shop or the use of a visitor voucher, if within a controlled parking zone.

Further evidence will be required where motorists claim to be exempt on the grounds that a loading operation was taking place. This may include invoices, delivery notes, receipts or some other form of similar documentation.

Cancellations will be made where documentation is verified and the loading/unloading rules have been satisfied. No cancellations will be made where the penalty has been issued in a place where loading is prohibited.

### **Footway Parking**

There is currently no blanket ban on footway parking outside of London in the same way that there is within London. Powers have been afforded to Local Authorities outside of the capital to implement Traffic Regulation Orders in specific areas allowing them to target particular problem areas in the same way that other parking restrictions are enforced. Therefore, the enforcement of any such location will also require the erection of prohibitive signage and this can make implementation and enforcement impractical in many cases.

However, it should be noted that parking restrictions, such as yellow lines, apply from the centre of the carriageway to the back of the highway and Penalty Charge Notices will be issued to any vehicle parked on the footway adjacent to these restrictions.

Motorists are advised to consider the safety of pedestrians using push chairs, wheelchairs and those who may be partially sighted or blind when electing to leave their vehicle on the footway.

### **Private Land**

Local Authorities are not prevented from issuing Penalty Charge Notices to illegally parked vehicles solely on the basis that the vehicle may be parked on private land. Vehicles which are parked partially on private land but have one or more wheels parked on public highway remain liable for enforcement.

Further, a Penalty Charge Notice may be issued to a vehicle parked entirely upon privately owned land if a pedestrian would reasonably believe that they had a right to pass and re-pass over that land. For example, many forecourt areas in front of shops may be privately owned, rather than publicly maintained, however, members of the public may regularly pass over the section of private land having no reason to regard it any differently from the remainder of the footway, even if there is a distinction in the texture of the paving.

### Obstruction

Legislation does not allow Local Authorities to issue Penalty Charge Notices to vehicles that are parked purely in an obstructive manner. This responsibility remains firmly with the Police, who may issue Fixed Penalty Charge Notices or remove vehicles, if it is considered necessary.

### Dropped Kerbs

In June 2009 the Traffic Management Act 2004 was amended to allow Local Authorities operating Civil Parking Enforcement outside of London to issue Penalty Charge Notices to vehicles parked alongside dropped kerbs. This includes both dropped kerbs providing pedestrian crossing points and those that provide vehicular access to residential and commercial driveways. In all cases, one or more wheels of a vehicle must be parked adjacent to the transition of the dropped kerb for this contravention to be established. Therefore, Penalty Charge Notices cannot be issued to vehicles that are simply parked close to a dropped kerb. The written consent of the occupier must be provided before any enforcement can be conducted in respect of a residential or commercial dropped kerb.

### White Bracket Markings

These markings have no legal basis and Penalty Charge Notices cannot be issued to vehicles that park on them. However, they are often found within controlled parking zone resident bays, which require a resident's permit. All residents have signed a declaration stating that they will not park across driveways and vehicular access points and risk having their permit revoked if they do so. If the relevant permit or voucher is not displayed, penalties will be issued

### Evening Enforcement

Enforcement is conducted for all first team football evening matches in controlled parking zones that bear match day restrictions, as well as Zone E where the restricted hours extended up until 10pm every evening. Additionally, enforcement takes place on an ad hoc basis throughout the town and particularly around the Town Centre. This enforcement also covers all major roads and bus routes to ensure a free flow of traffic. Enforcement is not generally carried out on residential roads in the evening other than in locations where there may be access issues for emergency service vehicles or to identify any vehicles parked in breach of an overnight lorry ban, such as St James Road/Liverpool Road/Clifton Road/Cardiff Road/Westbury Road area. The Council's pay and display car parks are also enforced at night and at weekends.

