

OXFORDSHIRE PARKING POLICY

September 2014

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1. THE NEED FOR A POLICY

The management of parking is one of the most effective means of tackling congestion and its more serious consequences, e.g. increased air pollution, delay and unreliability of public transport services. However, the ease and convenience with which visitors and shoppers can access a location by car can have a major influence on the location's overall success and in particular its economic vitality and viability.

This important role for parking was recognised in the Government's 1998 White Paper "A New Deal for Transport: Better for Everyone" which emphasised the need for the integration of land use and transport policies. Planning Policy Guidance Note 13 on transport states at Section 49 "The availability of car parking has a major influence on the means of transport people choose for their journeys. Some studies suggest that levels of parking can be more significant than levels of public transport provision in determining the means of travel, particularly for the journey to work, even for locations very well served by public transport".

2. WHAT WILL THESE POLICIES DO?

This document sets out an overall parking policy for Oxfordshire. It is linked to the second Local Transport Plan 2006-2011 (LTP2).

It will:

- establish objectives for the effective management of parking in Oxfordshire, consistent with Government and Regional policies on travel choice and sustainable development;
- provide advice on the control of the supply of parking in new developments in order to support travel by non-car modes;
- regulate the cost and availability of public spaces to give higher priority to short stay parking in town centres; regulate on-street parking through controlled and restricted parking zones and, Civil Parking Enforcement;
- enable consistent local area parking management plans to be developed.

The key elements of the policy are set out in the appendices which can be updated and amended as the need arises in the future.

3. THE POLICY OBJECTIVES

The strategy aims to complement policies to reduce traffic growth by controlling the availability of parking spaces, both on and off street, and by managing the overall supply to meet priority uses. In this way, the management of parking can support policies to promote economic development and support town centres by assisting with the reduction in the levels of congestion.

The objectives of the policy are to:

- **Manage travel demand:** by the integration of transport and land use planning at all levels, so that transport and planning work together to support more sustainable travel choices and forms of development;
- **Reduce the need to travel:** by locating major traffic generators in existing centres where they can be reached without needing a car;

- **Introduce restraint-based parking standards:** by avoiding the overprovision of parking spaces through the replacement of minimum with maximum parking standards;
- **Sustain and enhance the vitality and viability of town centres:** by the introduction of transport policies which support the prosperity of town centres and provide a balance of good public transport and short stay parking;
- **Effectively manage the total parking supply:** by developing parking management plans which include all types of parking and consider short stay priorities, regulation, charges and enforcement.

The policy is based upon a number of key principles:

- Parking Management Plans will need to cover all aspects of parking supply;
- Parking Management Plans will need to ensure effective enforcement of both on and off street parking;
- Parking charges may be used in high demand areas to manage the supply of parking spaces;
- Parking Management Plans should ensure that the specific parking needs of local residents are considered;
- In town centres convenient, short stay parking will be given priority;
- Long stay parking spaces will be provided in less convenient locations, generally on the periphery of town centres;
- The quantity and cost of long stay parking should seek to discourage commuting wholly by car.

4 POLICY CONTEXT

4.1 Legislation

4.1.1 Legal Background

It is the duty of the local traffic authority to exercise the powers conferred by the Road Traffic Regulation Act 1984 as amended (RTRA) to secure the expeditious, convenient and safe movement of traffic and the provision of suitable and adequate parking facilities so far as this is practicable. In recognition of the demand to park and the need to control that parking, legislation exists to prohibit parking (waiting) and to provide spaces where vehicles can be legally parked.

RTRA empowers the County Council to control waiting and loading and to provide parking places. Parking can be provided free of charge, or a charge may be made.

Traffic signs and markings need to be used that comply with the Traffic Signs Regulations and General Directions 2002 (TSRGD 2002) or which are authorised by the Secretary of State.

4.1.2 The Traffic Management Act 2004

The Traffic Management Act 2004 (TMA) received Royal Assent on the 22nd July 2004. The main objective is to reduce congestion and disruption on the road network. The TMA enshrines the Network Management Duty, to help and encourage local traffic authorities to achieve its traffic aims:

- More effective co-ordination by street authorities of the various works carried out in the street, whether these are authority road works, utility street works or miscellaneous activities such as the placing of skips, scaffolds and deposits on the highway
- Co-ordination of any operation that may affect the highway network for example refuse collection, deliveries, school transport and events such as carnivals, sporting events etc.
- Introducing a range of new powers to allow utility works to be better controlled by the introduction of The Traffic Management Permit Scheme 2007.
- Allowing certain contraventions of the law, such as parking offences, to be dealt with by civil means by Civil Enforcement Officers, rather than through the criminal process.

The Traffic Management Act 2004 is in seven parts:

1. Traffic Officers (relevant to motorways and trunk roads)
2. Network Management by Local Traffic Authorities
3. Permit Schemes, Street works and Fixed Penalty Notices (authorisation is required from the Secretary of State for a permit scheme)
4. Street Works (amending the New Roads and Street Works Act 1991)
5. Highways and Roads (includes amendments to the Highways Act in particular relating to skips and scaffolding etc.
6. Civil Enforcement of Traffic Contraventions
7. Miscellaneous & General

Part 6 of the Act, which was brought wholly into force by 31 March 2008, provides a single framework for the civil enforcement by local authorities of parking and waiting restrictions, bus lane restrictions and some moving traffic offences. Part 6 enables regulations to be made giving authorities outside London civil enforcement powers to cover some moving traffic offences, such as ignoring the rules at box junctions and banned turns, on the basis of camera evidence or the statement of a civil enforcement officer, and giving additional powers in respect of parking enforcement in areas outside London equivalent to those which already exist in London.

4.2 National and Regional Guidance

4.2.1 White Paper: 'A New Deal for Transport: Better for Everyone'

The White Paper addresses a wide range of transport issues from cycle parking to the imposition of congestion charges and workplace parking levies, the power for which was introduced by the Transport Act 2000.

4.2.2 'Transport 2010'

Published in July 2000, this builds upon the White Paper and sets out the Government's funding intentions for transport initiatives. The plan aims to reduce congestion through a combination of measures; to transfer travel to improved public transport, to manage

traffic to make the best use of existing highway infrastructure and to target highway improvements to remove bottlenecks.

4.2.3 'The Future of Transport, a Network for 2030'

This July 2004 White Paper acknowledges the challenge facing the nation as a result of economic growth. It recognises the resultant increase in the demand for travel and builds on the 10 year plan using three themes;

- sustained investment of the long term,
- improvements in transport management and
- planning ahead.

4.2.4 'Towards a Sustainable Transport System 2007' and 'Delivering a Sustainable Transport System 2008'

These two documents set out the Government's developing transport policy.

The five broad goals set out in the documents are:

- To **support** national **economic** competitiveness and **growth**, by delivering reliable and efficient transport networks;
- To reduce transport's emissions of carbon dioxide and other greenhouse gases, with the desired outcome of **tackling climate change**;
- To **contribute to better safety security and health** and longer life expectancy by reducing the risk of death, injury or illness arising from transport and by promoting travel modes that are beneficial to health;
- To **promote** greater **equality of opportunity** for all citizens, with the desired outcome of achieving a fairer society;
- To **improve quality of life** for transport users and non-transport users, and to promote a **healthy natural environment**.

4.2.5 Planning Policy Guidance and Statements

Planning Policy Guidance Notes (PPGs) and their replacements **Planning Policy Statements** (PPSs) are prepared by the Government to provide guidance to local authorities and others on planning policy and the operation of the planning system. They also explain the relationship between planning policies and other policies that have an important bearing on issues of development and land use.

Planning Policy Statement 3 (PPS3): Housing (2006) states that Local Planning Authorities should, with stakeholders and communities, develop residential parking policies for their areas, taking account of expected levels of car ownership, the importance of promoting good design and the need to use land efficiently.

As a guide to establishing parking policies that support sustainable development, PPG3, the predecessor of PPS3, points to an upper threshold of 1.5 spaces per dwelling on average. It is to be expected that, with a sustainable approach to parking, local authorities will revise their parking standards to allow for significantly lower levels of parking than have been the case recently, particularly for developments:

- in locations where services are readily accessible by walking, cycling or public transport;
- which provide housing where the demand for parking is likely to be less than for family housing;
- which involve conversions where off-street parking is less likely to be successfully designed into the scheme.

Whatever format of parking is chosen, special account needs to be taken of those with restricted mobility, especially in getting in and out of parked cars and approaching the front door of a house.

Planning Policy Guidance Note 13: Transport (PPG13) requires development plans to set maximum levels of car parking for broad classes of development. The county exhibits a wide range of social and economic circumstances that necessitates a flexible approach to identifying appropriate levels of car parking. Such an approach should provide a level of accessibility by private car that is consistent with the overall balance of the transport system at the local level. Nevertheless, the constraints that will continue to exist in terms of the capacity of the transport system, when coupled with the need to rebalance the use of the transport system, means that overall local authorities should seek a level of parking provision that is more demanding than that set out in PPG13.

Planning Policy Statement 6 (PPS6) has replaced PPG6 (Town Centres and Retail Developments). Key areas of policy emerging from this document in relation to parking policy include:

- Local planning authorities should assess the extent to which development proposals have been tailored to meet the Government's objectives as set out in PPG13.
- Developers and operators should consider reduced or reconfigured car parking areas
- New developments should be accessible by multiple forms of transport.

The South East Plan is a full revision of Regional Planning Guidance 9 (RPG9 – the current Regional Spatial Strategy for the South East) to cover the period to 2026.

The Plan requires that Local Development Documents and Local Transport Plans should seek to achieve a re-balancing of the transport system in favour of non-car modes and should be based upon an integrated package of measures reflecting, inter alia, "the scale of provision and management (including pricing) of car parking both on and off street".

They should also include policies and proposals for the management of the total parking stock.

Policy T7: Parking states:

Local Development Documents and Local Transport Plans should, in combination:

- i. adopt restraint-based maximum levels of parking provision for non-residential developments, linked to an integrated programme of public transport and accessibility improvements;
- i. Set maximum parking standards for B1 land uses within the range 1:30 m² and 1:100m²;
- ii. Set maximum parking standards for other non-residential land uses in line with PPG13, reducing provision below this in locations with good public transport;
- iii. Include policies and proposals for the management of the total parking stock within regional hubs that are consistent with these limits;

- iv. Apply guidance set out in PPG3 on residential parking standards, reflecting local circumstances;
- v. Support an increase in the provision in parking at rail stations where appropriate;
- vi. Ensure the provision of sufficient cycle parking at new developments including secure cycle storage for new flats and houses which lack garages.

The document recognizes that “The health and survival of small retailers and services in towns that are not primary retail destinations is highly dependent on convenient and available parking. Care needs to be taken not to discourage visits, whilst at the same time minimising car use and prioritising the needs of pedestrians where possible. It is recognised that minimal car usage does not always mean minimal parking provision.

4.2.6 Oxfordshire Structure Plan 2016

Against the background of the Government’s 10 year plan, the County Council’s long term aim for improving transport in the county is “to improve access to jobs and services, particularly for those most in need, in ways which are both safe and sustainable”. The County Council has developed a series of long term objectives to realize their aim:

- To manage the county’s system of transport networks in support of a strong local and regional economy;
- To improve access to services, particularly for those without access to a car;
- To improve the safety of travel, and
- To minimize the impact of travel on the environment.

The Structure Plan recognizes that car parking has a major influence on the choice and means of travel and that car parking management is, therefore, an effective tool to be included in a transport strategy that seeks to reduce travel within an area. Car parking restraint should be accompanied by complementary measures to provide good alternative choices for means of travel.

The Plan includes a specific car parking policy:

Policy T2: Car Parking

A comprehensive approach will be adopted for the provision and management of car parking space with the aim of promoting sustainable travel choices. Local plans should include appropriate local policies and proposals.

Maximum standards for parking provision (cars, cycles etc.) will apply to development proposals, taking into account alternative forms of transport (available or to be provided to the site), and the wider transport strategy for the area.

Park and ride schemes will be supported where they support the functions of the principal transport corridors and where they form part of a wider transport strategy for the area.

4.2.7 Oxfordshire Local Transport Plan (LTP2) 2006-2011

The LTP2 includes a Parking Strategy which states:

“The management of parking is one of the most effective means of tackling congestion and its worst effects, such as air pollution, delay and unreliability of journeys. However, the ease with which visitors and shoppers can gain access to a place by car can influence its overall attractiveness and success. A balance therefore has to be struck between managing parking for transport purposes, offering attractive and viable alternatives, and maintaining a welcoming environment for those who, for whatever reason, need or choose to use their car.

“Well-planned location, availability, price and enforcement of parking can contribute significantly to easing traffic flows, especially in the peak periods, making all journeys more reliable. It can also stimulate demand for bus services and thereby increase travel choices. This has been especially successful in central Oxford, where a managed approach to city centre parking, coupled with a well-established Park & Ride system and a comprehensive network of commercial bus services, has led to traffic flows on the approaches to the city centre being held at a constant level for almost 3 decades.”

The main elements of the Parking Strategy are:

Park & Ride

The County Council will:

- Continue to invest in high quality facilities, in particular introducing modern terminal buildings with a range of facilities for the public;
- Explore the market potential and transport benefits of introducing remote Park & Ride sites and services. In the interim, expand existing car parks as necessary to ensure capacity keeps ahead of demand, in particular that which is likely to arise from new development such as the expanded Westgate shopping centre;
- Provide free parking at all park and ride sites
- Work closely with City and District Councils to deliver these improvements.

Controlled Parking Zones (CPZs)

The County Council will:

- Accelerate its programme to deliver new CPZs to protect local streets and achieve the strategic management of traffic, especially in the Headington/Marston area;
- Consult on the introduction of a permit charge to cover costs and limit unrestrained demand.

Enforcement

The County Council will:

- Introduce a Countywide Special Parking Area (SPA) to ensure on street parking controls are effective; and
- Target enforcement on main roads and bus routes to keep traffic moving and reduce congestion.

Public Parking

The County Council will:

- Manage the overall availability and price of on-street parking to maintain the local economy, keep traffic levels down (particularly at peak travel times) and support alternatives like Park & Ride;

- Work closely with the City and District Councils to ensure good coordination and compatibility of the approach to parking and improve the quality of car parks;
- Identify key rail stations across the county where parking facilities can be improved to support increased accessibility to rail services; and
- Provide formal parking spaces where requested for people with disabilities.

Parking Standards

The County Council will work with planning authorities to apply parking standards for new development that help to deliver transport benefits, generally maintaining an element of restraint in towns centres where alternative transport is more readily available and applying realistic standards elsewhere to ensure parking overspill does not cause local amenity problems.

The County Council welcomes the development of car clubs and the increased use of electric vehicles and will develop policies and procedures as the need arises. Work has commenced on the preparation of LTP3 which will include an update on progress with the implementation of the parking policy.

4.3 District Council Local Plans (to be replaced by Local Development Frameworks)

4.3.1 Cherwell District Council Local Plan

The Cherwell District Council non-statutory Local Plan 2011 contains a number of policies which reflect the recent changes in Government policy, notably in the provision of parking at new developments.

The Council proposes to adopt a management policy for public town centre parking and to create residents only parking zones.

There are also policies controlling the redevelopment of existing public parking sites.

4.3.2 Oxford City Council Local Plan 2001-2016

The aim of the City Council's transport policy is to reduce the need to travel, particularly by private car, and to give people greater choice in the way they travel by walking, cycling and public transport.

Oxford has had a long-term policy of balanced transport provision. In 1972 the City Council established its Balanced Transport Policy for the provision for walking, cycling, public transport and car. The policy involved the introduction of five key elements:

- control of parking in the City centre;
- residents' parking schemes;
- bus priority measures;
- facilities for pedestrians and cyclists; and
- park and ride.

From this evolved the current Oxford Transport Strategy (OTS), which focuses mainly on access to the City centre. The OTS was established in 1993 by the City and County Councils. Its principles underpin the balanced transport approach and continue the City Council's policies on controlling car parking and supporting non-car travel as the main means of access to the City centre.

The plan includes specific policies relating to Park and Ride, city centre car parking and Controlled Parking Zones:

POLICY TR.9 - PARK AND RIDE

Parking provision at the Peartree, Redbridge and Seacourt Park and Ride car parks will be protected for park and ride purposes, including additional capacity. Where appropriate, the City Council will seek contributions towards park and ride improvements, and secure them by a planning obligation.

POLICY TR.11 - CITY CENTRE CAR PARKING

The City Council will not allow any significant increase in the overall number of parking spaces in the Transport Central Area, and will maintain approximately the present number of public off-street parking spaces.

Where appropriate, the City Council will support the implementation or extension of controlled parking schemes.

Where appropriate, the City Council will seek developer contributions towards the design, implementation, administration and enforcement of controlled parking schemes, and secured by a planning obligation.

Planning conditions may be applied which prevent development from taking place until exclusion from residents' parking schemes, or other on-street parking, has been secured.

4.3.3 South Oxfordshire District Council Local Plan 2011

The Plan includes policies designed to “*manage off street parking to improve the attraction and viability of villages and town centres*”.

Policy T8 states:

“A comprehensive approach will be adopted to the provision and management of car parking spaces in order to:

- (i) improve the attraction of existing town and village centres and seek to maintain and enhance their vitality and viability; and
- (ii) encourage other transport modes as alternatives to car-borne travel.

Current and planned levels of car parking in the towns and villages will be maintained until public transport services and safe cycle routes are sufficiently developed. Additional parking will only be provided where there is special justification.”

The Council operates limited free parking within a pay-and-display system in the four towns of Didcot, Henley, Thame, Wallingford, and at Goring. The free parking encourages local shopping which aids the economic viability of the district's town and village centres. Short-stay car parks are close to shopping areas and are generally restricted to a three hour maximum stay. Within the rural areas of the district, the Council endeavours to provide off-street parking which is convenient to village centres, where it is needed. Car parking in the villages has become increasingly important, particularly in the larger villages, which offer a range of services that attract customers from the surrounding areas.

The District Council recognises that the level of car parking provision in towns and villages has an important influence in determining the choice of means of travel by a significant proportion of the local population. However, it is also generally recognised that at present alternative means of transport, particularly public transport services and safe cycle routes, are insufficiently developed and publicised to present an adequate

alternative means of transport for many of the shoppers and employees dependent on the market towns, villages and employment centres. When these facilities and services have been improved to provide viable alternatives, consideration will be given to reducing the number of long-stay car parking spaces in the towns and villages. In advance of these improvements the Council will maintain current and planned levels of parking and will only provide additional off-street parking spaces where there is special justification following every effort to manage existing spaces for the benefit of all users of the car parks.

The Council supports the introduction of residents' parking schemes in town and village centres where the lack of private parking causes difficulties for local residents.

4.3.4 Vale of White Horse District Council Local plan 2011

The Plan includes car parking policies for the main settlements.

Policy TR6 states:

Within the town centres of Abingdon, Wantage and Faringdon and the existing local centres at Abingdon, Botley, Faringdon, Grove and Wantage, the loss of public car parking, particularly for short stays, will not be permitted if it would adversely affect the vitality and viability of these centres. At Wantage, the wharf area as shown on the proposals map will be safeguarded as an area suitable for additional public car parking.

The ready availability of car parking plays a crucial role in supporting the prosperity of the districts' town centres. As car ownership and use rises, and if 'edge-of-town' car served shopping is not to increase, (often at locations outside the Vale, but within reach of its residents), it will be vital that the Vale's town centres continue to offer adequate car parking within a balanced transport framework to meet the growing needs and expectations of local communities.

In the face of increasing demand and to ensure that in the town centre of Abingdon, Faringdon and Wantage the correct balance is maintained between the provision of short-stay shopper parking spaces and long-stay commuter spaces, it will be essential to prevent the loss of existing public and private car parking space. Similarly at the neighbourhood centres at Botley and Grove, and local centres at Abingdon, Faringdon and Wantage, all of which provide valuable shopping facilities conveniently serving the surrounding residential areas, it will be important to maintain available parking space. The Council will therefore seek to resist the loss of car parking facilities available to the public at these town and local centres, unless it can be convinced that the vitality and viability of the centres will not be harmed.

It will be important to ensure that adequate public long-stay spaces are available to reduce the likelihood of increased parking in residential areas close to the centres. On-street parking controls, such as residents parking schemes may well be necessary in such areas.

4.3.5 West Oxfordshire District Council Local Plan 2011

The Plan includes a policy relating to Car Parking.

Policy T8 – New Off-Street Public Car Parks states:

Proposals for new off-street public car parking areas will only be permitted where:

- a) they would ensure the continued vitality and viability of a town centre or of

- other facilities attracting visitors; or
- b) the local environment is being seriously damaged by on-street parking and alternative parking provision is essential.

This policy does not apply to car parks provided as part of an interchange facility. On-street parking may damage a sensitive local environment such as a town centre or Conservation Area. In such circumstances it may be possible to provide off-street parking areas, but only if non-essential use of the motor car will not be encouraged. Where additional public car parking areas are proposed in town centres, they should be sited, designed and subsequently managed so use of the facility strengthens the vitality and viability of the town centre as a whole.

5 MANAGING PARKING

5.1 Civil Parking Enforcement (formerly Decriminalised Parking Enforcement)

The process which is now generally referred to as "decriminalisation" is a consequence of the opportunity included as an aspect of the Road Traffic Act 1991, that local authorities can apply to the DfT to transfer the responsibility for parking enforcement from the local Police to themselves. These powers were decided upon as a consequence of increasing dissatisfaction with the criminal system of justice as applied to parking enforcement, particularly in London. The Police priorities for enforcement, their ability to meet the growing and changing needs for enforcement, and the ability of the court system to cope with the consequences of non-payment of parking tickets all contributed to the pressure to introduce fundamental change to the system.

The position now is that all of the London Boroughs have implemented the powers, and there is a steady growth in interest outside of London at the adoption of the powers. A significant number of non-London authorities (c.200), including most neighbouring Councils, have introduced DPE. With the coming into force of Part 6 of the TMA DPE is now described as Civil Parking Enforcement (CPE).

A summary of the CPE procedures and the effect of the Traffic Management Act 2004 are provided in Appendix 13

As required in the Government Guidance, when the Civil Enforcement Areas cover the whole of the region, it will be important to ensure that Civil Parking Enforcement is managed and operated in a consistent, uniform and appropriate manner in all areas. Issues which will need to be considered include:

- Public Consultations
- Staff Training and Qualifications
- Enforcement Policies
 - o Staff deployment
 - o Identification of contraventions
 - o Observation rules
 - o Civil Enforcement Officers' discretionary powers
- Permit management
 - o Processing
 - o Cancellation policy
 - o Debt recovery
- Annual Reports
 - o Data collection
 - o Publicity
- Policy review

These issues are considered in Appendix 13.

5.2 Co-ordination with the Police

Whilst the primary duty of parking enforcement will be transferred to the Council, the enforcement of most moving traffic offences will remain with the Police. It is important that there is a good working relationship between the Police and the Council. There are opportunities for mutually beneficial information sharing and support which should not be lost by the transfer of powers.

6 PUBLIC CAR PARKING

The different categories of public parking are long and short stay, regulated and unregulated, free and charged, on and off street. These need to be addressed in the preparation of parking plans. Parking management policies on maximum duration of stay, charges and enforcement levels can all be used to influence travel demand.

The controls, which an authority has available to it, or chooses to use, will depend upon the type of area and its level of ownership of off-street spaces. At one extreme, on-street controls and charging will be minimal where parking densities are low and do not affect highway operations. Elsewhere, probably in larger centres, parking demands will create on-street pressures and congestion, which may require greater control to satisfy priority demands.

Parking demands place pressure on the control and management of spaces through the competition for spaces. This is most evident on street around major attractors, such as railway stations where commuters and residents compete for limited spaces. In town centres the parking supply must accommodate a range of short and long stay uses, which may result in queues at car parks or excessive circulation in search of spaces.

6.1 Off Street Parking

Wherever possible the County Council will seek to influence charging regimes, specifically in the urban areas, to influence demand and balance the needs of commuters or employees (i.e. long stay parking) and the requirements of local businesses and shoppers (i.e. short stay parking).

During the period of the LTP2 the County Council will encourage the development of strategies for town centre car park charges that benefit short stay over long stay parking. Not only will this approach encourage shopping and support economic activity, it will also incentivise more sustainable and congestion friendly travel to work. The County Council will continue to work with the District Councils, local businesses and employees to encourage the use of long stay car parks, Park & Ride, car sharing, public transport, cycling and walking for the work journey.

This approach also needs to reflect the rural nature of much of the County, which means that for many people the car remains the most suitable means of transport. It is important, therefore, to ensure that parking rates for employees are set at levels that do not prevent local businesses recruiting staff.

6.2 Prioritising the supply of parking

Controlling the type, availability and location of parking can also influence travel demand. Locating public transport and sustainable transport facilities (e.g. cycle parking) closer to

the main attractions rather than car parking in a town centre can make these modes more attractive; whilst prioritising parking spaces in car parks, such as locating car share spaces closest to the exit, can also influence modal choice.

6.3 Privately Operated Public Car Parks

In some town centres there are privately operated, public car parks. The County Council believes that it is essential to the effectiveness of car park management that the operation and tariff structures of these car parks is compatible with that applying at car parks managed by the District Councils.

Accordingly, the County Council will encourage the District Councils to enter into management agreements with private car park operators. The management agreements should seek to achieve:

- Co-ordinated tariff structures which support the individual Councils' policy of giving preference to short stay parking in town centres;
- Co-ordinated signage and information boards;
- Adequate provision for those with special needs.

6.4 On-Street Parking

The main issue concerning designated areas of regulated parking is how controls are managed, charged and enforced. In many parts of the county there will be little or no need for on-street controls apart from selective waiting restrictions applied for safety or capacity reasons. More stringent controls are more likely to be required in town centres, commercial areas or around railway stations where competition for spaces will be greater.

Where competition for spaces occurs, priority will normally be given to short stay parking. Longer stay commuter parking will be discouraged in town centres as it will reduce the opportunity for shorter stay parking which is vital to local economy. Subject to the needs of residents being safeguarded, long stay parking will be directed towards the periphery of town centres. Short stay parking should be conveniently situated for shoppers and visitors. Long stay parking should preferably be located in areas within walking distance of centres.

Parking controls will be applied selectively in order to address specific problems and will not be used unnecessarily. Limited waiting pay and display spaces close to neighbourhood shopping centres may be introduced in order to provide adequate short stay spaces without the need for more extensive controls. In areas where conflicts are likely to be more widespread, controlled parking zones (CPZ) have been introduced to manage area-wide parking issues. Additional CPZs will be introduced as the need arises.

6.5 Objectives of On-Street Parking Control

- To remove the danger to other road users caused by obstructive parking;
- To ensure adequate road space is available for the free movement of all road users;
- To regulate and control the parking of vehicles, as far as is possible, to such places and times as are convenient to all road users and the needs of the community.
- To ensure a fair distribution of suitable on-street parking space, within competing demands and resources available.
- To reduce the need to travel by private car and encourage the use of alternative means

- To minimise the adverse effects of motorised transport on the environment and health
- To improve accessibility, particularly for non-car owners and people with mobility or sensory impairment.
- To maximise parking in off-street car parks.
- To enable the safe servicing of industrial and commercial premises.
- To reduce personal injury accidents.
- To provide a level of enforcement commensurate with the scale of contravention and the finances available

6.6 Residents Parking

In recent years there has sometimes been intense competition for on-street parking in the residential roads around central Oxford. Investigation has shown that increased levels of car ownership in each household has reduced the amount of parking available and that on weekdays the parking spaces in these roads are being taken by commuters who do not want to pay parking fees.

To alleviate the problem for the benefit of residents a number of Resident Parking Schemes have been introduced. Residents within these schemes may buy permits that allow them to park in sections of the road dedicated to resident's parking, or which exempt them from the parking restrictions in place. Both the parking spaces available to non-residents and the length of time they may park are restricted. There are exemptions within the schemes for visits by family and friends.

The overall aim of the schemes is to:

- Give residents and other permit holders priority over others for the available parking space;
- Improve access to and reduce congestion in the residential streets.
- To reduce the number of commuters entering the City.

A small scheme has been introduced in Bicester and further schemes are under consideration in Banbury. There are also small schemes in Henley on Thames and Abingdon.

Charges will be made for residents, business and visitor parking permits. Blue Badge Holders are exempt from payment.

Arrangements are available for carers, builders, removals and funerals.

The number of permits available to individual households and to businesses will be determined by the local circumstances in each zone.

A Residents Parking Policy and more details are provided in Appendix 3.

6.7 Parking provision for those with special needs

6.7.1 The Disabled (Blue Badge Holders)

Off Street

The Councils will follow the general advice included in '*Parking for Disabled People*' and '*PPG13 Good Practice Guide*', both published by the former Department for the Environment, Transport and the Regions (DETR).

For non-residential developments, 6% of parking spaces should be allocated for disabled persons. In areas of high parking restraint this may not give sufficient spaces, and additional provision may be required. Car parking spaces for people with disabilities should be larger than usual to enable a wheelchair user to transfer easily to and from a car, and thus should have minimum dimensions of 5.0m x 3.6m.

Spaces for those with disabilities should be located close the pedestrian entrance/exit of the car park and an at-grade route provided to the shopping area.

On Street

Specific on-street parking spaces for the disabled should be conveniently located and suitable routes provided to the shopping area.

In residential areas, where on street parking is at a premium, consideration will be given to the provision of special parking spaces for disabled residents. These will be marked in accordance with the regulations and will not be person specific and may be used by any disabled badge holder. The requirements for eligibility are:

1. Applicants must hold a current valid blue badge.
2. There should be no existing waiting restrictions.
3. There should be no suitable off-street parking available (e.g. drive or garage).
4. The vehicle used should be registered to the badge holder's address.
5. Safety - the vehicle parked is not likely to cause obstruction i.e. there is sufficient road width for emergency vehicles to pass, the location is not less than 10m from a junction, road space intended as turning space should not be used for marked bays (even if this practice currently occurs) etc.

6.7.2 Carers

In order to provide for the needs of carers in Oxford and North Hinksey, the County Council has made a traffic regulation order which enables a carer, working from a medical practice, to obtain and display a permit (but only when attending to a medical patient),:

- a) for a period not exceeding 3 hours in a length of road in which waiting is prohibited, except where there is a loading ban or a clearway in operation;
- b) in a parking place for a period not exceeding 30 minutes longer than the maximum period for which parking is permitted in that parking place;
- c) without time limit in a permit holders' parking place;
- d) in a bus lane, except where there is a loading ban or a clearway in operation,

Provided in each case that:-

- i. the vehicle is not causing an obstruction;
- ii. it is not reasonably practicable for the vehicle to wait other than in a location and for a time specified above.

It is anticipated that, as Civil Parking Enforcement is introduced in other districts within Oxfordshire, relevant traffic regulation orders will be made to extend the scheme to other Civil Parking Areas.

Numerous care organisations are now operating in the area as a result of contract arrangements with Social Services and the Local Health Authority as well as privately arranged care. Each will often display badges issued by the various organisations but, due to the variety of badges in circulation none are recognised by the Council as valid authorities to park in contravention of prohibition of waiting orders.

A system is in place in Oxford enabling residents living in permit parking zones, that are in need of non-medical care at home, to have a permit which can be used by visiting carers, to park in permit parking spaces for a set period of time. It is anticipated that, when residents permit parking schemes are introduced in towns in other Civil Parking Areas, that a similar arrangement is introduced to accommodate those people being cared for in their homes.

6.8 Specialist Parking

6.8.1 Parking for Heavy Goods Vehicles

The on-street parking of heavy goods vehicles in residential areas will be discouraged and where necessary controlling traffic regulation orders will be introduced. The Councils will work to ensure that adequate overnight off street parking facilities are provided for heavy goods vehicles.

6.8.2 Loading Bays

In town centres and business areas consideration will be given to the provision of specific bays reserved for vehicles loading/unloading in connection with business use at nearby premises. Each individual site will be considered on its merits.

6.8.3 Taxis

The Councils will work to ensure that adequate provision is made for ranks for the standing of licensed taxis. These will be provided for access to town centres in locations where parked vehicles will not hinder normal traffic flows. Additionally, part-time evening and overnight ranks will be considered in locations which serve the night time economy.

6.8.4 Coach Parking

The Councils will work to ensure that adequate levels of off street coach parking are provided in town centres and at tourist attractions. On street set down and pick up facilities for coach passengers will be provided where a specific need is identified and justified.

6.8.5 Parking for Powered Two Wheelers

The number of motor cycles is increasing nationally and with it the demand for parking facilities in town centres. The Councils will consider requests for on street parking bays for motor cycles and work to ensure the provision of conveniently located, secure off street provision in public car parks.

6.8.6 Cycle Parking

Nationally one third of all car trips are for less than two miles and cycling is an ideal way to make many of these local journeys and assist with the reduction of congestion and CO₂ emissions. In common with car journeys cycle trips end with a need for a parking facility. The Councils will work to provide suitably located, safe and secure parking facilities both on and off street in town centres and at other locations where demand justifies. Suitable direction signing will also be provided.

6.8.7 Car Clubs

Car clubs provide their members with quick and easy access to cars for short term hire at a reasonable price, and for many people who do not use their car every day, it is a cheaper alternative to owning a vehicle.

People who do not own cars tend to make fewer journeys by car and more by public transport, walking or cycling. This contributes to reducing congestion and the environmental impacts of car traffic, as well as helping to reduce parking demand. The Councils will encourage the development of Car Clubs and work towards providing suitable parking places in appropriate locations.

6.9 Footway and Verge Parking

The Highway Code says: "Do not park partially or wholly on the pavement unless signs permit it".

Under section 19 of the Road Traffic Act 1988, Heavy Goods Vehicles are banned from parking on the footway, although the section is subject to a number of exemptions; in particular an HGV may be parked on the footway when loading/unloading is in progress.

Some urban Local Authorities have adopted powers (through Local Acts) to prohibit parking on footways and verges throughout their areas. This prohibition is usually indicated by signs at the boundaries of the urban area. However, there is no national legislation prohibiting the parking of all vehicles on footways and verges, due to the wide range of circumstances where footway and verge parking occurs; in many cases because drivers have little option but to park on the footway or verge in order to avoid causing disruption to moving traffic.

Parking of cars partly or completely on the footway can be authorised by Traffic Regulation Order and is authorised in certain streets in Oxford. There is a need to ensure that adequate width of footway is retained for pedestrians, particularly those in wheelchairs or with perambulators.

Part 6 of the Traffic Management Act 2004 which came into force in 2008 enables action to be taken when a vehicle is parked alongside a dropped kerb in a Special Enforcement Area. The County Council will review its policy in the light of current DfT guidance.

7 PUBLICITY AND INFORMATION

The Council will ensure that details of the location of all public parking facilities, any use restrictions applicable and the current costs of parking are made available to customers through:

- car parking information leaflets;
- pages on the Councils' websites.

These will be reviewed on a regular basis and where necessary updated/republished.

Information boards will be provided at all car parks. These will be kept to a simple and unambiguous format and will provide the following information:

- The controlled hours
- Any fees and charges and the times of day or days when fees and charges apply, (including specific references to the situation on Bank Holidays and public holidays);
- Information on how to pay, if fees and charges are in place (e.g. pay and display, mobile phone, etc. with essential and relevant instructions);
- Exemptions (Blue Badge, permit holders, etc.);
- Any maximum stay periods/non return periods;
- What type of vehicles may or may not use the parking place;

- That a penalty charge might be incurred if the regulations are contravened where civil enforcement applies;
- Whether or not vehicle immobilisation /removal is used for enforcement purposes (and what to do in the event);
- Who operates the parking place (the name of the council);
- Contact information;
- Where additional information about the Parking Places Orders and related matters can be obtained.

The Councils, in whose areas CPE is in operation, will produce an annual report containing the following information:

- i. Introduction/background
 - Explanation of CPE, Council's responsibilities;
 - Brief explanation of process;
 - Policy context, reference back to Council's transport/parking policy documents and any previous reports.
- ii. Summary of significant changes in previous 12 months. Examples:
 - Introduction of CPE;
 - Changes to Councils' parking and enforcement policies;
 - Change/renewal of enforcement deployment;
 - Significant changes to patterns and scale of enforcement operation;
 - Changes to types of enforcement (e.g. bus lanes, moving orders, clamping/removal).
- iii. Operational information
 - Income/expenditure;
 - Number of PCNs issued on/off street and by town or significant geographic area;
 - Number of PCNs issued by higher or lower charge;
 - PCNs paid at various rates;
 - Number of and outcome of appeals;
 - Any other financial and statistical data required by the Guidance.
- iv. Effectiveness of operation
 - Sample area compliance surveys;
 - Changes in accident statistics;
 - Changes in traffic flow;
 - Success in meeting policy objectives;
 - Comparison with previous years;
 - Customer feedback including interviews (residents/visitors/businesses).
- v. Future plans
 - Likely use of any surplus;
 - Changes to enforcement policies;
 - Likely changes to operation in next 12 months (and beyond).

8.1 The Question

“How can parking in smaller towns be managed to best support the local economy and the needs of the local residents?”

8.2 The Parking Service

Parking is a service which has to be managed properly. A “free for all” (no restrictions, no charges, no enforcement) approach is not an option. A good quality service will meet the needs of all of its customers – shoppers, visitors, workers and residents. The parking stock needs to be allocated to meet their differing needs. A correct allocation will ensure that the stock is used efficiently, reducing underused locations and reducing the pressure on the more popular sites. Effective enforcement will be a key element.

8.3 Economic Links

It is important to recognise the linkage between parking and the economic vitality and viability of a centre. However, parking is only one factor that will affect whether or not people visit a town. The town’s competitiveness will depend, rather more than business communities usually perceive, upon factors like the quality of the shopping experience; the proximity of competing centres; and the quality of other attractions.

8.4 Integrated Approach

Parking should be a properly integrated element of the key strategic objectives of the Council. This will ensure that appropriate measures are introduced to improve access to the centre by other modes of transport; so that as many people as possible are encouraged to use those alternatives. This will free up parking spaces for the many that do not and may never have alternative modes available to them.

8.5 Key Town Centre Objectives

Typical town centre objectives to which a parking strategy can contribute include:

- A strong economy;
- Improved accessibility;
- Quality environment;
- Improved land use.

8.6 Parking Operational Objectives

The operational objectives of a parking service should include:

- Providing a high quality service for all customers;
- Improving access to the town for all key users – shoppers, visitors, workers, residents;
- A high quality enforcement regime controlling illegal parking and reducing its impact on traffic movement;
- The creation of a revenue income for the Councils for use on projects, some of which should be designed to stimulate the use of alternative modes of travel.

8.7 The Customers’ requirements

The customer, whether a shopper, visitor, worker or resident, will have certain expectations:

- That a high quality, well signed car park will be available in location convenient to his/her requirements;
- That a parking space will be available and that he/she will be able to park for as long as they require;
- That the car park will be well laid out, well lit, safe and secure (for both the vehicle and the occupants); and
- That the cost will be fair; reflecting the quality of the facility.

It is important to note that for many car park users the last “requirement”, the cost of parking, is actually the least important consideration. This is particularly the case with visitors who are usually more concerned about locating a convenient parking space than the cost of parking. This is also true, but to a lesser extent, with shoppers. However, workers, visiting every day, will usually seek a cheaper, albeit more remote, car park.

8.8 Meeting the Customers Requirements

Shoppers

- Needs will depend on the shopping experience available in the town;
- The larger the shopping centre, the longer the shopping stay;
- The shorter the stay, the closer to the shops the shopper will expect to park.

Visitors

- Needs will vary from location to location;
- Day visitors to a tourist destination may require 3-5 hours parking;
- Will need clear direction signing to the car parks and the visitor attractions.

Workers

- Either full time needing all day parking; or
- Part time needing, perhaps 4 hours parking;
- Parking fees may be a significant cost for low paid workers, who may be tempted to try to locate “free” parking away from the car parks.

Town Centre Residents

- Will seek to park close to home;
- Main needs likely to be late afternoon, evenings and weekends;
- Will not wish “their” street to be full of other peoples’ vehicles;
- May seek low cost permit parking even where it is not justified.

Local Businesses

- Require access for servicing and deliveries;
- Require convenient, low cost parking for their customers as close to the premises as possible.

Meeting all the Various Requirements

This can be achieved as far as possible by the provision of:

- Integrated management of on and off street parking;

- A well structured charging regime for both on and off street parking;
- A charging structure that reflects the needs of the individual towns;
- A charging structure that reflects the varying needs of all of the users of the service.

To achieve this, a parking service would need to provide:

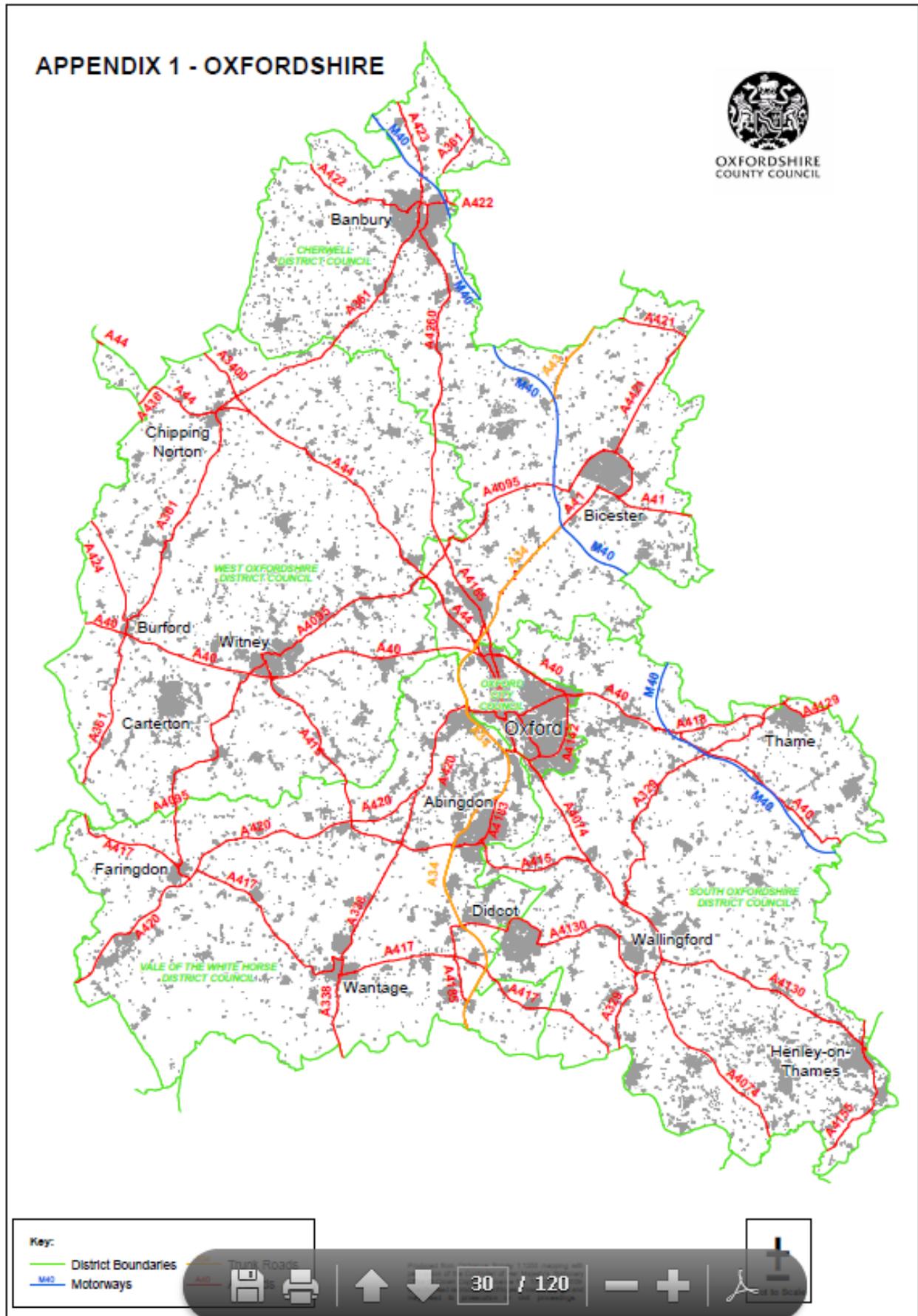
- Some on street short duration parking with charges at least as high as the nearest off street parking; charging in small time increments (20-30 minutes);
- Short stay, higher cost off street parking closest to central shopping areas: maximum stay say 2 hours;
- Short and medium stay parking further from the centre for longer trips and in tourist centres conveniently located for the attractions;
- Long stay parking at a greater distance with tariffs set to suit both full and part time workers;
- Where circumstances demand permit parking arrangements in residential areas.

In all cases the tariffs would need to be set at a level which reflects the nature of the town; at a level which will ensure proper management of the parking service whilst not having an adverse effect on the local economy. Tariffs should be set in line with the perceived attractiveness of individual urban areas, with the assumption that the more attractive areas can sustain higher charges. It is also important to remember that in the more rural areas of the county there are few, if any, suitable alternative modes of transport available to residents.

The application of a structured charging regime should seek to maintain and, if possible, enhance the economic vitality and viability of the individual towns without increasing unnecessary competition between centres and the consequent increase in travel.

Tariffs should be reviewed annually.

Appendix 1



Appendix 2

PARKING CHARGING POLICY

Parking charges vary across the county reflecting the differing natures of the settlements.

Oxfordshire County Council

The County Council considers that the management of parking is one of the most effective means of tackling congestion and its worst effects. Well planned location, availability, price and enforcement of parking can contribute significantly to easing traffic flows, especially in the peak periods, making all journeys more reliable.

Cherwell District Council

The Council's policy is to provide public parking at an affordable price ensuring that there is a healthy turnover of spaces so that, as far as reasonably possible, all who wish to park in the district's town centres can do so. The tariffs of private sector competitors are tracked and the Council seeks to keep its charges within them.

Oxford City Council

Parking is limited in Oxford and motorists are encouraged to use the Park and Ride service. There are five secure car parks. The buses are modern and frequent.

Charges for parking in the city centre are set at a level which encourages use of the Park and Ride services.

South Oxfordshire District Council

"A car park pricing policy was set by Cabinet in November 2006:

a) Car park fees and charges shall be set so that over a five-year rolling period they at least meet the costs of car parks calculated in accordance with proper accounting practice. Costs will include charges for capital expenditure.

b) Pricing may be used to regulate and influence usage to support town centre vitality and viability. Therefore, short term and long term parking to be differentially priced and located to encourage workers to park on the edge of towns to free up town centre parking for shoppers and visitors.

c) Car park fees and charges to be benchmarked against

i. car parks provided in towns and villages in the district by other bodies

ii. on-street parking charges

iii. car parks in neighbouring authorities:

- Cherwell DC*
- Aylesbury Vale DC*
- Wokingham DC*
- Wycombe DC*
- Vale of White Horse DC*

d) Parking is provided free of charge for disabled badge holders

e) No fees and charges to apply on Sundays

f) Parking fees and charges to be reviewed annually

Season tickets and permits

g) *Season tickets are available for purchase in advance by residents, tourists and businesses for all long stay car parks but do not guarantee a place. They are available for one year, a quarter or one week at a discounted rate.*

h) *Permits are available for market traders which give discounted rates for all day parking in long stay car parks for one particular day of the week over a quarter or a year. They also do not guarantee a place.*

i) *Discounts will be determined each year when fees and charges are reviewed."*

Vale of White Horse District Council

The District council has included the following statement in the Local plan:

"One way of responding to increased demand is to use existing car parking spaces more effectively. Car parks closest to shops can be used to achieve a high turnover of shoppers' cars by the use of pricing and time controls. Long-stay car parking for commuters wishing to park all day, for example, can be located further from the town centre. Ideally this should be at the periphery of the town centre, where pricing can make their use attractive. The District Council already operates this kind of management in Abingdon, Faringdon and Wantage. It is likely that most future additional car parking provision will be in the long-stay category in order to free up further valuable town centre spaces and because suitable sites are most likely to be found at the periphery of town centres or on the edge of town. It will be important to ensure that adequate public long-stay spaces are available to reduce the likelihood of increased parking in residential areas close to the centres. On-street parking controls, such as residents' parking schemes may well be necessary in such areas."

West Oxfordshire District Council

West Oxfordshire District Council provides free parking in all of its 16 car parks.

Car parking restrictions are necessary to keep traffic flowing and enable people to park conveniently. Wardens monitor the use of car parks to ensure that, amongst other offences, motorists comply with the following:

- time limits are not exceeded
- parking places are used correctly (i.e. vehicles are parked within marked bays)
- disabled parking and mother and toddler bays are not misused.
- unauthorised trading
- failure to display a valid parking permit
- parking on double yellow lines
- vehicles do not exceed the 3500kg weight limit

Appendix 3

Residents Parking Policy

It is anticipated that the eligibility criteria required to prove that an applicant is a resident will become standard as new Controlled Parking Zones are introduced.

The County Council operates a number of Controlled Parking Zones, mostly in Oxford. A number of schemes exist elsewhere in the county and others are under consideration.

A controlled parking zone (CPZ) is an area where on-street parking controls have been introduced by the local transport authority to manage parking. This means that parking is only permitted in designated parking bays, and that the remainder of the kerbside space is subject to yellow line restrictions. CPZs are mainly used to tackle the problems caused by commuter parking. This can be achieved by introducing permits, which give priority to residents and those with an essential need, as well as providing parking places for short term parkers.

The hours of operation of permit parking schemes will vary according to the needs of the particular zone.

The permits allow residents, their visitors and local businesses (businesses would have to prove operational need for a vehicle) to park in designated parking bays, but only when displaying the relevant parking permit for that zone. In some zones there is provision for parking by visitors to hotels.

Short-term time-limited parking bays provide parking for non-permit holders visiting residents and businesses in the zone.

There are four types of parking bays in CPZs:

Resident permit holders only

Residents, and their visitors, can use designated bays providing valid permits for that zone are displayed. Blue Badge holders can park without restriction.

Permit holders only

All permit holders including blue badge holders can use these bays. In addition, businesses and visitors to hotels and guest houses can use them, providing they display a valid permit for the zone. An operational need would have to be demonstrated in order to qualify for these permits.