### Signs and Lines

Signs and lines must conform to the statutory guidelines as laid out in the Traffic Signs and General Directions Regulations 2002 and its subsequent amendments. Specific approval from the Department for Transport (DfT) must be obtained where the council wish to vary prescribed signage. There is no discretion in the use of signs and the DfT must approve all lines and signs before enforcement action can commence.

However, it should be noted that parking law has established that council's are not obligated to maintain lines to a perfect condition at all times but it must be ensured that any line that restricts parking is clear enough to reasonably have made the motorist aware that it was present and applicable.

Cancellations will only be made where it is confirmed that a line or sign is so defective and/or does not conform to legislative standards, to the extent that the motorist could not reasonably have been expected to be aware that it applied and was enforceable.

Also see "Examples of Signage Found in Watford"

### Meter Feeding

All pay and display machines warn motorists that it is not permitted to purchase more than one pay and display ticket to cover the entire duration of their stay. Upon expiry of the initial time purchased the vehicle must be moved to another location.

Cancellations will not be made where it is established that more than one ticket was purchased.

### Pay and Display Tickets

The motorist is responsible for ensuring that all pay and display tickets relied upon are correctly displayed, prior to leaving their vehicles. Penalty Charge Notices will be issued in circumstances where the validity of a ticket cannot be verified because it has been incorrectly displayed. However, cancellations may be made where a valid ticket is presented in evidence that corresponds to the time of the contravention and the notes recorded by the Civil Enforcement Officer. Cancellations will not be made where a motorist incurs further penalties issued in similar circumstances.

Penalty Charge Notices can be avoided by using a pay and display ticket holder. These are available from the Parking Shop free of charge.

### Faulty Equipment

Where a pay and display machine appears to be out of order then an alternative machine should be sought within the immediate area to allow payment to be made. If another machine is available nearby, this will usually be indicated on the out of order machine.

All machines bear a telephone number for reporting any fault encountered, 01908 265 265. The details of the fault and your vehicle will be recorded and an engineer directed to the machine for repair.

A Penalty Charge Notice will only be cancelled on the grounds that no alternative machine is available for use within the immediate area and/or where the details of the fault have been reported and verified by an engineer.

### Examples of Signs Found In Watford



Controlled Parking Zone entry sign



Controlled Parking Zone restricted on match days only entry sign

Controlled Parking Zone with additional match day restrictions entry sign



Permit holders only past this point sign (no marked bays)



Controlled Parking Zone



exit sign



Pedestrian Zone exit sign

Pedestrian Zone entry sign  
(High Street)



Shared use disabled/loading bays (High Street)



Loading only sign



Advisory Motorcycle sign (The Parade)



Match day bay suspension sign – Vicarage Road



Shared use bay sign



Pay and display sign



Permit holders only sign



Permit holders only sign  
(with additional match day restrictions)



Shared use bay sign  
(with additional match day restrictions)



Permit holders only sign  
(Match days only)



Pay and display bay sign  
(with additional match day restrictions)



Disabled Badge Holders only sign



Limited wait free bay for motorcycles sign



Limited wait free bay



Single yellow lines waiting restriction sign



Single yellow line (additionally restricted on match days)

Single yellow line (restricted on match days only)



No loading during specified hours



Loading restrictions apply at all times sign



No waiting and no loading during specified hours



School keep clear sign



Waiting restriction except buses and taxis sign



Overnight ban for commercial vehicles sign



Advisory bank holiday sign



Temporary no waiting or loading restriction sign (for fireworks)



Suspension sign



Electric vehicle charging bay sign

## **Glossary of terms**

Some terms referred to may not be contained within this document but may be helpful in providing a greater understanding of the Penalty Charge Notice process and procedures.