Short-term time-limited

Anyone can park in these places without displaying a permit, provided they observe the time limit. The time limit may range from one hour up to four hours, so please check the restriction plate. Again, Blue Badge holders can park without restriction.

Shared use spaces

Like the short-term time-limited bays, anyone can park there without displaying a permit, provided they observe the time limit. However, all permit holders for the zone, as well as Blue Badge holders, can park without restriction. The signs for these spaces will state both 'permit holders' and a 'time limit' on the same sign.

Zones vary in their times of operation and restrictions. Zones near town centres often have restrictions at all times, while those in outlying areas are not in force outside the working day.

Large zone entry signs inform drivers they are entering a CPZ area. These signs indicate the times the CPZ operates.

Each type of bay (identified by white markings on the road) will have its own restriction sign plate next to it which may be sited on a post, wall or lamp column. This will state who can use the bay and the hours when restrictions apply. Like the zone entry sign, if the restriction plate accompanying the parking bay does not state a time limit or duration, e.g. Monday - Saturday, then the bay is enforceable seven days a week 24 hours per day.

Details of the arrangements for purchasing permits will be provided on the appropriate Council website.

Residents' parking schemes are designed to regulate parking, to reduce highway obstruction and to give priority over available space to residents and their visitors. Drivers should check daily that the location bay they are parked in has not had a suspension notice added.

Use of "Permit Holders Only" Parking Places

These parking places are available generally for the full 24 hours of every day unless specifically signed otherwise, when they may only be used by:

- i. vehicles displaying a valid resident's parking permit, or
- ii. vehicles displaying a valid visitor's parking permit, or
- iii. vehicles displaying a valid business parking permit, or
- iv. vehicles displaying a valid carer's parking permit, or
- v. vehicles displaying a valid disabled parking badge.

All permits are issued for use in the designated bays on the public highway only. Permits are only valid in a particular permit controlled zone. All permits must be clearly displayed inside the front windscreen on the nearside of the vehicle, in such a way, that the details can be easily viewed from the pavement.

Application for a Resident's Parking Permit

Before issue, the applicant must sign a completed application form and provide satisfactory proof of residency at an eligible address and ownership of the car. The number of permits available will depend on the local circumstances in the zone.

Visitor Parking Permits

Visitor parking permits are available to all eligible residents aged 17 or over within a zone. The number of visitor parking permits available will depend on the local circumstances in the zone.

Blue Badge Holders

Blue badge holders can park in any resident's bay, or on-street pay & display spaces free of charge for an unlimited period. Parking is permitted on yellow lines for 3 hours but never in loading bays during the period of operation. Normal Blue Badge regulations will apply.

Business permits

The availability of business permits will depend upon the availability of off street parking. Normally businesses would be eligible to apply for a maximum of two business permits.

Medical and Carers' permits

Carers Permits will be available to Medical Practices where staff require to visit patients living within the Residents Parking Zones. These will be arranged with the Primary Care Trust/health practice. There will be no charge for Carers Permits issued to Medical Practices, but the number issued to each practice will be limited and operate on a 'pool' basis.

Request Prioritisation

A prioritisation system will be introduced to determine the priority for residents parking schemes in the county. A survey method which aims to help determine the extent of parking problems and the demand for residents parking will be adopted. Surveys will be undertaken on typical days in order to assess the usage of on and off street parking places.

The system will produce a priority list to assist Members in the decision making process of where resources could be allocated.

Appendix 4

Not used

Appendix 5

Parking Enforcement Policy

1.1. Introduction

The Oxfordshire Councils Parking Enforcement Policy is a policy statement, designed to help to manage parking by providing a clear framework for effective parking management activities throughout Oxfordshire.

On street parking enforcement throughout the District Councils' areas is the responsibility primarily of the County Council and is delegated to the District Councils under the terms of Agency Agreements.. To achieve effective implementation of our policy, the powers for enforcement include the responsibility for both on-street and off-street areas.

The policy is based upon prioritising clearly identified needs, such as the needs of people with disabilities, residents, visitors and businesses and will help to manage parking in Oxfordshire on a fair and consistent basis.

The policy helps support a better and safer environment and will generally improve parking conditions in Oxfordshire by:

- meeting the needs of all road users;
- supporting effective parking management;
- seeking to improve sustainable access;
- meeting environmental objectives;
- focussing on customer needs;
- being comprehensive, including consideration of on- and off-street parking enforcement regimes, on-street controls and parking standards;
- co-ordinating and being compatible with neighbouring civil authorities;
- providing a clear strategy for effective enforcement; and
- ensuring that the needs of disabled people, motorcycles, buses, coaches, business and freight are taken into account, along with loading and signing issues in relation to parking.

The policy aims to support the Council's wider objectives, e.g.

- to improve traffic management,
- to assist public transport,
- to assist the passage of emergency vehicles,
- to improve road safety,
- to enhance the general street scene, and
- to improve air quality.

The policy seeks to meet the needs of all road users and to clearly prioritise different parking enforcement needs in Oxfordshire. The aim is to manage parking in Oxfordshire on a fair and consistent basis.

1.2. Parking Management

Parking management includes the enforcement of on- and off-street parking regulations.

Illegal parking is inconsiderate, and it can be dangerous. Under civil enforcement, the Councils are directly responsible for all parking enforcement in Oxfordshire, with the exception of high speed roads where the police remain responsible.

The policy supports effective parking management by:

- Coordinating on- and off-street parking enforcement management to ensure a comprehensive and complementary approach;
- Allocating parking permits/waivers with clear conditions of use based on transparent and consistent principles, which give priority in accordance with the defined hierarchy of parking enforcement; and
- Maximising the potential of the Councils' information technology system to support an effective and efficient parking management operation.

The aim of civil enforcement is to maximise compliance with regulations, to make our streets safer for all road users, particularly vulnerable road users; to prevent obstruction and delays (especially for buses and emergency vehicles); to ensure that parking bays are available for their intended use and to improve the general street scene.

The objectives of civil enforcement can be summarised as:

- Making it safer for drivers and pedestrians with better enforcement leading to clearer roads and pavements;
- Reducing accidents through fewer illegally parked cars
- Improving traffic flow and accessibility, resulting from the focus of enforcement being on lessening inconsiderate and dangerous illegal parking in order to improve safety and minimise congestion;
- Assisting emergency and service vehicles
- Helping public transport such as buses;
- Improving the general environment
- Encouraging the use of other modes of transport such as walking and cycling;

Sensible and safe parking within Oxfordshire will be encouraged, as will greater compliance with the Off-street Regulations and Traffic Regulations as regards parking. These regulations will not change as a consequence of the introduction of CPE, but they will have greater significance.

Parking provision is becoming more responsive to the public's needs because local Councils will control both the provision and management of parking. A single responsibility for parking means greater clarity to the public. The County Council's integrated transport strategy can be linked to local issues in enforcement.

Police resources must be able to concentrate on other priorities. The basis for this is a fair, consistent, transparent, policy-driven and quality-led operational enforcement. Enforcement will be targeted to tackle problem areas. The policy specification provides a schedule and prescribes the frequency of patrol visits, dependent upon the location type. This will ensure a good parking enforcement regime that is both consistent and transparent.

The policy focuses on customer needs by:

- Ensuring an efficient, robust and customer-friendly parking system.
- Effective tackling of parking fraud, and abuse of the Blue Badge Scheme.
- Ensuring an effective, fair and consistent enforcement operation to maximise compliance with Oxfordshire's parking regulations.
- Consulting and communicating with both internal and external stakeholders to inform parking management issues.

1.3. Enforcement Priorities

As competing parking demands intensify and conflict, the need for skilled and effective on-street parking management based on clearly defined priorities increases. The parking enforcement priorities shall be generally guided by the following issues:

- Highway Safety
- Preventing dangers due to parking:
 - o Near Accident locations such as junctions
 - o Near Pedestrian Crossings
- Dangerous or double parking
- Parking on Pedestrian Footways
- Parking which restricts movement
- Preventing obstruction and congestion on:
 - o Main access roads into Oxfordshire (Principal Roads)
 - o Town Centre shopping streets
 - o Public Transport routes
 - o Main traffic routes within Oxfordshire
 - o Other busy streets e.g. access roads to residential areas or local shopping parades
- Obstruction & Nuisance
- Preventing hindrance to road users at:
 - o Bus stops
 - o Vehicle accesses
 - o Pedestrian access routes
 - o Taxi Ranks
 - o Grass verges
 - o Special entertainment events
 - o Areas for deliveries & servicing
- Control and enable the conveyance of goods at:
 - o Servicing yards
 - o Permitted loading areas
 - o Parking Bays
- Control of effective use of permitted parking areas in:
 - o County Council Park and Ride Car Parks
 - o District Council Car Parks
 - o Disabled Badge Holder Bays
 - o On-street Pay & Display bays;
 - o Residents parking bays;
 - o Limited waiting areas.

The parking enforcement priorities are set out in greater detail in Appendix B. Other enforcement requirements that follow will be balanced and prioritised on an as required basis depending upon resources available:

- the needs of disabled people and effective enforcement of parking regulations to enable easy access to activities and facilities.
- road safety initiatives (especially for pedestrians, cyclists and other vulnerable road users), and emergency access requirements.
- managing local parking problem areas, e.g. for child safety near schools caused by the school run (including Safer Routes to School initiatives) and associated short-stay on-street parking activity.
- legitimate parking and loading requirements of businesses, taking into account commercial needs for delivery and servicing movements and the opportunity for changing delivery schedules and vehicle sizes.
- supporting the safe and efficient operation of the public transport network in Oxfordshire
- enforcement against observed parking patterns of demand to allow targeting of known problem areas.

Inconsiderate parking contravenes the Highway Code, which requires drivers to show consideration for all road users. Certain parking contraventions remain the responsibility of the Police (obstruction and restriction of access where there are no yellow lines), some

are joint responsibilities with the Police (zig-zag pedestrian crossings) and the Councils will work in partnership with Thames Valley Police in order to communicate relevant information between both stakeholders.

In parts of Oxfordshire, footway parking currently takes place. In these areas, parked vehicles dominate the street scene and can cause dangerous obstruction to other road users, such as parents with pushchairs and visually/mobility impaired people and wheelchair users. Footway parking also results in higher maintenance costs for the County Council because footways are not designed to take the weight of motor vehicles and, as such, damage to the pavement can occur. The Councils will seek to minimise inappropriate footway parking in Oxfordshire (where enforceable) to ensure that local pedestrian access and amenity is not adversely affected.

Abandoned vehicles are an environmental nuisance and can be associated with anti-social behaviour. Abandoned vehicles not only cause an unnecessary hazard wherever they are dumped, they also have a serious impact on residents' quality of life and fear of crime in the local area; Civil Enforcement Officers will report potential abandoned and untaxed vehicles on Oxfordshire's streets.

The Councils' enforcement operations will target persistent evaders in Oxfordshire and reduce the level of evasion.

Residents' Parking permits are issued by the Councils' Parking Services for the use of designated parking places in resident parking zones.

The County Councils Social Services Department administers parking permits for disabled people under the Blue Badge Scheme, which allows disabled badge holders considerable flexibility in where they can park on street. Badge holders can park free of charge without time limit in many areas, provided a valid Blue Badge is displayed, the bay has not been suspended and the vehicle is being used to transport the Blue Badge holder. Blue Badge holders are also allowed to park for a maximum of 3 hours on single and double yellow lines, except where there is a loading ban or where a bus or cycle lane is in operation where it is safe to do so.

Appendix A – Glossary

CEO Civil Enforcement Officer

CPE Civil Parking Enforcement

DPE Decriminalised Parking Enforcement

POLICY Oxfordshire Councils' Parking Enforcement Policy

TMA04 Traffic Management Act 2004

Appendix B – Hierarchy of Parking Enforcement

Highway Safety			
Preventing dangers due to parking:	Near Accident locations such as junctions.	PRIORITY HIGH	Mainly enforcement of single and double yellow line restrictions and loading restrictions at or close to junctions and bends particularly where visibility is poor to minimise dangers to moving traffic, pedestrians and other road users.
	Near Pedestrian Crossings	PRIORITY HIGH	Mainly preventing danger to pedestrians at crossing places. (This includes the offence of stopping on white zigzag markings, which now also remains a police enforcement function – i.e. dual enforcement).
	On Pedestrian Footways	PRIORITY MEDIUM	Mainly enforcement of single and double yellow line restrictions and loading restrictions where drivers are using the footway causing obstruction and hazard to pedestrians, wheelchair and pushchair users.
Aid to Movement			
Preventing obstruction and congestion on:	Main access roads into Oxfordshire (Principal Roads).	PRIORITY HIGH	Mainly enforcement of single and double yellow line restrictions and loading restrictions to enable traffic to flow freely and not be hindered by parked vehicles.
	Town Centre shopping streets	PRIORITY HIGH	Mainly enforcement of double yellow line restrictions and loading restrictions to enable essential traffic to access the town centre and not be hindered by illegally parked vehicles.
	Public Transport routes	PRIORITY MEDIUM	Mainly enforcement of single and double yellow line restrictions and loading restrictions to enable bus traffic to flow freely and not be hindered by illegally parked vehicles.
	Main traffic routes within Oxfordshire (Non-principal Roads)	PRIORITY MEDIUM	Mainly enforcement of single and double yellow line restrictions and loading restrictions to enable traffic to flow freely and not be hindered by illegally parked vehicles.
	Other busy streets (Access Roads to Residential Areas/Local Shopping Parades)	PRIORITY LOW	Mainly enforcement of single and double yellow line restrictions to enable traffic to flow freely and not be hindered by illegally parked vehicles.

Obstruction & Nuisance			
Preventing hindrance to road users at:	Bus stops	PRIORITY HIGH	Enforcement of No Stopping Except Buses restriction in marked Bus Stop locations (where there is a wide yellow line marking) to prevent obstruction of bus stops.
	Vehicle accesses	PRIORITY HIGH	Mainly prevention of obstruction to private driveways that have yellow line restrictions. This is particularly important where residents are in the process of trying to enter or exit their premises. Dealing with obstruction of driveways without yellow line restrictions will still be a police function (obstruction).
	Pedestrian access routes	PRIORITY MEDIUM	Mainly enforcement of single and double yellow line restrictions where numbers of pedestrians are walking, such as shopping areas and pedestrian prioritised streets.
	Taxi Ranks	PRIORITY MEDIUM	Mainly enforcement of single and double yellow line restrictions at Taxi Ranks to prevent obstruction.
	Grass verges	PRIORITY LOW	Mainly enforcement of clearway restrictions where drivers are using the grass verge and causing damage. This does not apply where there are no yellow lines.
Deliveries & Servicing			
Control and enable the conveyance of goods at:	Servicing yards	PRIORITY MEDIUM	Enforcement of single and double yellow line restrictions to enable effective use and access to service yards.
	Permitted loading areas	PRIORITY MEDIUM	Enforcement of single and double yellow line restrictions to enable effective use and access to loading bays.
Parking Bays			
Control effective use of permitted parking areas in:	Council Car parks	PRIORITY MEDIUM	Issue PCN for infringement of car park Orders
	On-street Pay & Display	PRIORITY MEDIUM	Issue PCN for infringement of on street parking Orders
	Disabled Badge Holder Bays	PRIORITY MEDIUM	Enforce infringement of on street disabled only parking places where there is time a restriction and where vehicle is not displaying a blue Disabled Driver Badge
	Residents parking	PRIORITY MEDIUM	Enforce infringement of on street residents parking places where a vehicle is not displaying a current residents parking or visitor badge for the appropriate Zone.

	Limited waiting	PRIORITY LOW	Enforce infringement of on street parking Orders where there is no fee but parking is time restricted.
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Hours of Operation and Enforcement Staff Numbers are given in the Councils' Parking Operational Plans.

Appendix 6

Civil Enforcement Officers Discretion Policy

1.1 Introduction

The TMA Statutory Guidance issued by the DfT states:

“The Secretary of State considers that the exercise of discretion should, in the main, rest with back office staff as part of considering challenges against PCNs and representations against NtOs. This is to protect CEOs from allegations of inconsistency, favouritism or suspicion of bribery. It also gives greater consistency in the enforcement of traffic regulations.

However, the enforcement authority may wish to set out certain situations when a CEO should not issue a PCN. For example, an enforcement authority may wish to consider issuing a verbal warning rather than a PCN to a driver who has committed a minor contravention and is still with, or returns to, the vehicle before a PCN has been served. The enforcement authority should have clear policies, instructions and training for CEOs on how to exercise such authority. These policies should form the basis for staff training and should be published.

Enforcement authorities should ensure that CEOs are properly trained to enforce parking controls fairly, accurately and consistently. As well as formal training, it is recommended that authorities include some supervised on-street training to familiarise CEOs with the area and any special parking provisions. Enforcement authorities should make sure that CEOs understand all relevant exemptions, such as those applying to diplomatic vehicles and the Blue Badges issued to disabled people. CEOs should be aware of their powers to inspect Blue Badges and the sensitivity required should they need to exercise them.”

1.2 The Councils' Intentions

The Councils' intention is that they will operate the civil enforcement parking operation as a partnership with the residents, businesses and visitors. This has the dual aims of providing a better service and of developing a flow of information for the public.

It will also concentrate on learning from the bottom up, by ensuring that local activity and feedback will be continually reflected in the parking restrictions and the quality and services within the car parks.

The key channel of continual feedback will be from the Civil Enforcement Officers (CEOs) and the parking related correspondence from the public.

This requires that the Councils have a policy of the exercise of discretion by the CEOs and not a culture of just issuing tickets. The statutory guidance states “The Secretary of State considers that the exercise of discretion should, in the main, rest with back office staff as part of considering challenges against PCNs and representations against NtOs. This is to protect CEOs from allegations of inconsistency, favouritism or suspicion of bribery. It also gives greater consistency in the enforcement of traffic regulations”.

The Councils will approach the exercise of discretion objectively and publish policies on the exercise of discretion. This document is the key one relating to the exercise of discretion by staff when operating on-site. Another section within the overall policies concerns the exercise of discretion *after* a penalty charge notice has been issued, and should be read in conjunction with the content of this document.

1.3. The CEO and their role

The Councils have established criteria for the use of traffic management controls which are represented on the ground by signs and lines made through the mechanism of traffic regulation orders (TROs). It is important for all of the public that these are enforced; that will reduce accidents, improve traffic flow, help residents and create better facilities for both shoppers and business. Similar situations exist in the off street car parks.

The role of the CEO is defined by the Councils and they will all attend recognised training courses. It is important that there is a public understanding that they are not there to “just issue tickets”, but are trying to ensure consistent compliance in respect of the parking controls. They have no targets, and in fact the ideal solution would be total compliance with the parking regulations and no parking tickets being issued.

1.4. What is it that they cannot do?

The CEOs cannot comment on:

- the parking regulations on street
- the off street regulations in the car parks
- whether other motorists have found the signing difficult to understand
- whether a penalty charge notice which has been issued, may be cancelled
- the Councils’ declared policies

1.5. What can the CEOs do?

- listen to the motorist
- write down their concerns
- take a name and address for correspondence to answer the questions
- point out that the restrictions are now enforced whereas in the past in on street areas, they were only lightly enforced
- use their common sense in deciding on a course of action

Most importantly, the key elements of the operation are observation and the relevance of current parking restrictions. Many of the current controls were introduced a long time ago, and the Councils’ policy will be one of continual change to meet local needs. CPE may highlight areas where the existing TROs no longer reflect the needs of the area.

What that means for example, is that there may now be a requirement for limited waiting parking spaces to help local shops that have been developed and have outside, a no waiting restriction all day. It will also involve identifying unnecessary waiting restrictions which could be limited to fewer days or specific days depending on the local activity and culture.

The Councils’ policy on changing the TROs is set out elsewhere in the Parking Policy, but it has to be recognised that such changes are costly, required detailed public consultation, and have to follow a defined legal process.

1.6. What do we mean by the exercise of discretion?

The Councils, having agreed that CEO’s should be alert to local situations and environment, and should not be over zealous in ticket issuing, have developed evidential and observational criteria and special considerations in respect of penalty charge notice issue.

It is important to identify that there are certain contraventions of regulations that will not be tolerated, except under exceptional circumstances; for example, we will always enforce against dangerous or particularly selfish acts such as:

- parking in a bus stand
- parking in bays for Blue Badge holders with no badge displayed
- parking on pedestrian crossings, school crossings, zig-zags and similar inconsiderate parking – unless the vehicle is awaiting recovery following a breakdown or road traffic accident.

The policy on discretion follows on from the above. The list below is not exhaustive but indicative, and relies on the individual CEO to exercise his or her discretion in particular circumstances. Should a penalty charge notice still be issued in a particular circumstance, the parking office staff will provide a detailed explanation of why it was issued, as well as options for paying the charge, or appealing against it.

The CEO will always be wearing a uniform that promotes his or her visibility. This will normally include high visibility outer garments and a hat, so that they are seen to be in the vicinity, and operating overtly.

They will be alert to a range of issues to assist the exercise of their discretion relating to the issue of penalty charge notices. The following list is not exhaustive but demonstrates what the Council have agreed as base lines, and from this the CEO will make their decision about the possible issue of a PCN. It should be noted that they will always be gathering evidence of a possible contravention, including the taking of digital photos (but only vehicles and location) as well as notes in their pocket book. This is to demonstrate fairness and equality to their managers and not any bias or favouritism which may lead to suspicion of bribery.

They will be aware of:

- an adult struggling with shopping
- difficulty being experienced with a number of children
- a person with a disability or a passenger with a disability
- religious festivals and prayer days where the TRO is not appropriate
- parking outside a shop with flats above, and loading or unloading to a dwelling
- marginal time overstay at limited waiting
- marginal time lapse in obtaining a pay and display ticket
- non functional pay and display equipment
- breakdowns waiting for assistance
- changing use of properties that are not recognised in parking controls

This CEO discretion policy is based on these basic rules:

- The CEOs will show a duty of care to the public overall when carrying out enforcement,
- They will enforce in a sensible manner,
- They will recognise that they are operating within a democratic process,
- They will recognise that they are allowed to show discretion,
- They will report matters back to officers so that considered decisions from information gathered on the ground can be taken.

Appendix 7

Policy for the use of Bailiffs

1.1. Policy on the use of Bailiffs for Road Traffic Debt

The Councils will manage PCN debt recovery through an arrangement with one or more firms of bailiffs for the recovery of debt. The arrangement will be reviewed regularly, and market tested at least every 5 years.

Before registering any debt, the Councils will issue a “pre-debt” letter to the keeper of the vehicle advising that the debt will be registered in 21 days unless the debt is settled. Each case proceeding to this stage will have been vetted by a member of the Councils’ staff to approve its issue to bailiff in accordance with Council rules and procedures.

Each bailiff arrangement will be based on a strict Code of Practice, agreed between the District Council and the bailiff.

When the Council wishes to instruct a bailiff it will register the debt electronically with the Traffic Enforcement Centre (TEC) at Northampton County Court. TEC automatically authorises the Council, and seven days later the Council may issue to the bailiff a warrant of execution, again electronically. The Council will notify the debtor of the registration.

The recovery procedure will adhere to a strict timetable and will consist of the following stages:

- First Letter
- First Visit
- Second Visit
- Outbound Calling
- Enforcement/Clamp Visit
- Removal Visits

Bailiff arrangements with the Councils will be supported by a code of conduct, which as a minimum will include the following.

1.2. Procedure for recovery at the door

When a Council issues a warrant to a bailiff and registers it through TEC, the bailiff will write a letter notifying the debtor of the warrant and seeking payment, for which the bailiff is entitled to charge an agreed sum. The letter should generally be seeking recovery of the PCN debt (plus VAT) for a parking PCN made up of the amount the Council seeks plus £5 for the warrant paid by the council + the agreed charge for the bailiff’s letter + VAT.

When a bailiff visits a debtor:-

- Enforcement agents must always produce relevant identification on request, such as a badge or ID card, together with a written authorisation to act on behalf of the Council.
- Enforcement agents must act within the law at all times, including all defined legislation and observe all health and safety requirements in carrying out enforcement. They must maintain strict client confidentiality and comply with Data Protection legislation and, where appropriate the Freedom of Information Act.
- Enforcement agents, for the purpose of distress or execution shall, without the use of unlawful force, gain access to the goods. The enforcement agent will

produce an inventory of the goods seized and leave it with the debtor, or at the premises, with any other documents that are required by regulations or statute.

- Enforcement agents must carry out their duties in a professional, calm and dignified manner. They must dress appropriately and act with discretion and fairness.
- Enforcement agents must not misrepresent their powers, qualifications, capacities, experience or abilities.
- Enforcement agents must not discriminate unfairly on any grounds including those of age, disability, ethnicity, gender, race, religion or sexual orientation.
- In circumstances where the enforcement agency requires it, and always where there have been previous acts of, or threats of violence by a debtor, a risk assessment should be undertaken prior to the enforcement agent attending a debtor's premises.

If the bailiff is refused entry to the premises, the bailiff will advise the debtor of the details of the debt and seek payment; the bailiff will also advise the debtor that permission will be sought to gain entry unless the debt is settled. Bailiffs do not have the power to make forcible entry to a debtor's premises, but if a bailiff has gained lawful and peaceful entry (e.g. invited in by the occupier) he has the right to use reasonable force to (a) inspect any part of the premises if refused access, and/or (b) resist being ousted from the premises. In order to gain entry otherwise, a bailiff has to apply to a court for a warrant to force entry.

1.3. Service provisions

The bailiff company must keep detailed records of all activities undertaken on behalf of a Council and this record should be electronic and available to be inspected online by the Council at any time. All records will be kept up to date with any relevant changes, within 24 hours of the change occurring.

If the Council decides it is appropriate and prior to any enforcement action being undertaken, the bailiff will subject each case to a DVLA verification of details of vehicle ownership.

Recovery visits will not occur outside the hours of 07.00 to 20.00, and will not take place on Sundays, Bank Holidays, Good Friday or Christmas Day. Enforcement Agents will also observe the sanctity of religious days of other faiths, where appropriate.

There will be an agreed list of the types of goods which bailiffs may not seize.

The Council will specify personal circumstances of a debtor when reference back to the Council will be made prior to further action.

The bailiff will provide a telephone service during normal office hours to deal with enquiries and payments from debtors.

The bailiff will accept payments in cash, credit or debit card, postal orders, giro bank, bankers draft and by internet payment, and will always issue receipts.

Appendix 8

1.1. Consultation and Reporting Policy

The Councils recognise their responsibility to monitor their parking policies, the Civil Parking Enforcement (CPE) regime being put into place, and the associated regulatory framework (including penalty charge levels). The regime will be appraised when reviewing the Local Transport Plan (LTP) and recommendations for improvements made to Members.

Appraisals will take account of any relevant information that has been collected as part of the parking enforcement process, in particular about the practical effectiveness of the scheme. This information will include feedback from interviews with Civil Enforcement Officers (CEOs), who are in a unique position to identify changes to parking patterns, and with back office staff, who deal with challenges and representations and the reasons for them.

The Councils will consult locally on the parking policies when they are appraised and will seek the views of people and businesses with a range of different parking needs as well as taking into account the views of the police.

The regular appraisal will take account of:

- existing and predicted levels of demand for parking;
- the availability and pricing of on- and off-street parking places;
- the justification for, and accuracy of, existing traffic orders;
- the adequacy, accuracy and quality of traffic signing and road markings which restrict or permit parking;
- the level of enforcement necessary to achieve the Council's wishes for compliance;
- the levels of penalty charges;
- the need to resource the operation effectively and ensure that all parking staff are appropriately trained; and
- impact on traffic flow.

As a part of this appraisal, the Councils will ensure that detailed operational policies remain appropriate and will tell the public about any changes to them.

The Councils recognise that the efficiency and effectiveness of the CPE regime can be improved by maintaining a regular dialogue with the police, neighbouring authorities, the Driver and Vehicle Licensing Agency (DVLA), the Traffic Enforcement Centre (TEC) and representatives of road user groups.

In particular, the Councils will seek to maintain good relations with the police. The police will continue to have responsibility for enforcing endorsable and most types of moving traffic offences, and for taking action against vehicles where security or other traffic policing issues are involved. Regular liaison with the police will help to ensure that civil and criminal enforcement operate effectively, as well as ensuring that the Councils' staff are protected.

As enforcement authorities, the Councils will keep abreast of developments in neighbouring authorities' CPE operations and look into the benefits of consistent, and possibly collaborative, approaches to enforcement.

The Councils will develop good working relations with the DVLA, in particular with regards receiving keeper information promptly and will consider helping the DVLA track

down Vehicle Excise Duty (VED) evaders by notifying them of any vehicles that are not displaying a valid VED disc.

As far as possible, the performance of the CPE parking operations will be judged according to how far the desired transport objectives have been achieved. The Councils will base their performance measures, wherever possible, on outcomes rather than outputs. Performance will not be based on the number of PCNs, or such issues. Outcome statistics will include issues such as compliance statistics, the number of appeals, the number and length of contraventions and the localised impact they appear to have had on road safety and congestion.

The Councils consider that reporting is an important part of accountability. The transparency given by reporting will help the public to understand and accept better parking enforcement. Monitoring also provides us with management information for performance evaluation and helps to identify where there is a need to improve the CPE regime. Reports will include the benefits that parking income has helped to pay for.

The Councils will produce annual reports about their enforcement activities. The reports will be public documents, and as a minimum, they will cover the financial, statistical and other data set out in this policy statement. The reports will form the basis of annual returns to the Government about the enforcement operation. The Traffic Penalty Tribunal will be provided with the details about PCNs they request.

The Councils have published a code of practice that their CEOs must follow. It includes the following points:

- the authorities are committed to delivering good quality public services;
- the code of practice is to ensure that high quality parking enforcement is delivered fairly and in accordance with the law;
- parking restrictions are there for good reasons – to improve safety, prevent congestion, ensure a fair distribution of parking spaces, and help reduce pollution; and
- parking restrictions will be enforced efficiently, fairly and with proper regard to the needs of motorists in general.

Parking enforcement performance will be monitored to show that it is for traffic management purposes. Management information such as will be included:

- measuring the numbers of vehicles that contravene restrictions and for how long they are contravened;
- measuring public transport journey times across the CEA;
- measuring the number and severity of road traffic casualties in the area of enforcement;
- measuring congestion in the area of enforcement;
- frequency of CEO patrols, especially where contraventions are high;
- percentage of PCNs against which appeals are received;
- percentage of successful appeals;

The Councils will assess performance against these targets in their annual reports which will be published on websites as a downloadable document. Where possible, comparisons to similar authorities will be made.

1.2. Consultation

The Councils are required, when considering major changes to their parking policies, to consult with stakeholders. As a minimum, the following groups will be consulted:

- those involved in the implementation and operation of parking, including the police, neighbouring local authorities, the DVLA and the Traffic Enforcement Centre;
 - wider stakeholders with an interest in parking, including businesses, motoring groups and representative organisations; and
 - those who will be affected, including residents, motorists and the general public.
- Socially excluded groups will always be included in such consultations.

In due course, the Councils consider setting up user groups for wider stakeholders such as businesses, representative organisations and the public. These will comprise representatives of motoring organisations, local residents and traders, socially excluded groups and others with an interest in parking policies. Groups will be used to test proposals to ensure they meet the needs of road users.

Loading and unloading can be a recurrent and difficult problem. The Councils will work with delivery companies, local businesses and residents to tackle problems at sites where problems exist.

Consultation documents will be publicised and made available in hard copy and on the web. Deadlines for feedback will be set in accordance with the Councils' policies on consultative exercises. After consultations have closed, any action taken in response to the feedback will be publicised.

Appendix 9

Footway Crossing and Double Parking Policy

The County Council has considered the implementation of the powers introduced by the TMA for the control of parking that obstructs footway crossings and for double parking but has determined not to adopt these powers until more detailed advice and guidance is available.

Appendix 10

Footway and Verge Parking Policy

1.1. Introduction

The Councils believe that streets should be more than traffic corridors - they are important for the vibrancy, economic health, and safety of neighbourhoods; they can help to improve community cohesion by bringing people of different ages and backgrounds together in a shared space; they are areas which people can use to get fit through walking and cycling; and they are potential playgrounds for all children but especially those who do not live close to parks and playing fields.

There is a general concern that vehicles parked on the footway are a problem in numerous parts of the County. Footway parking takes many different guises and causes conflict between highway users, residents and pedestrians. Vehicles parked on the footway can cause serious obstructions which in turn create a road safety issue. Vehicles can also cause serious damage to the footway which may result in trip hazards and also unsightly damage to footpaths and verges.

Footway parking can be obtrusive, obstructive and destructive in any area it occurs. However it can also relieve the pressure on the surrounding highway network and provide a clearer passage for users of the highway. For these reasons it is important that a local balance is achieved when determining the allowable level of footway parking in any area and in some cases, street by street.

1.2. Enforcement

Within the powers contained in CPE it is possible for a local traffic authority to introduce footway parking policies and to adopt enforcement policies to suit the local needs. The highway authority has the power to decide when and where to enforce footway parking but currently only where waiting restrictions are in place.

Therefore to control footway parking using CPE, there must be a waiting restriction adjacent to the footway and the vehicle must be parked on designated highway. It is usually, but not always, the case that back of footway is the extent of the highway and the restriction covers from the highway boundary to centre line of road. This allows full enforcement of the verge/footway where restrictions are in force at the time of the contravention. For example a single yellow line 8am to 6pm would not be enforceable in the evenings under CPE.

Where footway parking is not controlled by restrictions and is causing damage to the highway verge then the local authority could take measures to prevent parking. This can be by the introduction of physical barriers or by new Traffic Regulation Orders such as no waiting at any time.

1.3 Policy

Most grass verges adjacent to roads form part of the public highway and therefore come under the responsibility of the County Council as local highway authority and local traffic authority. One of the responsibilities of the traffic authority is to keep verges and footways safe and unobstructed, particularly at road junctions where clear visibility for road users is important. The County Council as highway authority is responsible for maintenance of the entire highway and that includes verges and footways. It is also under a duty to assert and protect the rights of the public for use and enjoyment of the highway and under RTA 1988 Section 39 the County Council must prepare and carry out a programme of measures designed to promote road safety.

Local issues will always need to be taken into consideration by highways officers when recommending whether footway parking is acceptable or not in specific locations; these may include where soft verges contain public utility apparatus and where damage could be caused.

Parking of cars partly or completely on the footway can be authorised by Traffic Regulation Order. There is a need to ensure that adequate width of footway is retained for pedestrians, particularly those in wheelchairs or with perambulators. Unless sufficient space can be retained for the safe passage of pedestrians, footway parking will not be authorised.

Appendix 11

Bus Lane Enforcement Policy

To be added when Statutory Guidance is published and civil enforcement enabled under the TMA 2004

Appendix 12

Waiver and Dispensation policy

1.1. Suspensions, dispensations and waivers

The Councils, in certain defined circumstances, will allow a vehicle or vehicles, by the issue of a dispensation, to park lawfully in what otherwise would be a contravention of a TRO. It may issue dispensations to businesses and/or the Council's Parking Services to permit parking at specified locations for specified durations.

Where agreed by Parking Services, and in accordance with the Councils' policies, parking places may be suspended either in total or for the purpose of reserving those places for particular vehicles and/or applicants. Suspension can only be undertaken in accordance with provisions in the order (except by the police using powers under Section 49(4)A RTRA).

All applications for dispensations, suspensions, permits and season tickets in Council areas where these are available will, in the first place, be referred to the Council's Parking Services. Parking Services will seek immediate advice from senior management if they have any doubts in regard to an application.

A charge will be made for applications for suspensions, dispensations and waivers.

1.2. Definitions

A suspension is defined as "a parking bay that has had the traffic regulation order suspended for an agreed time period." For example a "*pay and display*" or disabled bay.

A dispensation refers to a driver been given dispensation to park at a specific location on a length of road where there is a traffic regulation order - for example, a waiting restriction.

Parking Services will be required to issue permits for suspensions and dispensations. The applicant will be required to complete and submit forms for each request, which will then be passed to Parking Services together with the appropriate fee for processing.

Parking Services will ensure that each Civil Enforcement Officer is notified daily of dispensations and suspensions within their patrol areas. The Civil Enforcement Officer will check each location and enforce contraventions seen.

Dispensations will not be agreed where there is possible danger to pedestrian or highway safety. Instances where dispensations will not be agreed are:

- On bends
- On brow of hills
- On clearways or fast flowing roads
- Adjacent to pedestrian crossing points
- Adjacent to school entrances
- Where pedestrian or driver sight line visibility is impaired.
- Parking Services will be responsible for the following:
 - Prior to the commencement of the suspension Parking Services will erect suitable advanced warning plates on each available post or column within the restricted area to provide notice of suspensions or dispensations.
 - Prior to the commencement of the suspension Parking Services will, where appropriate, cone or barrier off the area concerned.
 - Ensuring that the advanced warning plate is in place throughout the period.

- Removal of advanced warning plate, cones and or barriers at the end of the period of suspension.

Each request for a suspension and dispensation will be noted and logged by Parking Services.

1.2. Dispensations

A dispensation authorises a vehicle (or vehicles) to park in contravention of a TRO. It allows parking where alternative arrangements cannot be made for the following principal reasons:

- Loading/ unloading where this activity is either normally prohibited or the permitted period is insufficient; or
- Situations where alternative arrangements would be unsatisfactory.

A dispensation does not permit general 'parking'. It does not allow the vehicle to remain in the restricted/ prohibited area once the dispensation purpose has been fulfilled. At that time the motorist is required to park elsewhere and lawfully.

Based on the above qualification and subject to the Councils' policy, dispensations can be issued in the following circumstances:

- Furniture removals where loading or unloading would not otherwise be permitted;
- Building/ maintenance/ repair works where close proximity to the site is essential;
- Goods deliveries in respect of which it is reasonable to allow longer than that normally permitted by the regulations;
- Vehicles essential to filming operations;
- Other circumstances in which Parking Services may reasonably regard the requirement to be essential.

Dispensations will not be issued for:

- Applications where parking may adversely affect disabled/ doctors/ business bays, taxi ranks, bus stops or tram movement;
- Applications where loading restrictions are in place if the dispensation is requested during the restricted period(s);
- Locations within 50 metres of a signal controlled junction, the entry/exit pedestrian crossing marking, on a footway and/or other locations where parking may cause danger to pedestrians and road users, and/or serious obstruction/traffic flow impediment;
- Requests where there are doubts concerning the validity of the application;
- Applications in respect of vehicles where dispensations have been issued more than twice within the four weeks before the date of the application. The Parking Section has discretion to vary this ban if it is considered that it is otherwise reasonable to approve the application.

Applications may be made by post, e-mail, telephone or in person but are to be in writing using the appropriate form. Faxed application forms are acceptable. Applications should be received at least 2 working days before the required date to enable Parking Services to inspect the site if felt necessary before approval is given. However, Parking Services have discretion to deal with more urgent applications if it is reasonable to do so.

Except in extenuating circumstances dispensations should not be issued for continuous periods in excess of five days and should not authorise parking for more than two

vehicles at any one location unless Parking Services is satisfied that the road width and length and precise location permit this safely.

Dispensations are uniquely numbered and are issued from the Councils' IT systems. A copy is given to the applicant, a second copy to the PA Supervisor, and a third is filed with the application.

The conditions of use, which are stated on the back of the dispensation, must be brought to the applicant's attention, who must also be advised to display the document clearly on the lower near side of the vehicle's windscreen.

1.3. Suspensions

It will be necessary from time to time to suspend parking places including residents' and other permit bays. A charge may be made to cover the administration and operational costs of suspending a parking bay.

This action is taken when it is considered necessary to suspend the parking places for:

- traffic movement and safety;
- essential building/ maintenance works;
- furniture removals;
- filming;
- special events;
- weddings or funerals.

The suspension may be in concert with the reservation of the place(s) in connection with the activities listed above.

The suspension procedure embraces:

- Receiving notice of the requirement;
- Considering and, if appropriate, investigating the need for the suspension;
- Approving or rejecting the application;
- Obtaining payment if applicable;
- Recording the suspension;
- Warning local residents;
- Implementing the suspension on street;
- Removing the suspension equipment on street on completion.

The suspension does not permanently remove the legal status of the parking place. Its only effect is to remove it (or the designated part of it) from use during the suspension period.

Public suspension applications must be received no later than 10 working days before the required date in respect of resident and other permit places including disabled badge holder places.

Emergencies may embrace action taken by the police to suspend parking places immediately and without notice for matters of security and public safety. A contravention of a police suspension would normally be dealt with by the police as a criminal matter. Section 49(4)A RTRA provides that the police may suspend the use of a parking place for up to seven days in order to prevent or mitigate congestion or obstruction of traffic or danger to or from traffic in consequence of extraordinary circumstances.

The application must be in writing using the appropriate application form. Each application will be given a unique identification number and Parking Services will consider applications on their specific merits. This may require a visit to the location in question.

It will be seen that the vehicle(s) details box (i.e. 'parking' approval) section of the application requires the applicant to nominate specific vehicles. However, it will be appreciated that for building works there may be deliveries from suppliers or other services and, clearly, the applicant will not know in advance the vehicles involved. Officers accordingly have discretion to allow such activities provided they are directly connected to the works. The suspension plates must make this abundantly clear.

If the application is approved any appropriate charge must be paid before the suspension is implemented.

Each day, as applicable, Parking Services will prepare a daily suspensions plan containing:

- Details of advance warning notices to be placed;
- Details in regard to required leafleting;
- Details of suspensions to be implemented the next parking control day;
- Details of suspensions to be lifted before the next parking control day.

The list will be passed to the appropriate supervisor for on and off street action. On street procedures in regard to suspensions are contained in Section 2. This list will be incorporated into the monthly report from the District Council's Parking Services.

A suspension may be extended provided Parking Services receives at least 5 working days notice. This is clearly necessary in order that appropriate on street action may be taken to indicate the continuance and to advise normal users of what is happening. If notice is not received within time Parking Services will refuse the request and will advise the applicant to re-apply. The standard notice periods stated above will apply.

A suspension may be lifted earlier than originally requested. Notice must be received no later than one working day before the new date. Parking Services will amend the records accordingly in order that the new date appears on the appropriate day's suspension plan.

The suspension charge for pay & display bays are charged at the hourly rate applicable for each individual pay & display bay that requires suspending. If appropriate the evening charge will also be applied.

No charges are made in respect of:

- Requests from the emergency services in regard to emergency situations;
- Funerals;
- Armed forces vehicles
- Suspensions needed to accommodate traffic or parking requirements during agreed major events. However, the Council may wish to consider that charges should be made for regular suspensions [e.g. football matches) bearing in mind the on-going cost of work carried out for these.

Please refer to policy regarding skip licenses for suspensions/dispensations made in respect of such.

Parking Services will maintain monthly statistics with regard to:

- Numbers and locations of dispensations, suspensions, season tickets and

exemptions both implemented and lifted;

- Numbers and precise times and locations in regard to advance warnings and leafleting.

Parking Services will provide in their monthly report:

- Numbers of approved and refused applications sorted by area;
- Numbers of bays, meters/P & D machines suspended sorted by type and area;
- Charges made and total revenue;
- Reconciliation between revenue and numbers;
- Numbers and value of refunds;
- Total days suspended per month;
- Numbers of suspensions in force in excess of three months.

Appendix 13

Deciding on PCN challenges

**OXFORDSHIRE
CIVIL PARKING ENFORCEMENT PROCEDURES**

Appendix 13

Oxfordshire Councils

Civil Parking Enforcement Procedures

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1. INTRODUCTION

Civil Parking Enforcement (CPE) means that the responsibility for enforcing the majority of on-street parking restrictions is the responsibility of the local traffic authority rather than the police. The project is being carried out by the Oxfordshire Councils in conjunction with Thames Valley Police. These procedures apply to all on-street parking restrictions where CPE powers have been adopted, with the exception of certain excluded roads, and to the Councils' off-street car parks where Orders apply.

This document aims to:

1. Remind people how to park carefully and considerately within the law
2. Indicate the steps involved once a Penalty Charge Notice (PCN) has been issued
3. Outline the standard parking contraventions and observation times
4. Offer guidance on the enforcement of specific parking contraventions and specific circumstances
5. Offer guidance on the cancellation of PCNs
6. Give definitions of some commonly used terms
7. Explain the commonly used abbreviations

The contents of the document are derived from:

- Legal requirements
- Current practices
- Accepted best practice
- Traffic Penalties Tribunal recommendations with regard to mitigation
- Ombudsman Advice

It is impossible to qualify every case and Civil Enforcement Officers (CEOs) will be instructed to issue PCNs to all vehicles parked in contravention of a parking regulation (unless specified in this document) following the expiry of any observation period allowed. Only authorised personnel will be allowed to cancel a Penalty Charge Notice. Cancellation may only occur after written representations against the issue of the PCN are received.

Every representation against the issue of a PCN will be considered on its individual merits against the guidelines given in this document.

This document will be subject to regular review and will reflect current best practice. *Please note that these procedures do not come into operation until powers have been granted by the Department for Transport to the County Council and delegated to District Council under the terms of Agency Agreements. Until such time on street enforcement remains the responsibility of the police.*

2. HOW TO PARK

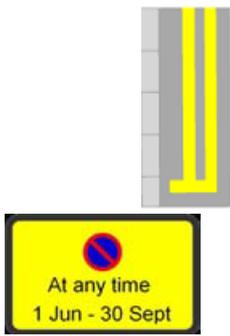
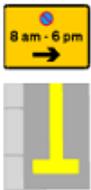
Parking incorrectly, such as on double and single yellow lines, in a bus lane, across cycle lanes or in residents' parking bays, even for a few minutes, can cause inconvenience and even danger to other road users and pedestrians.

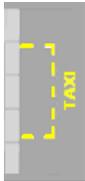
The Oxfordshire Councils wish that by enforcing parking regulations motorists will be more inclined to park safely and legally. This will therefore reduce the inconvenience and danger placed upon safe parkers and road users every day.

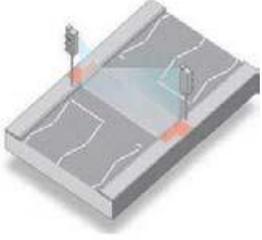
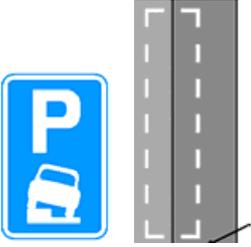
Following these simple rules will help you to park in a way that doesn't cause inconvenience to other members of the public:

- Always check the lines on the road and, where applicable, the signs by the side of the road.
- Always make sure you have parked within the bay markings.
- Make sure that none of your vehicles wheels are resting on the yellow line(s).
- Do not assume that by parking behind yellow lines you are not parking in contravention of a traffic regulation order. Areas where you think you may be legally allowed to park will in fact be part of the highway and will be enforced as such.
- In pay and display car parks always make sure you read the signage.
- In car parks always make sure you purchase the appropriate pay and display ticket in accordance with the instructions on the signage.
- In car parks always make sure you clearly display your pay and display ticket.
- Do not stay longer than is permitted by the signs or by the ticket you have purchased.
- Do not block entrances to private properties – dropped kerbs.
- Do not double park.
- Do not park on footways.
- Do not park on pedestrian crossings or the white zig-zag markings near to the crossing.
- Do not park on ‘School Keep Clear’ markings or the yellow zig-zag markings near to schools.

The following are some of the common restrictions you will see and a reminder of what they mean:

	<p>Double yellow lines along the edge of the road mean no waiting at any time. However, you may stop while passengers get into or out of the vehicle and to load and unload, unless there are also loading restrictions. There is no requirement to erect a sign for a permanent double yellow line restriction. However, some double yellow line restrictions in Oxfordshire operate on a seasonal basis, meaning that they will only be enforced during the times specified on the adjoining sign. An example sign can be seen on the left.</p>
	<p>Single Yellow Lines along the edge of the road mean you can't wait during the times shown on the adjacent sign. However, you may stop while passengers get into or out of the vehicle and to load and unload, unless there are also loading restrictions</p>
	<p>Loading Restrictions are shown by yellow lines on the kerb or at the edge of the carriageway. They indicate that loading or unloading is prohibited during the times shown on the signs. Double yellow lines on the kerb mean no loading or unloading at any time.</p>

	<p>Limited Waiting Bays are shown by bay markings and signs that indicate the maximum amount of time that you may park in the bay. Please take note of the 'No Return' information displayed on the sign. This means that you are not permitted to return to the limited waiting bay within the time specified. CEOs will log all vehicles parked in limited waiting bays to ensure that they do not return to the bay within the specified timescale. Vehicles returning to the bay within the specified timescale will be issued with a PCN.</p>
	<p>Bus Lanes You must not drive or stop in a bus lane during its period of operation. Taxis and cyclists are usually allowed to use bus lanes.</p>
	<p>Loading Bays Are white 'bays' marked with the words 'Loading only' and a sign with the white on blue 'trolley' symbol. A sign will show the times when the bay can be used and whether loading and unloading is restricted to certain types of vehicles. Vehicles may not park here if they are not loading or unloading.</p>
	<p>Bus Stop Clearways You must not park in a bus stop clearway during its period of operation. The period of operation will be shown on the adjoining signage. There are also Bus stands on the highway. Again, you must not park on Bus Stands during the period of operation.</p>
	<p>Taxi Ranks You must not park in a Taxi Rank during its period of operation. The period of operation will be shown on the adjoining signage.</p>
	<p>Parking Bays for Specific Use You must not park in parking spaces reserved for specific users such as Doctors, Blue badge holders or residents, unless you are entitled to do so. Signs will indicate who is allowed to park and when the restrictions are in operation.</p>
	<p>Pedestrian Crossing Zig-Zags You must not park on a pedestrian crossing or in the area</p>

	<p>covered by the zig-zag markings. These markings are installed specifically to maintain pedestrian safety.</p>
	<p>Parking on the Footway where permitted</p> <p>In some locations it is permitted to park partly or wholly on the footway. There will be bay markings to show how the vehicle should be parked. To ensure that pedestrians are not obstructed vehicles parked even slightly farther onto the footway than shown by the bay markings may be issued with a penalty charge notice.</p>

Always use the current version of the Highway Code.

3. PCN RECOVERY SYSTEM FLOW CHART

The Councils will follow the guidance contained in the flow chart published by the Joint Committee of England and Wales for the civil enforcement of Parking and Traffic Regulations Outside London (PATROL).