<i>Adjudication</i>	statutory stage of the Penalty Charge Notice process, which allows the motorist/owner to make an appeal to the independent Parking Adjudicator, Traffic Penalty Tribunal, formerly known as National Parking Adjudication Service (NPAS)
<i>Cancellation</i>	action taken by the Council to cancel a Penalty Charge Notice
<i>Certificated Enforcement Agent/Bailiff</i>	a bailiff authorised in accordance with Parking Law legislation to recover parking debt
<i>Charge Certificate</i>	notice issued to motorist/owner who have received a Penalty Charge Notice
<i>Civil Enforcement Officer (CEO)</i>	officer engaged by the Council to issue Penalty Charge Notices. Formerly known as a Parking Attendant
<i>Civil Enforcement Area</i>	area approved by the Secretary of State for Transport within which the enforcement of most parking controls has been decriminalised and where enforcement is undertaken by the Local Authority. Formerly known as a Special Parking Area
<i>Civil Parking Enforcement</i>	Legislation under the Traffic Management Act 2004 permits Local Authorities to enforce contraventions of parking controls within their designated area
<i>Contravention</i>	a failure by a motorist to comply with parking controls that have been decriminalised
<i>Controlled Parking Zone (CPZ)</i>	an area where parking is restricted to provide preferential parking to residents, their visitors and other permit holders
<i>Debt Registration</i>	the process of recording a parking debt with the Traffic Enforcement Centre at the County Court
<i>Decriminalisation</i>	Legislation under the Road Traffic Act 1991 and Traffic Management Act 2004 permits Local Authorities to enforce contraventions of parking controls within their designated area

<i>Designated Parking Bays</i>	bays designated for a specified type of parking, e.g. free parking, meter parking, resident permit or blue badge holders
<i>Discount Rate</i>	reduction of 50% of the full amount due in respect of a Penalty Charge Notice, if payment is made within 14 days beginning with the date of issue
<i>Dispensation</i>	a temporary document that allows a vehicle to park in a restricted area for an agreed duration, following payment of an administration charge
<i>DVLA</i>	Driver and Vehicle Licensing Agency, where records of vehicles and their registered keepers are held
<i>Exemptions</i>	certain classes of vehicles or operations that create an exemption from parking controls
<i>False Declaration</i>	it is an offence to knowingly and wilfully make an untrue statement in connection with an appeal to a parking adjudicator and other stages of the enforcement process. This offence is punishable by conviction or fine
<i>Fixed Penalty Notice</i>	notices issued by Police Officers and Police Traffic Wardens to motorists for committing parking offences governed by criminal law
<i>Grounds</i>	legislation outlines the legal grounds on which the recipient of a Penalty Charge Notice may make representations
<i>Hand-Held Computer (HHC)</i>	a small hand-held computer that is used to register parking contraventions, log electronic notes and to print the Penalty Charge Notice
<i>Hire Vehicles</i>	vehicles hired under an agreement that conforms with the Road Traffic (Owner Liability) Regulations 2000
<i>Initial Charge</i>	the basic charge set for parking in a designated parking bay for specified users at specified times
<i>Loading Bay</i>	a specific bay signed to permit loading and unloading by goods vehicles
<i>Loading Gap</i>	an area of yellow line within a permitted parking place, on which waiting and parking is restricted but loading and unloading is allowed
<i>National Parking Adjudication</i>	an independent tribunal created in 1999 to provide impartial