4. OBSERVATION TIMES

In the case of contravention codes where there loading and unloading is permitted there will be an observation period before a penalty charge may be issued. This is to see if any loading or unloading is taking place and will be longer for a commercial vehicle than for a private car. However, if the CEO has evidence to suggest that no loading or unloading is taking place either by conversation with the driver or observation (such as the driver going into a betting shop, for example) an immediate penalty charge notice may be issued.

Drivers should not take this observation period as permission to park for short periods.

In pay and display areas there will be a grace period allowed between the time of expiry on the ticket and the issue of a penalty charge notice for staying beyond the time purchased. This is to allow for minor delays and discrepancies between clock and watches.

Discretion

The following list of contraventions details the level of penalty charge that will apply to each type of contravention. Following this list are details of various circumstances that may result in the issue of a penalty charge notice.

It is important to note that these are detailed for guidance only. Each individual case turns on its own facts and, when considering challenges and representations against penalty charge notices, councils may not fetter their decision making process by sticking rigidly to a cancellation policy.

On-Street Contraventions		
Code	Contravention	Charge Level
01	<i>Parked in a restricted street during prescribed hours.</i> <i>The contravention occurs when a vehicle waits / is parked on single or double yellow lines during the rescribed hours of enforcement.</i>	<i>Higher</i>
02	<i>Parking or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force.</i> <i>The contravention occurs when a vehicle waits / is parked on single or double yellow lines accompanied by a no loading ban signified by yellow kerb/carrageway markings during the prescribed hours of enforcement.</i>	<i>Higher</i>
05	<i>Parked after the expiry of paid for time.</i> <i>The contravention occurs when a vehicle waits / is parked for longer than the period for which payment has been made.</i>	<i>Lower</i>
06	<i>Parked without clearly displaying a valid pay and display ticket or voucher.</i> <i>The contravention occurs if there is no clearly visible and readable valid pay and display ticket or voucher.</i>	<i>Lower</i>
07	<i>Parked with payment made to extend the stay beyond the initial time.</i> <i>The contravention occurs when a second or subsequent payment is made to extend the parking period beyond that originally purchased.</i>	<i>Lower</i>
15	<i>Parked in residents' parking space or zone without clearly displaying a valid resident's parking permit.</i> <i>The contravention occurs when a vehicle waits / is parked within the confines of a residents parking bay/space without a residents parking permit being on display within the vehicle.</i>	<i>Lower</i>
16	<i>Parked in a permit space without displaying a valid permit.</i> <i>The contravention occurs when a vehicle waits / is parked within the confines of a permit bay/space, such as a doctors bay/space, without a valid parking permit being on display within the vehicle.</i>	<i>Higher</i>
20	<i>Parked in a loading gap marked by a yellow line.</i> <i>The contravention occurs when a vehicle waits / is parked</i>	<i>Higher</i>

	<p><i>in a loading gap which is marked by a yellow line. The yellow line will run between two marked bays such as residents or doctors permit bays. The two marked bays will only have single white markings to signify the end of each bay. If the end of the marked bays is signified by double white markings the yellow line between the bays is classed as a restricted street and a PCN will be issued for a 01 contravention.</i></p>	
21	<p><i>Parked in a suspended bay/space or part of bay/space.</i></p> <p><i>The contravention occurs when a vehicle waits / is parked in any part of a suspended bay or parking space. The suspension will be signified by suspension signage such as a placard and/or cones, post and flags. The signage will be placed within the bay / space to be suspended if at all possible. If this is not possible the signage will be placed as close as is reasonably practicable to the bays / spaces to be suspended.</i></p>	<i>Higher</i>
22	<p><i>Re-parked in the same parking place or zone within one hour (or other specified time) of leaving.</i></p> <p><i>The contravention occurs when a vehicle returns to the same parking space within the specified time of leaving the space. This contravention can only be enforced when signage relating to the parking space clearly states that returning within the specified time is not permitted.</i></p>	<i>Lower</i>
23	<p><i>Parked in a parking place or area not designated for that class of vehicle.</i></p> <p><i>The contravention occurs when a vehicle of a prohibited class is parked in a parking place or area.</i></p>	<i>Higher</i>
24	<p><i>Not parked correctly within the markings of the bay or space.</i></p> <p><i>The contravention occurs when one or more wheels of a vehicle are seen to be parked outside of the markings of a parking bay / space. The fact that the wheels of the vehicle are parked outside of the markings of the parking bay/space means that other parts of the vehicle will be encroaching on the available room in adjacent bays/spaces or causing an obstruction In some locations it is permitted to park partly or wholly on the footway. There will be bay markings to show how the vehicle should be parked. To ensure that pedestrians are not obstructed vehicles parked even slightly farther onto the footway than shown by the bay markings may be issued with a penalty charge notice.</i></p>	<i>Lower</i>
25	<p><i>Parked in a loading place during restricted hours without loading.</i></p> <p><i>The contravention occurs when a vehicle waits/is parked within an area / marked bay designated as a loading place</i></p>	<i>Higher</i>

	<i>without any loading/unloading activity being observed by the CEO.</i>	
26	<p><i>Vehicle parked more than 50 cm (or other specified distance) from the kerb and not within a designated parking space.</i></p> <p><i>The contravention occurs when a vehicle waits/is parked more than 50cm from the kerbside and not within a designated parking space. This contravention is more commonly known as double parking.</i></p>	<i>Higher</i>
27	<p><i>Parked adjacent to a dropped footway.</i></p> <p><i>The contravention occurs when a vehicle waits/is parked adjacent to a dropped footway. Drivers are not permitted to park their vehicles in a manner that will obstruct a dropped footway. A dropped footway often enables easier access to premises and also enables members of the public such as parents with pushchairs or prams, and wheelchair users to cross the carriageway more easily.</i></p>	<i>Higher</i>
30	<p><i>Parked for longer than permitted.</i></p> <p><i>The contravention occurs when a vehicle waits/is parked within a free parking bay/space for longer than is permitted. Adjacent signage to the bay/space informs the driver of the vehicle exactly how long they may park for free.</i></p>	<i>Lower</i>
34	<p><i>Being in a bus lane.</i></p> <p><i>The contravention occurs when an unauthorised vehicle is in a bus lane</i></p>	<i>n/a</i>
40	<p><i>Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge.</i></p> <p><i>The contravention occurs when a vehicle waits/is parked within a designated disabled person's parking bay/space without clearly displaying a valid disabled person's badge. A PCN may be issued for this contravention for the following reasons:</i></p> <ul style="list-style-type: none"> <i>• No valid disabled person's badge is observed in the vehicle</i> <i>• If the disabled person's badge is illegible/obscured.</i> <i>• The disabled person's badge has expired.</i> <i>• If the clock that accompanies a disabled person badge is not displayed along with the badge (where there is a limit on the amount of time that the badge holder may park).</i> 	<i>Higher</i>
42	<i>Parked in parking place designated for police vehicles.</i>	<i>Higher</i>

	<i>The contravention occurs when a vehicle waits / is parked within any part of the markings of a designated police bay.</i>	
45	<i>Parked on a taxi rank.</i> <i>The contravention occurs when a vehicle waits/is parked within any part of a taxi rank. Taxi ranks are clearly distinguished by the yellow carriageway markings surrounding the rank and the word 'taxi'. Adjacent signage will state the maximum number of taxis that may wait on the rank.</i>	<i>Higher</i>
46	<i>Stopped where prohibited (on a red route or clearway).</i> <i>The contravention occurs when a vehicle waits/is parked on any part of a clearway. Distinguished by signage visible when entering the clearway.</i>	<i>Higher</i>
47	<i>Parked on a restricted bus stop/stand.</i> <i>The contravention occurs when a vehicle waits/is parked within any part of a restricted bus stop/stand. Bus stops/stands are clearly distinguished by the yellow carriageway markings surrounding the stop/stand and sometimes the words 'bus stop' or 'bus stand' within the markings. Signage adjacent to the bus stop/stand will display the prescribed hours of enforcement.</i>	<i>Higher</i>
48	<i>Stopped in a restricted area outside a school when prohibited.</i> <i>The contravention occurs when a vehicle stops in an area outside a school where the markings are supported by a traffic regulation order.</i>	<i>Higher</i>
49	<i>Parked wholly or partly on a cycle track or lane.</i> <i>The contravention occurs when a vehicle is parked obstructing a cycle track or lane.</i>	<i>Higher</i>
61	<i>A heavy commercial vehicle wholly or partly on a footway, verge or land between two carriageways.</i> <i>The contravention occurs when one or more wheels of a vehicle over 7.5 tonnes waits/is parked on a footway, verge or land between two carriageways. Heavy commercial vehicles parked on the footway can endanger members of the public by forcing them to walk in the carriageway. The weight of these vehicles also results in damage to the footway occurring.</i>	<i>Higher</i>
62	<i>Parked with one or more wheels on any part of an urban road other than a carriageway (footway parking)</i> <i>The contravention occurs when a vehicle waits/is parked on an urban road with one or more wheels resting on a footway, land between two carriageways, grass verge or</i>	<i>Higher</i>

	<i>space.</i>	
99	<p>Stopped on a pedestrian crossing and/or crossing area marked by zig-zags.</p> <p><i>The contravention occurs when a vehicle waits/is parked on a pedestrian crossing and/or crossing area that is marked by zig-zag markings. Parking near to or on pedestrian crossings endangers the lives of pedestrians by obstructing their view and the view of approaching vehicles.</i></p>	Higher
<p>Off-Street Contraventions <i>The following off-street contravention details are for information only. The City and District Councils operate their car parks using Parking Places Orders. Oxfordshire County Council is not involved in this part of Civil Parking Enforcement.</i></p>		
73	<p>Parked without payment of the parking charge.</p> <p><i>The contravention occurs when a vehicle waits/is parked without payment of the relevant parking charge. The parking charge will be clearly displayed on signage within the Car Park.</i></p>	Lower
74	<p>Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited.</p> <p><i>The contravention occurs when a vehicle waits / is parked in a parking place within a car park and the vehicle is being used in connection with the sale or offering or exposing for sale of goods. This contravention can only be enforced when signage relating to the parking place clearly states that using the vehicle for this purpose is not permitted.</i></p>	Higher
80	<p>Parked for longer than maximum period permitted.</p> <p><i>The contravention occurs when a vehicle waits / is parked within a free parking bay/space for longer than is permitted. Adjacent signage to the bay/space informs the driver of the vehicle exactly how long they may park for free.</i></p>	Lower
81	<p>Parked in a restricted area in a car park.</p> <p><i>The contravention occurs when a vehicle waits / is parked in a clearly marked restricted area within a car park. There will be surface markings and adjacent signage to signify the restricted area.</i></p>	Higher
82	<p>Parked after the expiry of time paid for in a pay & display car park.</p> <p><i>The contravention occurs when the pay and display ticket</i></p>	Lower

	<i>seen inside a vehicle shows that the time paid for has expired.</i>	
83	<p><i>Parked in a pay & display car park without clearly displaying a valid pay & display ticket**.</i></p> <p><i>The contravention occurs when a clearly displayed pay and display ticket cannot be seen inside a vehicle parked in a pay and display car park.</i></p> <p><i>A PCN may be issued for this contravention for the following reasons:</i></p> <ul style="list-style-type: none"> <i>• No pay and display ticket can be seen inside the vehicle.</i> <i>• The details on the pay and display ticket are illegible/obscured.</i> <i>• The pay and display ticket on display is face down resulting in no details being visible to the CEO.</i> <i>• The pay and display ticket has fallen onto the floor of the vehicle resulting in no details being visible to the CEO.</i> 	Lower
84	<p><i>Parked with additional payment made to extend the stay beyond time first purchased.</i></p> <p><i>The contravention occurs when another pay and display ticket has been purchased and subsequently displayed in the vehicle resulting in the vehicle being parked in the same parking bay / space after the expiry time of the first pay and display ticket purchased. This contravention can only be enforced when signage relating to the parking bay/space clearly states that making additional payment to extend the stay beyond that initially purchased is not permitted.</i></p>	Lower
85	<p><i>Parked in a permit bay without clearly displaying a valid permit.</i></p> <p><i>The contravention occurs when a vehicle waits / is parked within the confines of a permit bay/space within a car park without a parking permit being on display within the vehicle.</i></p>	Higher
86	<p><i>Parked beyond the bay markings.</i></p> <p><i>The contravention occurs when one or more wheels of a vehicle are seen to be parked outside of the markings of a parking bay/space within a car park. The fact that the wheels of the vehicle are parked outside of the markings of the parking bay / space means that other parts of the vehicle will be encroaching on the available room in adjacent bays/spaces.</i></p>	Lower
87	<p><i>Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge.</i></p> <p><i>The contravention occurs when a vehicle waits/is parked within a designated disabled person's parking bay/space</i></p>	Higher

	<p>within a car park without clearly displaying a valid disabled person's badge. A PCN may be issued for this contravention for the following reasons:</p> <ul style="list-style-type: none"> • No valid disabled person's badge is observed in the vehicle. • If the disabled person's badge is illegible / obscured. • The disabled person's badge has expired. • If the clock that accompanies a disabled person badge is not displayed along with the badge (where there is a limit on the amount of time that the badge holder may park). 	
89	<p>Vehicle parked exceeds maximum weight and/or height permitted in the area.</p> <p>The contravention occurs when a vehicle that is either too heavy or too high is seen to be waiting / parked within a car park. The height and weight restrictions for the car park will be clearly displayed on the entry signage to the car park.</p>	Higher
90	<p>Re-parked within the specified time of leaving a bay or space in a car park.</p> <p>The contravention occurs when a vehicle returns to the same parking bay / space in a car park within the specified time of leaving the parking bay / space. This contravention can only be enforced when signage relating to the parking space clearly states that returning within the specified time is not permitted.</p>	Lower
91	<p>Parked in an area not designated for that class of vehicle.</p> <p>The contravention occurs when a vehicle is parked in an area of a car park that is not designated for that class of vehicle. An example of this would be where a car is parked in a motorcycle bay, or a motorcycle is parked within a cycle area.</p>	Higher
92	<p>Parked causing an obstruction.</p> <p>The contravention occurs when a vehicle waits/is parked within a car park in a manner that is causing obstruction to other users of the car park.</p>	Higher
93	<p>Parked in a car park when closed.</p> <p>The contravention occurs when a vehicle waits/is parked in a car park outside of the car parks normal hours of operation.</p>	Lower
94	<p>Parked in a pay and display car park without clearly displaying two valid pay and display tickets when required.</p> <p>The contravention occurs when a vehicle waits/is parked</p>	Lower

	<i>in a car park without two valid pay and display tickets being displayed in the vehicle. An example of this may be where a driver has to purchase two pay and display tickets at the same time - one pay and display ticket to park during the day, and a second pay and display ticket to park overnight.</i>	
95	<i>Parked in a parking place for a purpose other than the designated purpose for the parking place.</i> <i>The contravention occurs when a vehicle waits/is parked in a parking place within a car park for a purpose other than that designated for the parking place. An example of this may be where a parking place within a car park is designated for the purpose of charging electronic vehicles yet a vehicle is parked in the designated space selling goods.</i>	Lower
96	<i>Parked with engine running where prohibited.</i> <i>The contravention occurs when a vehicle waits/is parked with the engine of the vehicle running within a car park where leaving the engine running is prohibited. Signage adjacent to the parking place will signify the restriction.</i>	Lower

5. SPECIFIC PROCEDURES

It is important to note that these are detailed for guidance only. Each individual case turns on its own facts and, when considering challenges and representations against penalty charge notices, councils may not fetter their decision making process by sticking rigidly to a cancellation policy.

5.1. Abandoned vehicles.

Where a vehicle remains parked, in a restricted area, for a period during which multiple PCNs are issued (multiple = 3) for the same contravention and the PCNs are not removed from the vehicle. The CEO will report the vehicle as potentially abandoned and it will be dealt with by the District Council's abandoned vehicle section under the provisions of Refuse Disposal (Amenity) Act1978.

We will use the following criteria to help us identify Abandoned Vehicles:

- Untaxed or showing out of date tax disc*.
- General poor condition.
- No evidence of movement.
- Multiple PCNs attached to vehicle.

*The vehicle must be untaxed or showing an out of date tax disc to enable removal by the District Council.

Whilst the vehicle is being dealt with as potentially abandoned no further PCNs will be issued. Issued PCNs will be enforced against the registered owner of the vehicle in the normal way. The District Council and Police abandoned vehicles protocols shall apply

and the CEOs and Police Officers will fulfil their agreed specified actions in respect thereof.

5.2. Bank Holidays – Restrictions Applicable:

Waiting and loading restrictions, as indicated by yellow lines/markings on the carriageway and/or kerbs may be in force throughout the year.

It is only in designated parking bays (limited waiting, loading, shared use bays, pay & display etc.), that restrictions may be lifted on Bank Holidays. Reference should be made to the relevant signs and lines on the highway and kerbside.

Motorists cannot assume that restrictions do not apply on Bank Holidays unless this is specifically stated in the relative signage. Enforcement on Bank Holidays should pay particular attention to known problem areas.

5.3. Bank Visits:

Claims from individuals or companies that because money is being taken to or from a bank PCNs should not be issued will not be accepted as a reason to cancel. If restrictions are in place adjacent to a bank these must be complied with by all motorists. Motorists should be advised to contact the bank about future security arrangements. It is appreciated that difficulty may be experienced when visiting banks but the exemption that will apply is in relation to bullion vehicles whilst loading/unloading large quantities of coin and cash boxes.

5.4. Blocked Access:

Drivers who claim that they were unable to gain access to their private or commercial property are not entitled to park in contravention of any parking restriction. The exception to this is when a driver has to collect a key to unlock a barrier that prevents access. This, however, should take no longer than 5 minutes in most circumstances.

Where access to a property is being blocked and a parking restriction is in place a PCN may be issued to the vehicle providing it is parked in contravention of the restriction. **See also “Dropped Footway”**

At present cases of obstruction should be referred to the police as a CEO will not be able to issue a PCN.

5.5. Blocked Exit from a Parking Place:

Drivers who claim that they were unable to exit a parking place because another vehicle was blocking their exit should not leave their vehicle unattended. Drivers should wait with their vehicle until such times as they can advise the CEO of their predicament.

If the driver of the vehicle is seen, the CEO will not issue a PCN but will make full notes of the vehicle in their pocket book; they may take a photograph of the vehicle's position, and also advise any other CEOs in the immediate vicinity of the situation.

If the vehicle is left unattended, the CEO will issue a PCN but will make full notes of the vehicle in their pocket book and may take a photograph of the vehicle's position.

Where a representation against the issue of a PCN is received claiming that a vehicle could not be moved due to another parked vehicle, then due consideration should be given to its cancellation. When considering this, the representation should be accompanied by any supporting evidence provided by the vehicle owner and due consideration will also be taken of the CEOs pocket book notes and any photographs.

5.6. Blue Badges – See “Disabled Drivers/Passengers”

5.7. Breakdown Organisations

Vehicles being used in conjunction with the repair or recovery of broken down vehicles will be exempt from the regulations as long as they can be seen to be actively involved in such.

Vehicles parked for long periods with no activity observed are subject to the same restrictions as ordinary motorists.

5.8. Broken Down Vehicles: (Also SEE “Vandalised Vehicles”)

Claims of alleged breakdown should be accepted if they appear to be unavoidable and, if supporting evidence in the form of one or more of the following is produced:

1. Garage Receipt, on headed paper, properly completed and indicating repair of the alleged fault within a reasonable time of the contravention.
2. Till receipt for purchase of seemingly relevant spare parts purchased on or soon after the date of contravention.
3. Confirmatory letter from the RAC, AA or other similar motoring organisation.
4. Confirmation from the CEO that the vehicle was obviously broken down.

Each case should ultimately be considered upon its own merits although previous cases where breakdowns have been accepted as mitigating circumstances should also be considered.

A note left in the windscreen, stating that “the vehicle has broken down”, will not be accepted, by the CEO, as a reason for not issuing a PCN.

Listed below are some areas of contention relative to the alleged breakdown of vehicles:

1. FLAT BATTERY:

- a) The receipt for the purchase of a new battery or parts that could cause a flat battery (alternator, solenoid etc.), should be requested. The receipt should not pre-date the date of the contravention or postdate it by an unreasonable length of time.
- b) In cases where it is alleged that the vehicle was bump/jump started and no other evidence received, the PCN should be enforced. (NB. Vehicles with automatic transmission cannot be bump started).
- c) If no evidence is forthcoming, the PCN should be enforced.

Consideration should also be given as to how the vehicle became illegally parked in the first instance i.e. was it pushed from an unrestricted area or was it parked in contravention of a restriction before the breakdown occurred?

2. FLAT TYRE:

- a) It is reasonable to expect that in the event of a flat tyre the driver would be with the vehicle and making efforts to change the vehicle's wheel. If the vehicle is left unattended a PCN will be issued and will be cancelled only if it subsequently transpires that the driver was: Elderly, disabled or infirm and had gone to obtain assistance. In such instances evidence from the assisting party is required.
- b) If the wheel could not be changed because of a mechanical difficulty evidence must be produced from the attending breakdown service supporting this.
- c) Failure to carry a spare wheel is not sufficient reason to cancel a PCN.

3. OVERHEATING:

- a) All cases where it is claimed that the vehicle had overheated due to lack of water should be enforced unless it is directly attributable to a mechanical fault such as: broken fan belt, cracked radiator, burst hose, faulty water pump or thermostat. In such cases evidence of repair must be produced.
- b) Overheating caused by heavy traffic or hot weather will not be accepted as a valid excuse.

4. RUNNING OUT OF FUEL:

- a) Unless this is due to a mechanical/electrical fault evidenced by repair all PCNs are to be enforced.

5.9. Builders / Tradesmen:

1. Waiting restrictions: Parking will only be allowed whilst loading / unloading of tools or materials are taking place. At all other times the vehicle must be moved to a permitted parking area or a dispensation obtained if appropriate.

2. On-Street Residential Parking Zones: Trade vehicles can only park if they are loading/unloading, have a valid visitor's permit (only available in some zones), have a business parking permit (only available in some zones) or where limited waiting is allowed without a permit – there will be a need to check the signs to determine how long the vehicle can be parked for. If a visitor permit is not available for any reason the tradesman may apply to the appropriate Council for a dispensation.

5.10. Bus Stops:

Bus stops can either be restricted or unrestricted:

1. Restricted: A restricted bus stop will show yellow lines and a time plate showing the hours of operation.
2. Unrestricted: An unrestricted bus stop will not have a time plate but may show advisory road markings.

A bus stop restriction cannot be transferred to a temporary bus stop unless the Temporary bus stop is fully signed in accordance with the regulations.

PCNs issued to any vehicle, other than buses, waiting in a restricted bus stop should be enforced.

5.11. Care Organisations:

Numerous care organisations are now operating within Oxfordshire as a result of contract arrangements with Social and Health Care and the Local Health Authority as well as privately arranged care. Each will often display badges issued by the various organisations but, due to the variety of badges in circulation none are recognised by the Oxfordshire Councils as valid authorities to park.

1. Parking in District Council Car Parks: It is not felt that there is a need for carers to park within District Council car parks free of charge. Consequently permits are not issued for this purpose.
2. Parking on Yellow Lines: Carers are not exempt from yellow line restrictions and must not contravene them. No dispensation will be issued to carers to enable them to park on a yellow line except in a medical emergency in which case the PCN may be cancelled after consideration of the evidence available.

5.12. Cars for Sale/Hire:

Vehicles parked on the highway for the purpose of being sold, or for hire, will be subject to the same restrictions as any other vehicle. CEOs will deal with vehicles for sale in the same way as any other vehicle parked in contravention of the TRO and will issue a relevant PCN. Any challenge against the issue of a PCN to a vehicle parked in contravention of a TRO for the purpose of the vehicle being sold or hired will be rejected.

5.13. Challenge against Issue of PCN:

The owner of the vehicle may make an informal written challenge against the PCN at any time prior to the issue of a Notice to Owner.. Within this challenge the owner can mention any mitigating circumstances as well as challenging the validity of the PCN.

District Councils will respond, in writing, within 28 days of receipt of the challenge and must either give notification of acceptance of the challenge and cancellation of the PCN or rejection of the challenge.

If a challenge is received within the discount period of 14 days and is rejected the written notification from the District Council must give precise reasons why this decision has been reached. The discounted rate will be restarted and last for 14 days from the date of the representation rejection letter.

The making of an informal challenge in no way detracts from the ability of the owner to make a subsequent formal representation against the issue of the PCN to the District Council or to the Traffic Penalties Tribunal.

5.14. Challenges / Representations Accompanied by Payment:

Where members of the public submit a payment and enclose a letter challenging the Penalty Charge Notice and seeking redress prior to the issue of a Notice to Owner, the authority will always consider the challenge.

If the challenge is unsuccessful the payment will be returned with a statement explaining why the challenge is unsuccessful. After the issue of an NtO there are two options available to the owner- either make the payment or make a formal representation.

5.15. CEOs' Pocket Book / Notebook:

The CEOs shall maintain a separate pocket book in which they shall note daily details of their patrols, PCNs issued etc. These books shall be kept in addition to any details entered into their handheld computers. They will be made available to the adjudicators in the event of a PCN being challenged through the independent adjudication process and will assist the investigation of any challenge or representation received by the Council.

Each pocket book will be numbered and when issued to the CEO the number of the previous book used by that CEO entered on its cover along with the CEO's name. Similarly when a pocket book is completed the serial number of the new book issued will be entered on the cover. All completed pocket books will be retained in the office in numerical order. Each completed pocket book should have the CEO's name, the serial number of the previous book and the serial number of the next book written on the front cover.

5.16. Clamping & Removal:

The Councils have the power to clamp and subsequently remove vehicles parking in contravention of parking restrictions. However, it is not the intention to carry out clamping within Oxfordshire.

5.17. Complaints against CEOs:

Allegations that a CEO has made an error whilst issuing a PCN will be investigated under the normal representations or challenge procedures and a formal written notice of acceptance or rejection will be sent within the stipulated timescale.

Any allegation of misconduct or rudeness made against a member of the enforcement staff will be investigated and dealt with in accordance with the employing Council's Disciplinary Policy. The findings of the investigation will be communicated to the complainant, in writing, within the stipulated timescale. Should the findings not be acceptable to the complainant advice of how to invoke the employing Council's Formal Complaints Procedure will be given.

The number of complaints being handled, the basis of the complaint and their current status or outcome will be reported to senior officers on an annual basis.

5.18. Contracted Out Enforcement

Where a council has chosen to contract out the enforcement duties, complaints against CEOs will be referred to the contract manager for investigation. If the complaint is made to the council it will be the council that responds to the complaint after the matter has been fully investigated. If there is a need for this matter to be investigated within a disciplinary process the contractor will follow their own internal procedure and advise the council of the outcome.

A contractor must have in place a fair disciplinary procedure in line with current employment and equal opportunities legislation.

5.19. Council Officers on Duty & Members:

All council officers on duty and Members are expected to fully comply with on-street parking regulations:

1. Staff or Members carrying out their official council duties will be expected to comply with any relevant parking regulations. Failure to comply will result in a PCN being issued.
2. Parking on Yellow Lines: No special dispensation will be given to allow staff or Members to park on yellow lines. In such cases PCNs will be issued and pursued.
3. Request for Cancellation of PCN: This will only be considered in case of emergency and must be supported by written confirmation from the relevant Corporate Director.

5.20. Court Attendance – Defendants:

The conditions applying to Jury Members and Witnesses equally apply to defendants. However, there have been instances when a defendant has unexpectedly been given a custodial sentence and, as a direct result, is unable to remove his/her vehicle from a District Council car park or limited parking bay.

In such instances the District Council will expect that the vehicle will be removed, as soon as is reasonably possible, by the defendant's family, friends or legal representatives. Any Penalty Charge Notice issued will not be enforced providing supporting evidence is supplied by the defendant's legal representative.

5.21. Court Attendance – Jury Service or Witness:

The length or timing of any court hearing or trial cannot be guaranteed and often Jury members and/or witnesses find that they are unable to leave court to purchase further pay & display time in a car park or to move their car. This often leads to overstay and to PCNs being issued. To counter this Courts issue clear instructions to all Jury members and witnesses advising them as to how and where they should park. The courts will not pay any PCN issued to a witness or Jury member whilst carrying out their legal duties even if they are delayed by the court.

In such circumstances the Councils will enforce PCNs against the owner unless evidence is produced to support the fact that they were delayed to an extent that could not have been reasonably foreseen e.g. moved to a hotel overnight.

5.22. Dental/Doctors Appointments:

If the claim is made that, due to a delay in the appointment time or that treatment took longer than anticipated and this resulted in a PCN being issued for overstaying the parking time allowed, consideration should be given to the validity of the claim. Such claims should be supported by written confirmation from the dentist or doctor that the delay was caused for reasons outside of the driver's control.

However, the Council must be satisfied that the driver allowed long enough when deciding where to park or when purchasing a ticket for normal delays experienced whilst attending such appointments.

5.23. Description of Vehicle – On PCN:

When issuing a PCN the CEO will note the make, colour and registration number of the vehicle, which will appear on the PCN. He/she will also note other details such as tax disc number and positions of tyre valves, which will form part of the supporting records.

1. **Tax Disc Number:** The one thing that is unique to the vehicle is the tax disc number, which is recorded by the CEO at the time of the PCN issue. If these match then the Council have good grounds to pursue the PCN irrespective of any other error regarding colour or make.
2. **Incorrect colour:** If the colour is incorrectly recorded consideration should be given to cancellation of the PCN as follows:
 - a) Widely differing Colours: A blue car recorded as red car can obviously not be explained, and consideration should be given to cancellation of the PCN. This error may, however, indicate a re-spray not advised to DVLA. If the colour recorded by the CEO is backed up by photographic evidence taken at the time of the alleged contravention, we will proceed with enforcement, even if DVLA records show a different colour for the vehicle.
 - b) Similar Colours: Similar colours are often mistaken for each other especially in poor light. Many metallic colours can be seen differently by different people i.e. Silver as Blue, Black as Grey. Solid colours such as white differ widely from model to model and can be seen as Cream. Many blues can be seen as green and vice-versa. Where there is a close relationship between the colours then the PCN should be pursued.
3. **Incorrect make:** Although many manufacturers produce different models that look very similar it would be very difficult to enforce a PCN issued to a Vauxhall which turned out to be a Ford. The CEO will check the tax disc of the vehicle

before issuing a PCN. This should show the correct make of vehicle. If a subsequent tax disc check is irreconcilable we may consider cancelling the PCN.

5.24. Diplomatic Vehicles:

These fall into two categories: those with 'D' plates, which indicate that the driver has full diplomatic immunity, and those with 'X' plates, which indicate limited immunity. PCNs issued to 'D' and 'X' plate vehicles should automatically be cancelled upon input to the processing system although, should the driver subsequently decide to make payment, it will be accepted.

5.25. Disabled Drivers/Passengers:

Blue badges are issued to either a disabled driver or a disabled passenger. They can only be used when the vehicle is being used to transport the disabled person. It is not permitted to use the badge for any other purpose e.g. shopping for the disabled person when they, themselves, are not being transported in the vehicle to carry out the shopping. Blue badges must be clearly and properly displayed whilst the vehicle is parked. The Blue badge must be on the dashboard or the fascia of the vehicle where it can be seen through the windscreen. The front of the badge must be displayed, with the wheelchair symbol visible. If there is no fascia or dashboard in the vehicle, the badge must be displayed in a prominent position. The Blue badge should always be displayed along with the disabled badge time clock.

Failure to do so will result in a PCN being issued for the contravention of the relative parking restriction. When considering the matter the Councils will take into account previous contraventions by the same vehicle and/or badge holder for failure to display a disabled badge. Where no previous contravention has occurred the representation should be allowed, providing proof of the existence of a valid badge is supplied. In such circumstances the letter sent to the person making the representation should make it clear that this contravention will be taken into account when considering any future contravention and that this may lead to future representations being rejected.

Providing the Disabled Badge is clearly and properly displayed the Badge Holder can park in:

- Limited parking areas: For an unlimited time.
- Yellow Lines: For a period not exceeding 3 hours.
- Resident Parking Zones: For an unlimited time.
- Car Parks in the area for up to 3 hours free of charge (providing the vehicle is displaying a Blue Badge & time clock, or a disabled exempt tax disc). Wherever possible the driver should park in designated disabled bays.

Disabled Badge Holders are not allowed to park in:

- Any area where there is a loading restriction.
- Any area specifically reserved for other vehicles or purpose. i.e. Taxi Ranks, reserved spaces in car parks, Bus Stops or Goods vehicle loading bays etc.

Parking with a Blue Badge must always be in accordance with the current Blue Badge Scheme guidance.

Disabled visitors from the European Union can enjoy the parking concessions provided in the UK by displaying the badge issued under their own national scheme. Where their national scheme does not include a parking disc (time clock) as required in England and Wales for parking on double yellow lines, the DfT suggests that, when parking in areas that would normally require a parking disc, the disabled badge holder should simply write the time of arrival on a piece of card and display it prominently on the dashboard or fascia

panel of their vehicle. This concession will be extended to disabled badge holders from all other countries.

The Department for Transport is keen to ensure that the Blue Badge Scheme provides the intended benefits to badge holders while seeking to prevent improper use. By virtue of Section 94 of the Traffic Management Act 2004 police officers, traffic wardens, local authority parking attendants and civil enforcement officers (as defined in Section 76 of the Traffic Management Act 2004) have the power to inspect badges. It is an offence to fail to produce a badge when requested to do so by any of these authorised persons. CEOs employed by the Councils will receive specific training on how the inspection of Blue Badges should take place.

5.26. Dispensations & Suspensions:

DISPENSATIONS: The following vehicles will receive automatic dispensation from waiting restrictions:

- the vehicle is a police vehicle and being used for police purposes;
- the vehicle is an ambulance being used for ambulance purposes in an emergency;
- the vehicle is in the service of the fire brigade being used for fire brigade purposes in an emergency;
- the vehicle is setting down or picking up a passenger and for the avoidance of doubt this includes a Public Service Vehicle setting down or picking up any passenger;
- the vehicle is waiting for the purpose of loading or unloading Goods at premises situated at or adjoining that road;
- the vehicle is waiting for the collection of waste from premises situated at or adjoining that road;
- the vehicle is in the service of or employed by a Universal Service Provider while being used for the purpose of loading, unloading, delivering or collecting Postal Packets at premises or post boxes at or adjoining that road;
- the vehicle is waiting while any gate or other barrier at the entrance to premises to which the vehicle requires access or from which it has emerged is being opened or closed, if it is not reasonably practicable for the vehicle to wait otherwise than in that road while such gate or other barrier is being opened or closed;
- the vehicle is waiting because the person in control of the vehicle is required by law to stop, or is obliged to do so in order to avoid an accident or is prevented from proceeding by circumstances outside his control;
- the vehicle is being used in connection with any of the following and cannot conveniently be so used without waiting in that road:
 - removing any obstruction to traffic at or adjoining that road;
 - undertaking works (including inspection) in relation to that road or to a traffic sign, road lighting or street furniture at or adjoining that road;
 - undertaking works (including inspection) in relation to a sewer or water main, or in relation to the supply of gas, electricity, water or communication services in or adjoining that road;
 - a funeral associated with premises at or adjoining that road and is a hearse or other official vehicle of an undertaker
- the vehicle is displaying a valid Disabled Person's Badge and is waiting for a period not exceeding three hours subject to the conditions that:-
 - the period of exempted waiting does not begin less than 1 hour after a previous period of exempted waiting by the same vehicle in the same road on the same day; and
 - a Parking Disc is displayed in the Relevant Position on the vehicle marked to show the quarter hour period during which the period of exempted waiting began

Provided that the person in control of the vehicle must move it on the instruction of a police constable in uniform, wherever that police constable considers this necessary for the purpose of preventing obstruction.

Dispensations may be granted for other reasons.

SUSPENSIONS: Designated parking bays, on or off-street, may be suspended. Suspension of bays in off-street car parks need to be discussed with the appropriate District Council and a charge for the suspension will be made on a commercial basis.

5.27. Double Parking:

Drivers are not permitted to park their vehicles more than 50 centimetres away from a kerb when the vehicle is not within the markings of a designated parking space. This contravention is more commonly known as double parking. Vehicles parked in this manner cause inconvenience and unnecessary danger to other road users by obstructing the carriageway. Vehicles parked in such a manner may be issued with a PCN using the 26 contravention code by the CEO. The current County Council policy on double parking is contained in Appendix 9.

5.28. Drink Driving or Other Arrest:

If the driver of a vehicle has been arrested and, as a direct result, has been forced to leave the vehicle in contravention of an on-street parking restriction any resultant PCN should not be enforced unless the driver has had ample time to safely remove the vehicle after his/her release from custody. (In the case of drink driving a period of at least 12 hours should be allowed for safe removal of the vehicle).

In all cases of arrest claims the driver should be asked to provide date, time and evidence of arrest including custody number, officer and Police Station involved.

5.29. Dropping Off - Picking Up Passengers:

Except on designated clearways and zig-zag pedestrian crossing markings, any vehicle will be allowed a reasonable amount of time to drop-off or pick up passengers irrespective of any on-street waiting or loading restriction in force.

As long as the CEO witnesses dropping off or picking up activities a PCN will not be issued. After 5 minutes of inactivity a PCN will be issued.

When considering the cancellation of PCNs special consideration will be given to Hackney Carriages or Private Hire Vehicles who will need additional time to announce their arrival and accept payment.

5.30. Emergency Duties:

1. Local Authority and Contractors working on behalf of the Local Authority Livered Vehicles will be exempt from parking restrictions when actively dealing with an emergency on the highway. However, these vehicles should not be parked in a way that will cause an obstruction to other road users and pedestrians wherever possible.

2. Medical Emergency: Doctors, nurses, midwives engaged on emergency duties are, wherever possible, expected to park legally in accordance with local restrictions. Should a PCN be issued it will be cancelled only upon evidence of the emergency being provided. Regular or programmed visits will not be considered an emergency.

3. Non-Livered Vehicles such as private vehicles being used by the Councils' staff.

Such vehicles are, wherever possible expected to park legally in accordance with local restrictions. Should a PCN be issued it will be cancelled only upon evidence of the emergency being provided. Regular or programmed visits will not be considered an emergency.

5.31. Enforcement Agents (formerly known as Bailiffs):

Enforcement Agents, as agents of the court, are court officers. Of the many functions they perform, executing warrants is one that is likely to concern us most. These are court orders for the collection of money and/or goods of sufficient value to produce the required amount. For this purpose the Enforcement Agent will always have an appropriate vehicle nearby.

For their other activities they do not need a vehicle nearby, e.g. If they are serving a summons or warrant (not enforcing it). In such circumstances they would be expected to comply with parking restrictions.

When they are taking goods or high values in cash, we can exercise discretion where it appears reasonable to do so. Enforcement Agents are not exempt from legislation however, and an official badge or permit should be displayed on the vehicle and, further, the act of loading/unloading should be observed as taking place. Once goods have been seized the Enforcement Agent is required to list them prior to leaving the premises and this could legitimately take some time. In such circumstances we should ask for a warrant number, identification and confirmation of the nature of goods being seized before the PCN is cancelled.

5.32. Estate Agents:

Estate agents are not exempt from parking restrictions and PCNs should always be enforced.

5.33. Exempt Vehicles:

Vehicles with automatic dispensation from waiting restrictions are identified in Section 5.26.

5.34. Fire-fighters on Call:

'Fire-fighter on Call' placards are issued to Fire-fighters to display in their own private vehicles. The placard is meant to be a way of informing members of the public that the vehicle belongs to a fire-fighter and that the vehicle should not be obstructed in case the driver needs to report on duty at a nearby fire station. This however, does not allow the vehicle to park in contravention of any parking regulations, and any PCNs issued to vehicles displaying these placards will be enforced.

5.35. Footway Parking:

Note: A PCN may only be issued where a Traffic Regulation Order is in place.

1. Parking partially or wholly on a footway should not take place unless signs permit it.
2. Driving on the footway and obstruction of the footway are endorsable offences and may be enforced by the Police.
3. Most waiting and loading restrictions cover the relevant half of the highway – Centre line to boundary and this includes all footways and verges. A PCN will be issued for contravention of the restriction even if the vehicle is parked wholly behind the yellow line(s).

4. The following vehicles are exempt from any such prohibition only under the circumstances indicated:
- Marked Vehicles used by Police, Fire and Rescue Service and Ambulance services whilst carrying out emergency duties.
 - Vehicles used for Street / Street Light cleaning and Refuse Collection providing that they are actively involved in the function.
 - Vehicles actively involved in works or maintenance of highway or public utilities.
5. PCNs may also be issued as follows:
- HGVs parked on the footway.
 - Where a Traffic Regulation Order (TRO) specifically restricting parking on a footway exists.

5.36. Formal Representation against Issue of PCN:

The owner of a vehicle is given the opportunity to make a Formal Representation against a PCN once the Notice to Owner (NtO) is sent to him/her by the enforcing Council. This representation must be made within the period of 28 days beginning with the date of service of the NtO. Formal Representation may be made on the basis that either one or more of the regulatory grounds apply or that there were compelling reasons why in the particular circumstances of the case the PCN should be cancelled.

5.37. Funerals:

PCNs will not be issued in the case of:

- Funerals – For the hearse and cortege vehicles.

However, vehicles belonging to mourners that are not actively involved in the funeral will not be able to park in contravention of any parking restriction. Any PCN issued to vehicles associated with a funeral, however, should be considered with due respect.

5.38. Garages – Vehicles Left Unattended:

When a garage employee parks a vehicle on a highway, in contravention of a parking restriction, whilst maintenance of the vehicle is being carried out (i.e. to facilitate vehicle movement within the workshop) any PCN issued will be the responsibility of the vehicle owner. Garages have no right to utilise the highway in such a manner and PCNs should always be enforced in such cases.

5.39. Glaziers:

Claims from glazier companies that a vehicle needed to be parked close to the location of an emergency repair should be treated leniently providing it is confirmed, from the CEO's notes, that such activity was taking place at the time of the issue of the PCN. PCNs will not be cancelled when issued to vehicles that are not actively involved in the work.

5.40. Government Department Vehicles:

Unless the reason for parking the vehicle was under exceptional circumstances PCNs issued to vehicles owned or operated by Government Departments should be enforced. They are not exempt purely by virtue of the fact that they are operated by a Government Department. If the vehicles are involved in exceptional activities such as surveillance by Customs & Excise or the Benefits Agency, evidence to support this in the form of a written statement from a senior manager on headed notepaper must be supplied. Wherever possible Government Agencies involved in such activities should be encouraged to give the appropriate Council advance notice and details of the vehicle(s) involved.

5.41. Hackney Carriages / Private Hire Vehicles (PHVs):

Hackney Carriages and Private Hire Vehicles operating within the County are licensed by the relevant District Council and carry a numbered license plate that must be displayed on the rear of the vehicle. There is a distinct difference between Hackney Carriages and Private Hire Vehicles (PHV). PHVs are not allowed to ply for hire on the street or display a "TAXI" sign.

Hackney Carriages licensed by local authorities are not allowed to ply for hire within another local authority area. Hackney Carriages and PHVs, like all vehicles, may stop to allow passengers to board or alight for as long as is reasonably necessary for the purpose. It is not an exempted activity to assist passengers into premises and to leave the carriage unattended.

If a licensed Hackney Carriage or PHV is left unattended for more than 10 minutes it is liable to receive a PCN. When considering representations it should be borne in mind that when a Hackney Carriage or PHV is called to an address to pick up passengers the driver should be allowed time to announce his/her arrival.

(See also Taxi Ranks)

5.42. Hatched Markings in Car Parks

Hatched markings are placed on the surface of the car park to indicate an area where parking or waiting is not allowed. Vehicles seen to be parked, or waiting on hatched markings within a car park will be issued with a PCN.

5.43. Hazardous Chemicals/Substances:

Claims by companies that toxic or dangerous substances were being delivered or collected from premises and, as a result, a PCN was issued to the vehicle being used should be given careful consideration. If the PCN was issued for contravention of a no waiting restriction it can be established from the CEO's notes whether the activity of loading was taking place. If no loading activity was taking place the PCN should be enforced. There is no reason, in this case, to differentiate between toxic and non-toxic deliveries as it is the driver's responsibility to ensure that the vehicle is moved immediately after the loading / unloading activity is complete (See definition of Loading/Unloading). Ideally if there are serious Health and Safety concerns the authority should be notified prior to the delivery.

If the PCN was issued for contravention of a no loading restriction then, once again, the CEO's notes should be viewed to establish whether the loading activity was taking place. If so then serious consideration should be given to the cancellation of the PCN in view of the Health & Safety of the public. Any such representation should be accompanied by documentary evidence showing the nature of the goods being delivered.

5.44. Hiring Agreement:

It is within the legislation that, in the case of a hired vehicle, responsibility for a PCN is that of the hirer of the vehicle at the time. Consequently, in this case, the responsibility does not rest with the registered owner, the Hire Company, providing they make formal representation to the enforcing Council once the Notice to Owner is received. It would be helpful if a copy of the relative hire agreement is provided to confirm the identity of the hirer. In all cases this agreement must clearly state: The name and address of the hirer, the start and finish dates for the hire period and the hirer's signature. It must also include a statement regarding the hirer's liability for any PCNs incurred during the hire period.

Should any of the foregoing be unclear, absent or in contradiction of the date/time of issue of the PCN then the PCN will be enforced against the Hire Company and a notice of rejection of the representation sent to them with the reasons clearly stated therein.

5.45. Holidays:

Vehicles are often left parked in one place whilst the owner is away on holiday. In such cases a PCN could be issued for being parked in a suspended on-street parking place or for failing to display a valid Visitors permit in an on-street residential parking zone:

Suspended Bay:

- The Councils have the power to suspend parking within a designated parking bay to allow access by a specific vehicle or highway/bay maintenance to be carried out. In such cases advance notice is placed alongside the bay and is distributed to nearby properties giving the date, times and length of the suspension.
- If these notices are posted and distributed after the owner departed on holiday then any PCN issued should be cancelled. Evidence must be provided showing departure date and time (i.e. Flight tickets etc.). This should be compared with records relative to the display and distribution of the notices. In essence the Suspension cannot operate retrospectively.

Residential Zone parking using a Visitors Permit:

- It is sometimes the case that friends, holidaying together, will use one vehicle and the second vehicle is parked for the duration of the holiday. This occasionally results in a vehicle, belonging to a non-resident, being left in a Residential parking zone displaying a visitor's permit.
- Visitor's permits are designed for genuine visitors to a resident's property and are valid for one day only. Display of permits completed in advance is considered to be invalid and PCNs will be issued for this reason.
- The Councils consider these vehicles belong to people who are not genuinely visiting the residential property and, therefore, the PCNs will be enforced.

5.46. Intervention in Challenge & Representation Processes by Members and other Officers:

The Statutory Guidance states: *"Elected members may wish to review their parking representations policies, particularly in the area of discretion, to ensure consistency with published policies. However, elected members and unauthorised staff should not, under any circumstances, play a part in deciding the outcome of individual challenges or representations. This is to ensure that only fully trained staff make decisions on the facts presented. The authority's standing orders should be specific as to which officers have the authority to cancel PCNs. There should also be a clear audit trail of decisions taken with reasons for those decisions."*

The process of dealing with challenges and representations against the issue of PCNs will therefore be carried out in a fair, unbiased and equal manner. These procedures include the ultimate right of all appellants to refer the matter to an independent arbitrator (Traffic Penalties Tribunal). To preserve the integrity of these procedures they will be managed and carried out by a Council Officer not directly connected with the actual enforcement operations and no undue external pressure shall be brought, by either members of the Councils or other senior officers, designed to unduly influence the decisions by virtue of their position alone.

5.47. Legislation:

The statutory acts governing parking enforcement are: The Traffic Management Act (2004) and The Road Traffic Regulation Act (1984). If a driver is querying the legislation it should be explained to him/her in simple terms. There is no need to supply specific reference unless especially requested.

When such a request is made the Councils will make reference to specific, relevant paragraphs and will quote them verbatim within any correspondence. The Councils will not supply full copies of the relevant acts, which can be obtained from the HMSO or accessed via the internet.

If the owner is querying the authority behind a specific restriction then reference should be made to the relevant Traffic Regulation Order, held by the enforcing Council. Prior to any correspondence with the owner this order should be checked to ensure the validity of the PCN. If any doubt exists then the PCN should be cancelled and the decision communicated to the owner. The Councils are not able to provide any legal advice.

5.48. Loading/Unloading:

Vehicles will be permitted to park in contravention of waiting restrictions, including Resident Parking Zones, whilst carrying out the legitimate activity of loading or unloading provided:

1. Loading / Unloading involving the vehicle, is observed by the CEO whilst the vehicle is parked. The observation period shall be for at least five minutes for a private vehicle and 10 minutes for a commercial vehicle, and a PCN shall only be issued if no activity is seen during this period.
2. The goods being delivered or collected comply with the definition of goods (please see 'Definitions' below).
3. 10 minutes will be allowed for the driver of a goods vehicle to complete delivery paperwork.
4. Where a PCN is issued, a representation will be considered if supported by evidence confirming that the driver was delayed or was involved in moving heavy goods.

See also Goods Definition of When Related to Loading/Unloading

5.49. Location – Incorrect:

When a PCN is issued the location of the vehicle is stated on the PCN itself. If this is recorded incorrectly then this is deemed to be a material error and the PCN should be cancelled.

5.50. Lost Keys:

Where it is claimed that car keys have been lost, stolen or locked in a car thus preventing removal of the car from a parking area which in turn resulted in the issue of a PCN, then due consideration should be given to its cancellation. When considering this, the representation should be accompanied by any supporting evidence from the police, motoring organisations or relatives. The following should also be considered:

- If the vehicle was parked in a pay & display car park, did the loss of the keys prevent purchase of additional parking time?
- If the vehicle was parked on a yellow line, should it have been parked there in the first place?

5.51. Medical Emergencies:

If the motorist provides proof of a medical emergency, that is consistent with the conditions described or, if the CEO has made notes to support the motorist's representation, we may accept the representation and cancel the PCN. If the motorist cannot provide some proof of a medical emergency, consistent with the conditions described or, where other evidence contradicts the motorist's claim we may reject the representation. Each case will be treated on its individual merits and will take any previous PCNs issued to the same vehicle owner into account.