<i>Service (NPAS)</i>	adjudication in respect of Penalty Charge Notices in accordance with the requirements of parking law legislation. See also Traffic Penalty Tribunal
<i>Notice of Acceptance (NOA)</i>	letter issued by the Council to a motorist following their formal representation against a Notice to Owner indicating that the representation has been accepted
<i>Notice of Rejection (NOR)</i>	letter issued by the Council to a motorist following their formal representation against a Notice to Owner indicating that the representation has been rejected
<i>Notice to Owner (NTO)</i>	statutory notice served by the Council on the person believed to be the owner of a vehicle issued with a Penalty Charge Notice that remains unpaid after 28 days
<i>Order for Recovery</i>	statutory notice issued to the motorist advising that an unpaid Penalty Charge Notice has been registered as a debt at the Traffic Enforcement Centre (County Court)
<i>Owner Liability</i>	the registered keeper of a vehicle as held on DVLA records or an individual that has signed a statement of liability or hire agreement in respect of Penalty Charge Notices
<i>Parking Adjudicator</i>	independent solicitor or barrister of at least five years professional experience appointed to consider appeals against Penalty Charge Notices
<i>Parking Attendant</i>	officer engaged by Council to issue Penalty Charge Notices now known as a Civil Enforcement Officer
<i>Parking Bay</i>	individual bay within a parking place that is provided to for the leaving of a vehicle upon payment, or display of a permit, ticket or voucher as required
<i>Parking Place</i>	any area of highway designated within a Traffic Regulation Order as a place where vehicles may legally be parked
<i>Parking Space</i>	a space for one vehicle, usually within a car park
<i>Penalty Charge Notice (PCN)</i>	notice issued by a Civil Enforcement Officer to a vehicle or to the person appearing to be in charge of a vehicle, which is believed to be parked in contravention of the Council's Traffic Regulation Order
<i>Persistent Evader</i>	motorist who persistently incurs Penalty Charge Notices and fails to make payment

<i>Persistent Offender</i>	motorist who persistently incurs Penalty Charge Notices but makes payment
<i>Pocket Book</i>	notebook used by the Civil Enforcement Officer to record information whilst on duty, in particular additional evidence to support Penalty Charge Notices issued during the course of their enforcement activities
<i>Registered Keeper</i>	person or organisation recorded at the DVLA as being the keeper of a vehicle and will be held liable for Penalty Charge Notices incurred
<i>Road Traffic Act 1991</i>	the Act of Parliament that decriminalised certain parking offences, making them civil contraventions, enforceable by Local Authorities. Now superseded by the Traffic Management Act 2004
<i>Road Traffic Regulation Act 1984</i>	the Act of Parliament that provided many of the powers for Council's to control parking in their area, later incorporated in the decriminalised regime brought in by the Road Traffic Act 1991 and now governed by the Traffic Management Act 2004
<i>Special Enforcement Area</i>	introduced under the Traffic Management Act 2004 and allows Local Authorities outside of London to enforce parking restrictions. A Special Enforcement Area must be within a Civil Enforcement Area and will usually cover the same area
<i>Special Parking Area</i>	a term used under the Road Traffic Act 1991 to describe an area within which the Council undertakes decriminalised parking enforcement. Now known as a Civil Enforcement Area
<i>Statement of Liability</i>	agreement signed by the hirer of a vehicle stating that the hirer accepts liability, as if he were the owner, in respect of Penalty Charge Notices issued to the vehicle during the hire period
<i>Statutory Declaration</i>	a provision established under the Road Traffic Act 1991 consisting of a legal statement by the motorist in response to an Order for Recovery claiming that an earlier stage of the process had not been complied with
<i>Traffic Enforcement Centre (TEC)</i>	centre based within Northampton County Court where unpaid Penalty Charge Notices are registered as debts
<i>Traffic Penalty Tribunal</i>	formerly known as the National Parking Adjudication Service (NPAS). An independent body created to provide a simple, accessible system of justice, allowing an appeal by individuals against administrative decisions made by the state
<i>Traffic Regulation Order</i>	official order made by a Local Authority under the Road Traffic Act

<i>(TRO)</i>	1984, which details the nature and extent of parking controls within the Council's area. It is a contravention of these controls that may give rise to the issue of a Penalty Charge Notice
<i>Vehicle Registration Mark (VRM)</i>	the "number plate" of a vehicle
<i>Vehicle Excise Disk (VED)</i>	the "tax disc" of a vehicle
<i>Warrant of Control</i>	authority issued by the County Court to enforce an unpaid debt via a certificated bailiff on behalf of the Council. Formerly Warrant of Execution
<i>Witness Statement</i>	a provision introduced under the Traffic Management Act 2004 which replaces the Statutory Declaration procedure, claiming that an earlier stage of the process had not been complied with