5.52. Misspelling Of Owner's Name:

The misspelling of the owner's name and/or address on the Notice to Owner does not invalidate it or discharge the liability of the person receiving it. The onus is still on the genuine owner to deal with the matter. Such names and addresses are, in most cases, obtained from the DVLA and are supplied by the owners themselves. It is also incumbent upon the owner to ensure that these are correct. If any misspelling is discovered then alterations must be made immediately to ensure that future notices are sent out correctly. When the misspelling is severe and is radically different from the correct spelling consideration should be given to the cancellation of the PCN.

5.53. Mitigating Circumstances:

Each case will be treated on its individual merits and particular circumstances are referred to elsewhere within this document. However, the following are a few guidelines:

1. **DELAYS:** Delays due to queues at shops, banks etc., meetings taking longer than expected, caught up in crowds etc., are not considered as valid reasons to cancel a PCN. Allowance should be made for such delays when purchasing parking time as they are a regular occurrence and part of normal life. (See emergencies below).
2. **CHILDREN/ELDERLY PEOPLE:** Claims are often made by people, accompanied by young children or elderly people, that they were delayed because of them. Again this should not be considered as a reason to cancel a PCN because allowance should be made for this when purchasing parking time. (See emergencies below). Claims that PCNs issued whilst children were being dropped-off or collected from schools etc., should not be cancelled unless a reasonable amount of time was not allowed by the CEO. The normal 5 minute observation period should be enough time in such circumstances.
3. **EMERGENCIES:** An emergency is an unforeseen situation that prevented the driver from moving his/her vehicle. They are usually of a medical nature and leniency should be exercised where it can be seen that the driver could not have foreseen the situation. Wherever possible such claims should be supported by independent evidence.

5.54. Mobile Phones:

The driver of a vehicle that is parked in contravention of any parking regulation whilst using a mobile telephone will only be allowed the relevant observation period in order to complete their call prior to the issue of a PCN. The relevant observation period is dependent on the parking contravention being committed, and the type of vehicle – whether it is a private or commercial vehicle. **See 'Standard Contravention Codes and Observation Times' above.**

5.55. Motorcycle Bays:

On-street motorcycle bays that are correctly marked and included in a Traffic Regulation Order will be enforced under CPE using the correct contravention code and suffix. If a car

or goods vehicle is parked in a motorcycle bay and the relevant exemptions do not apply the PCN will be enforced.

Motorcycle parking provision in car parks is a District Council responsibility. Enforcement action can be taken under CPE provided that the Parking Places Orders specify that areas are reserved for motorcycle use and that the spaces are clearly signed.

5.56. Motorist Claims of Feeling Unwell:

If the motorist provides proof of a medical condition, temporary or permanent, that is consistent with the conditions described or, if the CEO has made notes to support the motorist's representation, we may accept the representation and cancel the PCN. If the motorist cannot provide some proof of a medical condition, temporary or permanent, consistent with the conditions described or, where other evidence contradicts the motorist's claim we may reject the representation. Each case will be treated on its individual merits and we will take any previous PCNs issued to the same vehicle owner into account.

See also Medical Emergencies

5.57. Motorist Not the Owner/Keeper, or Had Sold the Vehicle at the Time of the Contravention:

We may accept representations made against the issue of a PCN if:

- The current registered owner is able to provide proof that the vehicle was disposed of before the contravention, i.e. a bill of sale, registration documents, insurance documents or a letter from the DVLA; and/or
- If the current registered owner is able to provide the full name and address of the person to whom they disposed of the vehicle along with the date of disposal.
- If the current registered owner is able to provide proof that the vehicle was purchased after the contravention, i.e. an invoice, registration documents, insurance documents or a letter from the DVLA; and/or
- If the current registered owner is able to provide the full name and address of the person from whom they purchased the vehicle along with the date of purchase.

5.58. Notice of Rejection or Acceptance of Formal Representation:

Within 10 working days of receipt of a formal representation from the owner of the vehicle the enforcing Council will endeavour to send out a written Notice of Acceptance or Rejection:

1. Notice of Acceptance: This will confirm that the representation has been accepted and that the person's liability for the PCN has been cancelled.
2. Notice of Rejection: This formally rejects the representation and gives detailed reasons why the Council has come to this conclusion. The rejection is also accompanied with the necessary forms and instruction on how a further appeal can be made to the independent Traffic Penalties Tribunal; this appeal must be made within 28 days beginning with the date of service of the Notice of Rejection (subject to extension as provided in the Regulations).

5.59. Observation Period – Prior To Issue Of PCN:

Prior to the issue of a PCN the CEOs will, for most contraventions, allow a period of at least 5 minutes for a private vehicle, 10 minutes for a commercial vehicle, to elapse between first observing the vehicle illegally parked and the issue of the PCN. The details of the vehicle will be entered into the CEO's Hand Held Computer (HHC) when first seen

and the computer will prevent issue of the PCN within 5 minutes of that time. However, if the CEO has evidence to suggest that no loading or unloading is taking place either by conversation with the driver or observation (such as the driver going into a betting shop, for example) an immediate penalty charge notice may be issued.

The CEOs will be able to continue with their patrols, as long as the contravening vehicle is kept in view, and then return to the contravening vehicle. The observation time and the Penalty Charge Notice issue time will appear on the face of the PCN itself and will be recorded by the enforcement software system.

5.60. Pay & Display Ticket Machines – Did Not Realise There Was One There:

Claims from owners that they did not see or realise that they had to use a meter or pay & display machine should be dismissed providing that they are clearly sign posted.

5.61. Pay & Display Ticket Machines – Not Working:

Where it is claimed that a machine is not working then reference must be made to both the maintenance records, the CEO's notes and machine test records (machines are tested before every patrol). If it is confirmed that the machine was not working at the time then consideration will be given to cancelling the PCN. If there was an alternative machine in working order, and in close proximity, then it is reasonable to expect the driver to use this machine.

5.62. Pay & Display Tickets:

Most of the District Council's car parks operate as pay & display. Pay & Display requires the purchase of a ticket at the time of parking for the amount of time required. All tickets display the expiry date and time on them along with the fee paid and car park. The car park fee tariff is clearly displayed adjacent to each machine.

Pay & Display Tickets must be:

1. Clearly displayed whilst the vehicle is parked.
2. For the date shown.
3. Valid for that time-period.
4. For the car park indicated
5. For the vehicle indicated – where applicable.

PCNs will be issued for:

1. Failing to display a valid ticket.
2. Displaying a ticket that has expired.
3. Purchasing additional Pay & Display tickets in order to extend the stay beyond that initially purchased (only applicable in some car parks where the contravention is clearly signed).

Representations made because the driver failed to correctly display a valid ticket even though one was held will not be allowed as it is incumbent upon the driver to ensure that the ticket is clearly displayed throughout the time that the vehicle is parked.

Representations made because the driver did not have change will not be upheld.

For the avoidance of doubt correctly displayed means that the pay and display ticket must be displayed face up inside of the windscreen so that all of the information printed on the ticket covering arrival/departure times and amount paid are clearly visible through the front windscreen.

Representations made because of delays returning to the car park will be dealt with in accordance with 'mitigating circumstances' above.

5.63. Penalty Charge Notice – Discount Period:

The PCN rates in those areas of the County where CPE powers have been adopted are currently set at £70 and £50 depending on the type of parking contravention. If the PCN is paid within 14 days beginning with the date of service of the PCN a discounted amount of £35 or £25 (50% of the original PCN rate) will be accepted in full settlement of the matter. If a representation is received from the owner within 14 days of issue of the PCN the discounted period will still apply.

Following the rejection of an initial representation or, in certain circumstances, of a formal representation, a further 14 days for the payment of the PCN at the discounted rate will be allowed. This information will be included within the Notice of Rejection.

If the challenge is received more than 14 days from date of service of the PCN the discount period will not apply and the full amount of £70/£50 will be payable in the event of the challenge being rejected.

If a Notice to Owner (NtO) is sent to the owner/keeper who subsequently states that they have not received a Penalty Charge Notice they may make a written statement to that effect. If accepted, the discount amount can be paid provided it is paid within 14 days.

When it is claimed that the PCN was not received the computer system will be interrogated:

1. To ensure that previous such claims have not been made by the same person. If there is a history of such claims the discounted period should not be restarted and the full amount paid.
2. To determine whether the information recorded by the CEO confirms that the Penalty Charge Notice was attached to the vehicle.
3. To determine whether there is corroborating evidence that the PCN may have been removed illegally by third parties or otherwise.

It is an offence for any person other than the owner or person in charge of the vehicle and the enforcement authority to remove or interfere with a PCN attached to a vehicle. A person committing such an offence will be liable to a fine not exceeding level 2 on the standard scale.

5.64. Penalty Charge Notice - Early Issue Of:

Claims that a PCN was issued before the time that a contravention is deemed to have been committed, requires careful investigation. The issue of PCNs is controlled by the hand held computers carried by each CEO. These computers have built-in clocks, which are calibrated each morning prior to commencement of the patrols. Where appropriate the CEO will impose a five-minute observation period for private vehicles, and a ten-minute observation period for commercial vehicles, prior to allowing a PCN to be issued. These times will appear on the PCN itself as "Time First Seen" and "Time of Issue". The computer system will prevent any subsequent alteration to these times. The normal procedure is for a CEO to enter the observation details into the computer, then to continue with his/her patrol before returning to the vehicle to complete the issue of the PCN. In all cases a minimum of five/ten minutes must be allowed between observation and issue.

5.65. Penalty Charge Notice – Incorrect Vehicle Location:

Claims from a motorist that their vehicle was not parked in the location at the time and on the date alleged on the PCN requires careful consideration.

Following consideration of all available evidence we may accept representation against the issue of a PCN if:

- The motorist provides a copy of their vehicle excise licence (tax disc), which was valid at the time of the contravention, and the serial number of which differs from the serial number noted by the attendant.

The representation may be rejected if:

- The photographic evidence obtained by the CEO at the time of the contravention proves that the vehicle was parked in the location specified on the PCN.
- The motorist does not provide a copy of their tax disc, after being given a further opportunity to submit such a copy.
- The serial number on the copy tax disc provided by the motorist is identical to the serial number noted by the CEO.
- If there is no evidence or if the evidence presented does not support the claim or is inconclusive.
- There have been previous unsubstantiated claims made by the same individual.

5.66. Penalty Charge Notices – Removed from Vehicle / Not Received:

It is an offence under Regulations made, further to the Traffic Management Act 2004 (General Regulation 11), for any unauthorised removal or interference with a Penalty Charge Notice, once it has been affixed to a vehicle.

Claims from the registered owner of the vehicle that a PCN was not received will require careful consideration. This is because the CEOs will gather photographic evidence at the time of the contravention to prove that the PCN was affixed to the vehicle.

If correspondence is received claiming that the PCN was not received, we will examine the evidence recorded by the CEO. If it is accepted that the PCN was not received, we will write to the registered owner of the vehicle to inform them that if, the PCN is paid within 14 days of issue of this letter, the PCN rate will be discounted by 50% and £35 or £25 (depending on the contravention) will be accepted in full settlement. If the PCN remains unpaid after 14 days it will be dealt with via the normal PCN Recovery System.

When it is claimed that the PCN was not received, the notice processing system will be interrogated to ensure that previous such claims have not been made by the same person. If there is a history of such claims the discounted period should not be restarted and the full amount should be paid.

5.67. Penalty Charge Notices – Time to Pay/Instalment Payments:

As a general rule the enforcing Council will neither offer extensive time in which to pay PCNs, nor will it enter into instalment payment arrangements. Exceptions to this are made only in cases of demonstrated, genuine financial hardship. The enforcing Council will not consider such arrangements if Enforcement Agent warrant(s) has been issued for recovery of the amount due although the Enforcement Agent may enter into such an arrangement.

- Application must be in writing and will be responded to within 8 working days.
- The application must contain proposal for payment and be accompanied by any evidence supporting the claim of financial hardship.
- The enforcing Council's response will signify acceptance or rejection of the proposal.

- A rejection will be accompanied by the enforcing Council's counter proposal which will be the final offer based on:
 - o Where the debt involves multiple PCNs the enforcing Council will expect the settlement of at least one per month.
 - o Payments will be applied to the oldest PCN first thereby preventing the payment of discounted PCNs first.
 - o Otherwise a minimum payment of £10 per week. Wherever possible payment to be made by post-dated cheques to be held by the enforcing Council for presentation on the due dates.
 - o Non-payment of any cheque will result in enforcement action being recommenced and all un-banked cheques being returned to the drawer with a letter stating that the arrangement is cancelled.
 - o Where payment by cheque is not available, payments by postal order or debit card will only be accepted at the enforcing Council's Parking Section.
 - o The enforcing Council will maintain a separate active file for each arrangement reached, which will be reviewed by a senior manager each month.

5.68. Penalty Charge Notice – Vehicle Driven Away Prior to PCN Being Served:

If the CEO's pocket notebook and computer notes confirm that the vehicle drove away after the issue of the PCN had begun, i.e. whilst details were being noted, but before the Penalty Charge Notice could be served, i.e. handed to the driver or affixed to vehicle, the PCN will be served on the owner of the vehicle by post after obtaining the owner details from the DVLA.

5.69. Penalty Charge Rate:

The PCN rates have been set at £70 and £50 for Oxfordshire, dependant on the type of parking contravention committed. Any increase will only be possible if authorised by guidelines from Central Government and will require proper advertisement prior to introduction. If paid within 14 days of issue the PCN rate is discounted by 50%, and £35 or £25 (depending on the type of contravention) will be accepted in full settlement. We may accept representations made against the issue of a PCN if the PCN or Notice to Owner showed the incorrect amount of penalty charge, i.e. the wrong penalty charge.

5.70. Permits (or Passes) In District Council Car Parks

Parking permits are issued by some District Councils for use on their car parks. Details can be obtained from the appropriate District Council.

5.71. Plumbers, Electricians, Gas Fitters:

Emergency call out: An emergency is considered to last as long as it takes to make the premises safe i.e. turn off the main supply. After which, any vehicle should be moved to a permitted parking place before any subsequent repairs are undertaken.

Heavy Equipment: Dealt with as loading / unloading.

5.72. Police Officers on Duty:

PCNs should not be issued to marked police vehicles when on official duty. Requests for cancellation of any PCN issued to an unmarked police vehicle must be made by the officer's area Inspector or equivalent. They should contain confirmation that the officer was on official business and that it was inappropriate for the vehicle to be parked elsewhere.

PCNs issued to unmarked police vehicles regularly parked outside of a police station should not automatically be cancelled as this can be deemed to be parking at a place of work and therefore, no different from any other employed person.

5.73. Police Officer Gave Permission To Park:

Where details of the officer concerned are given, confirmation should be sought prior to cancellation of the PCN. Where these details are not given then the PCN should be enforced unless they are supplied subsequently.

A CEO will not be permitted to allow people to park in contravention of any parking restrictions.

5.74. Pregnancy – Parents with Young Children:

Generally pregnancy is not considered to be a disability and delays caused by young children should not normally lead to the cancellation of a PCN. However, this is a sensitive area and each case should be treated on its merits. i.e. If the delay was short (up to 10 minutes) or was caused by a minor medical emergency, child being sick or pregnant women feeling unwell, leniency should be shown. If the delay was caused by the parent not allowing additional time enough to deal with young children or her own condition, both of which they are fully aware of, then the PCN should be enforced.

5.75. Previous Records of Parking Contraventions

All parking contravention records are stored within a computer system. All records of previous parking contraventions committed by vehicle owners will be consulted upon before making any decision on representations received.

5.76. Private Property:

Private landlords, residents etc. can impose any reasonable restriction on their own property, i.e. the need for permits, clamping etc. Enforcement of such restrictions, however, is also their responsibility, although it may be subcontracted to other companies. Any person querying such an area should be referred to the relevant landlord or resident.

5.77. Public Service Vehicles (PSVs):

1. In-service PSVs may stop anywhere to allow passengers to board the vehicle (unless there are specific exemptions in place).
2. Out-of-Service PSVs are not permitted to park in contravention of any restriction and will be treated the same as any other vehicle.
3. Touring Coaches are permitted to park in order to allow passengers to board/disembark the vehicle. However, they are not permitted to park in contravention of any restriction for any length of time prior to, or after, passengers have boarded/disembarked.

5.78. Public Utility Vehicles:

See “**Emergencies Duties**” & “**Exempt Vehicles**”

5.79. Registered Owner Liability:

The following extract from General Regulation 5 issued further to the Traffic Management Act 2004 outlines the person or persons responsible for paying a penalty charge once issued:

‘Person by whom a penalty charge is to be paid

1. Where a parking contravention occurs, the person by whom the penalty charge for the contravention is to be paid shall be determined in accordance with the following provisions of this regulation.
2. In a case not falling within paragraph (3), the penalty charge shall be payable by the person who was the owner of the vehicle involved in the contravention at the material time.
3. Where-
 - a) the vehicle is a mechanically propelled vehicle which was, at the material time, hired from a vehicle-hire firm under a hiring agreement;
 - b) the person hiring it had signed a statement of liability acknowledging his liability in respect of any penalty charge notice served in respect of any parking contravention involving the vehicle during the currency of the hiring agreement; and
 - c) in response to a notice to owner served on him, the owner of the vehicle made representations on the ground specified regulation 4(4)(d) of the Representations and Appeals Regulations and the enforcement authority accepted those representations,the penalty charge shall be payable by the person to whom the vehicle was hired and that person shall be treated as if he were the owner of the vehicle at the material time for the purposes of these Regulations.

In this regulation—

- a) “hiring agreement” and “vehicle-hire firm” have the same meanings as in section 66 of the Road Traffic Offenders Act 1988; and
- b) “the material time” means the time when the contravention giving rise to the penalty charge is said to have occurred.’

5.80. Residents’ Parking (On-Street):**RESIDENTS’ PERMITS:**

- A resident’s permit must be clearly displayed on the windscreen of the vehicle. Permits are only valid in the zones indicated on the permit, for the registration numbers and until the expiry date printed on its face.
- Failure to display a resident’s permit when required is a contravention and will result in a PCN being issued which should not be cancelled unless there are mitigating reasons why the permit was not displayed.
- Use of a permit in a zone other than those specified on the permit, or after its expiry date is also a contravention for which a PCN will be issued. Again the PCN should not be cancelled unless there are mitigating circumstances that account fully for the contravention.

VISITORS’ PERMITS:

- Visitors’ permits are obtained by residents and issued to genuine visitors to their homes. Full instructions on how to use and display them are printed on the permits. Permits are valid only within the zone(s) printed on its face.
- Failure to display a visitor’s permit when required is a contravention and will result in a PCN being issued, which should not be cancelled unless there are mitigating reasons why the permit was not displayed.
- Use of a permit within a zone other than the zone indicated on the permit and on a date other than that indicated on the permit is also a contravention for which a Penalty Charge Notice will be issued. Again the PCN should not be cancelled unless there are mitigating circumstances that account fully for the contravention.

- Visitors' permits are not available in every resident parking zones.

LIMITED WAITING

- In some residents' parking zones vehicles can be parked for a limited time. The signs in these areas should be checked for the permitted duration.
- Vehicles exceeding this duration and not displaying a permit will be issued with a PCN.

5.81. Road Signs / Markings – Missing, Obscured or Broken:

1. Yellow Lines:

- a. Where it is claimed that a yellow line(s) is worn away or has been covered by a highway repair the area should be immediately inspected and remedial work undertaken as soon as practicable.
- b. Where weather conditions have obscured the lines (e.g. snow) then remedial action to clear the problem will be taken as soon as practicable.
- c. If it is confirmed that the claim is valid the PCN should be cancelled. The claim will be considered valid if the motorist could not establish if the restriction considered was in operation. Where the lines can be clearly seen, even though they may be partially worn, the PCN will be enforced but remedial action to renew the lines should be undertaken.

2. Kerb Markings: (Loading Restrictions) as per yellow lines above.

3. Obscured Signs:

- a. Information signs accompanying waiting or loading restrictions must be clearly visible at all times. If it is claimed that a sign was obscured and could not be read (e.g. graffiti, weather, and overhanging trees) the sign should be inspected as soon as practicable and remedial action taken. Photographic records from the CEO will be consulted. If the claim is proved to be correct the PCN should be cancelled.
- b. If the sign can be easily read then the PCN should be enforced but the sign should be returned to reasonable condition as soon as is practicable.

4. Missing Signs: If a sign is claimed to be missing it should be inspected as soon as practicable and, if confirmed, arrangements made for its replacement. A single missing time plate will not normally be considered as the restriction being improperly signed. No Waiting At Any Time restrictions do not require time plates to be erected.

5. Restriction marked after vehicle parked: A PCN may be cancelled if records confirm that signing/lining/placement of cones or suspension notices are likely to have taken place after the vehicle was parked.

5.82. Royal Mail and Universal Service Provider Vehicles:

Vehicles being used for the collection or delivery of postal packets are exempt from the regulations as long as they can be seen to be actively involved in such. Vehicles parked for more than 10 minutes with no activity observed are subject to the same restrictions as ordinary motorists and a PCN should be issued. Cancellation of a PCN will only be considered if written confirmation is received from the area manager that the vehicle was actively involved in the collection / delivery of mail.

5.83. Security:

The Chief Constable of Thames Valley Police can, at any time, give notice to suspend the use of a parking space for up to 28 days where he/she considers such suspension as

necessary for maintaining security in adjacent premises. PCNs issued for contravention of such suspensions should always be enforced.

5.84. Security Vans:

Secure cash vans are occasionally required to park in close proximity to premises in order to effect safe delivery or collection of cash. PCNs issued under such circumstances should be cancelled upon receipt of a representation from the security company confirming such an activity at the time, unless it can be clearly shown that the vehicle was parked for longer than was necessary.

Security vans involved in the delivery of mail or other such low value items are expected to comply with parking restrictions.

5.85. Street Traders:

Street trader's vehicles such as mobile kitchens and ice cream vans will not be permitted to park in contravention of any restrictions.

If a street trader's vehicle is seen to be parked in contravention of a TRO the person appearing to be the driver of the vehicle will be advised to move the vehicle by the CEO. If the vehicle is not moved after advice from the CEO, a PCN will be issued.

5.86. Suspended Bays:

PARKING BAYS, DOCTORS, RESIDENTS, BUSINESS, SHARED USE.

Where a representation is received claiming that a vehicle was parked at the location without having received notice of the suspension and, upon investigation the claim is found to be valid the PCN should be cancelled, providing that a valid permit was displayed. It is normally the case that the responsibility for ensuring a vehicle is parked in accordance with any possible suspension rests with the driver. However, it will be the registered owner of the vehicle who is responsible for paying any penalty charge notice issued to the vehicle.

However, when a vehicle is parked legally within a designated bay, which is subsequently suspended, it is deemed to be legally parked as it cannot be made illegal retrospectively by the suspension. Vehicles parked when the suspension was placed should be recorded at that time. The owner will have to demonstrate however that, if the vehicle remains parked in contravention of the suspension for a considerable time, (s)he remained unaware of the suspension (e.g. on holiday).

5.87. Tariff – Rises in Parking Charges not Publicised:

We may accept representations made against the issue of a PCN if the owner of the vehicle can provide proof that statutory notices were not erected in accordance with procedural regulations or, if the revised tariff is not on the tariff board.

5.88. Taxi Ranks:

District Councils make orders for Hackney Carriage Ranks. A notice is displayed at each rank showing its limits, how many Hackney Carriages may stand on it and any special regulations applicable. Vehicles, other than Hackney Carriages, (including Private Hire Vehicles) parked in such ranks will be issued with a PCN. Any vehicle, including a Hackney Carriage, parked outside of the rank and in contravention of a parking restriction will be issued with a Penalty Charge Notice.

See also "Hackney Carriages / Private Hire Vehicles (PHVs)"

5.89. Time/Date Calibration of Handheld:

Prior to commencement of each shift the CEOs shall calibrate their hand held computers to ensure that they reflect the correct time and date.

5.90. Trunk Roads

Trunk roads are the responsibility of the Highways Agency (HA). However, we will be enforcing parking restrictions on major trunk roads such as the A34 after having gained consent from the HA to do so.

5.91. Unauthorised Movement of a Vehicle:

1. Stolen Vehicle: Confirmation from the police that the vehicle was reported stolen at the time the PCN was issued including the relative crime report number will result in the PCN being cancelled.
2. Unauthorised use of a vehicle by another family member or a friend is difficult to substantiate and under these circumstances the PCN should be enforced unless it can be demonstrated that the matter was reported to the police prior to or just after the issue of the PCN. Subsequent reports will not lead to the cancellation of the PCN.

5.92. Uniforms – CEOs:

The Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007 (SI 2007/3485) prescribe that when exercising prescribed functions a CEO must wear a uniform. The uniform should be readily distinguishable from those worn by the police and traffic wardens, and clearly show that the wearer is engaged in parking enforcement; the name of the local authority/authorities on whose behalf he/she is acting and a personal identity number.

In Oxfordshire, the Civil Enforcement Officers uniform will consist of the items specified in the Traffic Management Act and will comply with the requirement of BS 471:2003.

The epaulettes must be worn when the CEO is on duty and when PCNs are issued. The epaulettes will clearly display the following:

- The initials of the Local Authority that they are working on behalf of:
 - o CDC = Cherwell District Council
 - o OCC = Oxford City Council
 - o SODC = South Oxfordshire District Council
 - o VWHDC = Vale of White Horse District Council
 - o WODC = West Oxfordshire District Council
- Their individual CEO number.
- The words 'Civil Enforcement Officer (Parking)'.

5.93. Vandalised Vehicle:

When a vehicle has been vandalised to an extent that prevents it from being safely moved any PCN issued will be cancelled providing acceptable supporting evidence is provided. This evidence should be from either:

1. The Police – quoting the recorded crime number.
2. Motoring Organisation / Garage Service who removed the vehicle from site.

CEO observation from his/her pocket book must also be considered providing that it clearly states the extent of the damage.

Failure to provide supporting evidence or the absence of CEO observation will lead to the PCN being enforced.

5.94. Vehicles Left Unattended To Gain Access:

When a driver has to collect a key to gain access to a property this should take no longer than 5 minutes and will be covered by the 5 minutes CEO's observation time. In such circumstances vehicles should not be left for longer periods or in contravention of a total 'no waiting' or loading restriction. However, each case should be considered on its merits and extenuating circumstances taken into account.

5.95. Vehicle Stolen:

We will accept representations made against the issue of a PCN if the vehicle had been taken without the owner's consent subject to receiving satisfactory evidence. The registered owner will be asked to provide a valid police crime report including the crime reference number.

5.96. Visitor to Britain:

If a PCN is issued to a vehicle displaying foreign registration plates it should automatically be recognised by the processing system as the registration number will not be in DVLA format. Consideration should be given to cancellation of the PCN but, should payment be made then it should be accepted in the normal way. Equally all correspondence and representations should be dealt with in the normal way. If a PCN is issued to a UK registered vehicle, which has been borrowed or driven by a foreign resident, the PCN should be enforced against the owner (s) as they remain liable for it.

5.97. Voluntary Patient Transport Vehicles:

The display of a "Voluntary Patient Transport" placard does not automatically exempt the holder from parking restrictions. However, all representations or challenges against the issue of a PCN should be given due consideration bearing in mind that this is a voluntary service provided for the elderly and sick so that they can be transported to and from hospitals.

Generally such consideration should extend to:

1. Allowing sufficient time to enable the driver to make his/her presence known to the passenger(s).
2. Allow sufficient time to assist the passenger(s) between the vehicle and their home(s), bearing in mind that they may be elderly, infirm, disabled or unwell. This may well involve sufficient time to ensure that the passenger is comfortably settled within his or her own home prior to departure by the driver.

Representations/challenges should be accompanied by documentary evidence giving the date, time, the pick-up and drop-off locations for the trip and, wherever possible, a description of the passenger (i.e. Elderly, Disabled, Post-Operative etc.).

6. DEFINITIONS:

The following are definitions of terms commonly used in conjunction with parking enforcement.

6.1. Charge Certificate:

A Charge Certificate may be issued:

- a. 28 days beginning with the date on which the Notice to Owner (NtO) is served and no Formal Representation is made.
- b. 28 days beginning with the date on which the Notice of Rejection to a Formal Representation is served where no appeal has been made to Traffic Penalties Tribunal.
- c. 14 days beginning with the date that any appeal to Traffic Penalties Tribunal is withdrawn i.e. withdrawn before hearing)
- d. 28 days beginning with the date the rejection of an appeal by the TRAFFIC PENALTY TRIBUNAL is served.

When a Charge Certificate is issued the amount of the penalty is increased by 50%. PCNs issued at the £70 rate will increase to £105. PCNs issued at the £50 rate will increase to £75. The Charge Certificate is sent to the debtor requiring payment within 14 days beginning with the date of service of the charge notice.

6.2. Debt Registration:

- This is done at the TEC (Traffic Enforcement Centre) at Northampton County Court electronically on or after 18 days from the issue of a Charge Certificate.
- The enforcing Council must confirm issue of the Charge Certificate to the court and there is a fee, from the court, of £7 for each registration. This is added to the amount owed to the enforcing Council.

6.3. Debt Registration – Notice of:

- Once the debt has been registered at TEC an Order for Recovery and Witness statement Form is sent to the debtor advising him/her that they have 21 days in which to pay the amount owed or swear a witness statement.
- Failure to do either will lead to a Warrant of Execution being applied for by the enforcing Council at TEC.
- Once issued this will enable the enforcing Council to instruct Enforcement Agents to collect the debt on their behalf.

6.4. Dispensation:

- Formal permission given by a Local Authority for a vehicle to park in contravention of a waiting or loading restriction – i.e. to allow maintenance to be carried out to adjacent property.

6.5. Driver & Vehicle Licensing Agency (DVLA):

- The Government Centre responsible for maintaining records of all vehicles, their registered keepers and Driving Licenses.

6.6. Goods – Definition of When Related To Loading / Unloading:

- In claims of loading / unloading permitted 'goods' are deemed to be any that are of sufficient bulk and/or weight that requires the vehicle to be parked adjacent to the point of collection or delivery.
- If a delivery is being carried out to a trade or business premises by a commercial vehicle this will be seen as compliant with the above.
- The delivery / collection of small individual portable items to or from a private vehicle will not constitute loading / unloading unless an elderly, disabled or infirm person is involved and enforcement of the restriction would cause hardship.
- In all cases the vehicle should never be parked for longer than is necessary but allowance should be made for delivery notes etc., to be signed.

6.7. Non-Fee Paying Enquiry & Response to DVLA – VQ4 & VQ5:

- When a PCN remains unpaid for 28 days The Councils will make an enquiry to DVLA (VQ4) to ascertain the identity of the owner of the vehicle. This enquiry is made electronically via the Council's parking enforcement System.
- The response (VQ5) from DVLA is also electronic and is automatically fed into the Council's system. Responses are usually received within 3 days of enquiry.
- DVLA will confirm the response by forwarding a paper copy of the relative VQ5.

6.8. Notice to Owner (NTO):

- If a PCN remains unpaid for 28 days the Councils will make an enquiry with DVLA to ascertain the identity of the registered owner. Once this is done a legal Notice to Owner will be sent to the owner advising him / her that the relative PCN remains unpaid.
- The notice will contain full details of the PCN issued and requests payment within 28 days of receipt or it gives the owner the opportunity to make a Formal Representation against the issue of the PCN, which also must be done within 28 days of receipt.

6.9. Penalty Charge Notice (PCN):

Issued at the time of the alleged contravention and must be affixed to the vehicle within a sealed plastic carrier, handed to the driver, or issued by post (in the case of a vehicle driven away before the PCN was served, or where the CEO has been prevented from serving the notice to the driver).

The PCN will identify:

- a) The date on which the notice is served;
- b) The name of the enforcement authority;
- c) The registration mark of the vehicle involved in the alleged contravention;
- d) The date & time at which the alleged contravention occurred;
- e) The grounds on which the civil enforcement officer serving the notice believes that a penalty charge is payable;
- f) The amount of the penalty charge;
- g) That the penalty charge must be paid before the end of the 28-day period;
- h) That if the penalty charge is paid before the end of 14 days beginning with the date of service of the notice, the penalty charge will be reduced by the amount of any applicable discount;
- i) The manner in which the penalty charge must be paid;
- j) That if the penalty charge is not paid before the end of the 28-day period, a notice to owner may be served by the enforcement authority on the owner of the vehicle; and
- k) That the person on whom the notice to owner is served will be entitled to make representations to the enforcement authority against the penalty charge and may appeal to an adjudicator if those representations are rejected; and
- l) That, if representations against the penalty charge are received at such address as may be specified for the purpose before a notice to owner is served,-
 - i. those representations will be considered;
 - ii. but that, if a notice to owner is served notwithstanding those representations, representations against the penalty charge must be made in the form and manner and at the time specified in the notice to owner.

6.10. Registered Owner:

The Person(s) or organisation who are registered at DVLA as being legally responsible for the vehicle – The Registered Owner is not necessarily the Owner or the Driver.

6.11. Suspension of Parking Bay:

Suspension of parking within a designated parking bay(s). Notified by display of adjacent signs and notices sent, in advance, to nearby properties.

6.12. Traffic Enforcement Centre (TEC):

The TEC is located in Northampton and is a branch of the County Court, which specifically deals with motoring contraventions. All communication with TEC is carried out electronically either by fax or on line modem link via a Parking Enforcement computer system.

6.13. Traffic Penalties Tribunal (formally National Parking Adjudication Service):

- An independent body supported by subscriptions from Local Authorities by means of a levy on each PCN issued.
- Once a formal representation against a PCN has been rejected the owner of the vehicle is given the opportunity to appeal to the Traffic Penalties Tribunal within 28 days of the rejection.
- Traffic Penalties Tribunal will review the case and make an independent decision as to the validity of the ticket based purely on its legality. The Traffic Penalties Tribunal will not take mitigating circumstances into account but will, realistically, expect a Local Authority to do this prior to the matter being sent to them. If they feel that mitigating circumstances do apply they will not uphold the appeal but will make their view known to the Local Authority.
- The Traffic Penalties Tribunal decision is final and binding on both parties but in certain circumstances a judicial challenge may be undertaken.
- To ensure that appeals are not upheld Local Authorities must have watertight cases as any element of doubt will be given to the appellant and the PCN cancelled.

7. ABBREVIATIONS

CEA	Civil Enforcement Area
CEO	Civil Enforcement Officer
CPE	Civil Parking Enforcement
CPZ	Controlled Parking Zone
CV	Commercial Vehicle
DfT	Department for Transport
DVLA	Driver and Vehicle Licensing Agency
DYL	Double Yellow Lines
ECN	Excess Charge Notice
FCO	Foreign and Commonwealth Office
FPN	Fixed Penalty Notice
HA	Highways Agency
HHC	Hand Held Computer
HMSO	Her Majesty's Stationary Office
IHT	Institute of Highways and Transportation
LTP	Local Transport Plan
NoR	Notice of Rejection
NtO	Notice to Owner
NVQ	National Vocational Qualification
NWAAT	No Waiting At Any Time

P&D	Pay & Display
PCN	Penalty Charge Notice
PCSO	Police Community Support Officer
PMC	Private Motor Car
PNR	Private Non-Residential
PSV	Public Service Vehicle
RTRA 1984	Road Traffic Regulation Act 1984
SEA	Special Enforcement Area
SYL	Single Yellow Line
TEC	Traffic Enforcement Centre (Northampton County Court)
TMA 2004	Traffic Management Act 2004
TPT	Traffic Penalty Tribunal
TRO	Traffic Regulation Order
VED	Vehicle Excise Duty

Appendix 14

Removals and Clamping for Parking Contraventions

Introduction

1. It is Oxfordshire County Councils aim to undertake a fair and transparent approach to the removal of vehicles where there is a parking contravention and civil enforcement applies.

Scope of Policy

2. The Policy is designed to deal with the removal of vehicles where there is a contravention of a Traffic Regulation Order (which for the purposes of this policy means any order made under the Road Traffic Regulation Act 1984) or other parking contravention subject to civil enforcement, and in particular vehicles which are parked dangerously or causing an obstruction on the public highway. It applies to all areas subject to Civil Parking Enforcement within the boundaries of Oxfordshire, including the adopted public highway and any land owned or leased by the Local Authority. For the purposes of this policy, the meaning of "road" shall be the definition as contained in the Road Traffic Regulation Act (RTRA) 1984 and Traffic Management Act (TMA) 2004.
3. The removal of abandoned vehicles and untaxed vehicles will not be covered in this policy. Similarly, this policy does not cover the removal of vehicles obstructing footways unless this is a contravention of a relevant parking restriction covered by a Traffic Regulation Order or otherwise subject to civil enforcement. Thames Valley Police is responsible for dealing with all cases of obstruction or dangerous parking not covered by Civil Enforcement..
4. Oxfordshire County Council does not consider there to be a benefit in immobilising (i.e. by use of vehicle clamps) a vehicle contravening parking restrictions as to do so would exacerbate the impact that vehicle has. It is therefore not the county council's policy to immobilise vehicles.
5. The policy is designed to set out how the county council, or its agents, will remove and transfer to a compound, and prioritises the removal of vehicles that are parked in/by:
 - a. contravention of a parking, waiting or loading restriction and causing a hazard or obstruction; or
 - b. A persistent evader

General Definitions

6. *Persistent Evader* -

- Whereby a vehicle with three or more recorded contraventions for the vehicle and the PCN's for them have not been paid, represented against or appealed against within the statutory time limits or their representations and appeals have been rejected but they have still not paid within the defined timescales or;
- Those vehicles where the vehicle keeper is not registered, or is not correctly registered, on the DVLA database (i.e. registered name and address is not available, therefore no Notice To Owner has been sent).

7. **Parking Contravention** - The action of doing something that is not allowed by law and which is regulated by civil enforcement including in contravention of a Traffic Regulation Order.. (A definitive definition for a parking contravention is contained within the Traffic Management Act 2004, Schedule 7, Part 1, paragraph 4).
8. **Obstruction** – Whereby a vehicle is parked in a way that significantly inhibits the movement of other road users and/or emergency service vehicles.
9. **Serious Parking Contravention** – Whereby a vehicle is parked in such a way to have the potential to have a detrimental impact on the movement of traffic or to cause a hazard as specified in paragraph 10c.

Prioritisation

10. Removals should not be carried out in an ad-hoc or uncontrolled manner. The following circumstances are considered to be the priority order for authorising removal:
 - a. Dangerous Position when parked in contravention of a Traffic Regulation Order or other parking contravention subject to civil enforcement; and
 - i. In a position causing or likely to cause danger to other road users
 - b. Serious Obstruction when parked in contravention of a Traffic Regulation Order or other parking contravention subject to civil enforcement; and
 - i. Preventing access by emergency vehicles; or
 - ii. Causing serious obstruction to traffic or pedestrians flow; or
 - iii. On or adjacent to a footway causing obstruction to pedestrians, particularly if over or next to dropped kerbs for assisting pedestrians crossing the road; or
 - iv. In a bus or cycle lane when in operation; or
 - v. On a bus stop during restricted times.
 - c. Serious Parking Contraventions when parked in contravention of a Traffic Regulation Order or other parking contravention subject to civil enforcement; and
 - i. On an urban clearway during restricted times; or
 - ii. On a clearway where stopping is prohibited; or
 - iii. In a restricted street subject to and during hours of a loading ban; or
 - iv. In a disabled bay without a valid blue disabled badge; or
 - v. Parked in contravention of a restriction with fraudulent use of a blue disabled badge (i.e. deceased persons badge being used, fraudulent/copy or changed badge details); or

- vi. In a suspended designated parking place; or
 - vii. Unauthorised vehicle in a limited availability parking place, e.g. in a doctor's bay; or
 - viii. Adjacent to a dropped footway when contravention code 27 applies. This contravention is applied to vehicles parked (on the carriageway) next to where the footway has been lowered, (for example crossing points for vulnerable road users or cycle tracks). The Council would not normally remove vehicles parked in front of dropped footways providing access to a private property.
- d. Persistent Evasion when parked in contravention of a Traffic Regulation Order or other parking contravention subject to civil enforcement; and
- i. Persistent evasion of payment of penalty charge notices; or
 - ii. Persistent offending where penalisation by normal means is not available due to vehicle being unregistered or not correctly registered.
- e. Other Parking Contraventions when parked in contravention of a Traffic Regulation Order or other parking contravention subject to civil enforcement; and
- i. In a restricted street when no loading or unloading is apparently taking place; or
 - ii. Unauthorised vehicle in a widely available parking place, (e.g. in a residents' parking place, limited time bay) and the vehicle has been left for longer than 1 day and 3 PCNs have been issued to the vehicle with a minimum of 24 hours between each PCN issued; or
 - iii. In a taxi bay marked subject to a restriction; or
 - iv. In a pay and display parking place when the initial charge has not been paid and the vehicle has been left for longer than 3 days and 3 PCNs have been issued to the vehicle with a minimum of 24 hours between each PCN issued; or
 - v. In a pay and display bay where the vehicle has been left for longer than 3 days after the expiry of paid time and 3 PCNs have been issued to the vehicle with a minimum of 24 hours between each PCN issued; or
 - vi. Parked on a pedestrian crossing or crossing area marked by white zigzags.

Authorisations

11. Where a vehicle is to be removed for a matter of safety, serious obstruction, traffic management or for persistent evasion/ offending (i.e. prioritisation categories a-d above) then the vehicle may be removed immediately after the necessary processes have been completed and following the authorisation of the Civil Enforcement Manager (or similar position within a delegated agents organisation) or more senior line manager and an appropriately trained Civil Enforcement Officer (CEO). A vehicle should not be removed

by contractors unless a suitably trained CEO is present to confirm that the contravention falls within the policy.

12. Where there is a parking contravention but the vehicle is not creating a danger, serious obstruction or persistent evasion/ offending, then the vehicle will only be removed following the receipt of a complaint and the approval of a nominated Senior Manager or more senior line manager who considers that removal will give clear traffic management benefits (as well as the approval of an appropriately trained CEO). A vehicle should not be removed by contractors unless a suitably trained CEO is present to confirm that the contravention falls within the policy.
13. Where vehicles are removed, the authorising officers shall ensure that Thames Valley Police are contacted and advised of the time, place, vehicle registration number, and pound to attend for retrieval so they can deal with queries from motorists who report their vehicle stolen.

Exceptions

14. Vehicles displaying a valid Blue Badge will not, in normal circumstances, be removed. In exceptional circumstances (for example, where a vehicle displaying a Blue Badge is causing a safety hazard), the vehicle may be moved to a safe spot nearby, where possible within sight of its original location. In such circumstances Thames Valley Police will be informed.
15. Vehicles displaying diplomatic registration plates marked with a D or an X, or have personalised plates composed of a country's initials or an abbreviation of its full name will not, in normal circumstances, be removed. In exceptional circumstances (for example where such a vehicle is causing a safety hazard), the vehicle may be moved to a safe spot nearby, where possible within sight of its original location. In such circumstances Thames Valley Police will be informed and the authority will not seek the reimbursement of the cost of removal.
16. Where a vehicle displaying diplomatic plates marked with an X has been identified as a persistent evader then the vehicle may be removed.

Specific Conditions for Removal

17. In certain circumstances a time period must be allowed to elapse prior to removal of a vehicle.
18. This time period applies where a vehicle is in a parking place and a PCN has been served in respect of;

Failure to pay a parking charge; or

Failure to properly display a ticket or parking device; or

Failure to remove a vehicle prior to the expiry of the period, for which the appropriate charge was paid.

In those circumstances 30 minutes minimum must be allowed to elapse between the issue of the Penalty Charge Notice and removing of the vehicle, or 15 minutes in the case of a persistent evader [As defined by Regulations] in the circumstances set out at paragraph 19..

19. Persistent Evaders vehicles can be removed within 15 minutes (in circumstances where ordinarily there is a 30 minute time lapse) if all of the following criteria have been met;
- a. Four or more unpaid PCNs have been issued; and
 - b. At least 3 PCN's have had DVLA enquires which confirms that the vehicle is not registered or that it is registered but the name and address of the keeper of the vehicle are incorrect, and all reasonable steps have been taken to ascertain the keeper of the vehicle with the result that a Notice to Owner cannot be served; and
 - c. All statutory timescales have been met; and
 - d. A PCN has been issued for a contravention occurring at the time of removal.
- Or
- a. Three or more unpaid PCNs¹; and
 - b. of those 3 PCNs there must be no representations or appeals outstanding And Notice to Owners and Charge Certificates have been served; and
 - c. A PCN has been issued for a contravention occurring at the time of removal.
20. If there is a parking contravention and the vehicle is displaying an invalid disabled blue badge the vehicle will be liable for removal. This will include a blue badge which is:
- a. Fraudulent/copy; Badge details have been changed;
 - b. The blue badge holder has deceased or no longer is authorised to use the blue disabled badge;
 - c. Reported stolen

For the avoidance of doubt, Civil Enforcement Officers only have the power to inspect blue badges (Section 94 of the Traffic Management Act 2004). It is an offence for an individual to fail to produce a badge when asked to by a Civil Enforcement Officer without reasonable cause. However, this power can only be exercised when a person is in the vehicle or when they are leaving or returning to a vehicle displaying a badge and only in connection with civil enforcement of parking contraventions. Only a police officer has the power to seize a Blue Badge.

Vehicle Removal Contractors

21. A vehicle will not be released from storage until payment has been made in full or by the authority of the Civil Enforcement Manager (or similar position within a delegated agents organisation) or more senior line manager.
22. Upon full payment of all due charges applying to the PCN issued at the time of removal, and outlined in paragraph 24, or on the authorisation of the Civil Enforcement Manager, or more senior manager, the vehicle will be released without unreasonable delay (no more than 2 hours after receiving the full payment) during the hours of 08.00 hrs and 17.00 hrs Monday to Friday. No extra storage charges will be applied if the full payment

¹ Unpaid means PCN outstanding as set out in paragraph 2 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007

is received and a vehicle cannot be collected during the weekend or Bank Holiday due to inaccessibility to the vehicle pound.

23. Proof of ownership has to be produced before the vehicle can be released.
24. Prescribed charges for the removal and storage of vehicles in Oxfordshire under SI 2007/3487 are set as:
 - i. £105 for vehicle removal;
 - ii. £12 for vehicle storage for each day or part of a day during which the vehicle is impounded;
 - iii. PCN £70/£50 (discounted if paid within 14 days of removal)
25. Vehicle removal will only be undertaken by a company/ organisation under contract of the Parking Authority or its agents to a designated storage place.
26. If a driver returns whilst removal is taking place, then the vehicle is to be released, unless all wheels are on board the removal vehicle or 2 wheels if a rear drop cradle is used. The PCN will still be considered to be a valid PCN requiring payment or representation.
27. Release of the vehicle as described in paragraph 25 shall not apply to persistent offenders (i.e. where penalisation by normal means is not available due to vehicle being unregistered or not correctly registered). In these instances the Police and Department of Vehicle Licence Agency will be informed for their appropriate action.
28. On the release of the vehicle from the vehicle pound the authority must immediately inform the vehicle owner or persons in charge of the vehicle about their right to make representations and their subsequent right to appeal against representations that are rejected [in accordance with regulatory requirements].

Adoption/ Amendment of Policy

29. The Policy shall be enforced from the date of its adoption and deemed to supersede previous policies. It shall remain in force until formally revoked or superseded.
30. Any current legislation, or changes to legislation which impose specific requirements upon the authority with regards to vehicle removal or which are at variance with this policy will be deemed to be immediately adopted as policy.
31. All removals can attract an appeal from the owner/keeper; these will be treated in the comparable manner as a PCN appeal. If successful in appeal, all money paid in respect of the removal and storage of the vehicle will be reimbursed.
32. This Vehicle Removal Policy has been developed in line with the Secretary of State's recommendation and in conjunction with the following documents: The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483); The Civil Enforcement of Parking Contraventions (Representations and Appeals) (England) Regulations 2007 (SI 2007/3482); Statutory Guidance from the Department for Transport (DfT); The Removal and Disposal of Vehicle Regulations 1986 as amended 2007. It is also in accordance with: The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (SI 2007/3487); Traffic Management Act 2004.

Appendix 15

Blue Badge Enforcement Policy

1. The Blue Badge scheme – Oxfordshire Policy Statement

The Disabled Badge Car Scheme (Blue Badge) provides a national arrangement of parking concessions for people with severe walking difficulties, who travel either as drivers or as passengers. The scheme also applies to those registered blind and people with severe upper limb disabilities who regularly drive but cannot turn a steering wheel by hand.

The national concession applies only to on-street parking and does not apply to private car parks and some hospitals.

2. Criteria for applying

You can get a badge if:

- you receive the higher rate of the mobility component of the Disability Living Allowance
- you receive a War Pensioner's Mobility Supplement
- you use a motor vehicle supplied for disabled people by a government health department
- you are registered blind
- you have a severe disability in both upper limbs, regularly drive a motor vehicle but cannot turn the steering wheel of a motor vehicle by hand even if that wheel is fitted with a turning knob, and/or
- you have a permanent and substantial disability which means you are unable to walk or have very considerable difficulty in walking. In this case you may be asked to answer a series of questions to help the local authority determine whether you are eligible for a badge.

People with a psychological disorder will not normally qualify unless their impairment causes very considerable, and not intermittent, difficulty in walking.

3. Parking information

The Blue Badge must be displayed, and in England and Wales the special blue parking disc must also be displayed showing the time of arrival. There should be an interval of at least one hour from a previous period of waiting before the same vehicle can be parked in the same road or part of a road on the same day.

Badge holders may park free of charge and without time limit in on-street limited waiting bays and 'pay-and-display' on-street parking, unless a local traffic order specifying a time limit for holders of disabled parking badges, such as a ban on loading, is in force.

Badge holders may be exempt from limits on parking times imposed on other users – check the local signs for information. Badge holders may usually park on single or double yellow lines for up to three hours in England and Wales, or without any time limit in Scotland, except where there is a ban on loading or unloading, and at a few locations where local schemes apply.

4. Disabled parking bays

Blue Badge holders may be entitled to an on-street parking bay. Although these bays are not limited to a specific individual's use, they can help make sure a parking space is available

outside a person's home. If a holder has a garage or suitable off-street parking then the application is likely to be declined.