

BROXBOURNE BOROUGH COUNCIL

PARKING POLICY

APRIL 2025



**BOROUGH OF
BROXBOURNE**

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1. INTRODUCTION

This document sets out the Council's policy in respect of parking enforcement. It begins with an overview of the objectives of the parking service and then outlines the criteria governing the issuing of Penalty Charge Notices (PCNs) and the challenge process.

Parking enforcement within the Borough of Broxbourne aims to:

1. Manage the demand for on and off-street parking, taking into account the needs of residents, commuters, shops and businesses.
2. Consider the introduction of Traffic Regulation Orders (TROs) where residents have expressed a need for parking controls.
3. Meet the requirements of Blue Badge holders, including the provision of parking spaces in areas of high demand.
4. Discourage illegal parking in order to promote a safe environment for highway users, the free flow of traffic and the maximum turnover of parking spaces.
5. Ensure a consistent approach when considering challenges, representations and appeals, considering each case on its merits and in line with this policy, taking into account matters of proportionality, fairness, reasonableness and objectivity.
6. Ensure that any surplus income from on-street enforcement operations is invested in parking, public transport, highway maintenance or environmental improvements.

The Acts that govern parking enforcement are the Traffic Management Act 2004 and the Road Traffic Regulation Act 1984.

Parking restrictions are generally only enforceable on the implementation of Traffic Regulation Orders (TROs) and Parking Places Orders (PPOs) which detail the nature and extent of on and off-street parking controls. If it should transpire that there is no valid TRO or PPO in place, any PCN that has been issued will be cancelled.

2. RESTRICTIONS AND ENFORCEMENT

2.1 Application of Restrictions

Double yellow line restrictions apply 24 hours a day, seven days a week. Single yellow lines have an accompanying timeplate detailing times of enforcement. Unless specified otherwise, restrictions also apply on Bank Holidays.

Pay and display car parks and parking areas may have restrictions lifted on Bank Holidays.

Motorists are advised to check signs and/or lines prior to leaving their vehicle to ensure that they do not park in contravention of the restrictions or car park terms and conditions of use, which are always prominently displayed.

Drivers are responsible for checking timeplate signs before they park and leave their vehicle to ensure that they are legally parked.

2.1.1 Double Parking

The whole of the Borough of Broxbourne is a special enforcement area.

Vehicles parked in a special enforcement area more than 50cm from the edge of the carriageway and not within a designated parking place, are liable to be issued with a PCN. This contravention occurs when a vehicle is parked more than 50cm from the edge of the carriageway (kerb) and not within a designated parking space. This is also referred to as 'double parking'.

2.1.2 Pavement, Verge and Obstructive Parking

Cars and other vehicles parked on footways or at pedestrian crossings can cause an obstruction for pedestrians, particularly those with a disability and should not take place.

Vehicles parked in front of driveways block access to and from a property. Vehicles parked across a dropped kerb can be reported via the Council's website at <https://www.broxbourne.gov.uk/parking/report-parking-issue/1> or via the Council's helpline on 01992 785555 (Monday–Friday, 8.30am – 5.30pm). This not only enables an officer to be deployed to the location to issue a Penalty Charge Notice to the vehicle, but it helps to build a picture of where illegal parking is taking place.

2.1.3 Parking Bay Suspensions

Yellow suspension signs are usually displayed seven days before the suspension is due to take place and indicate the dates, times and locations that the suspension is in force. Any vehicles found to have parked in the suspended bays during the times stated on the signs may be issued with a PCN.

2.2 Exemptions to Restrictions

The following vehicles receive an automatic exemption from waiting restrictions:

1. Police, Fire Brigade and Ambulance Service whilst attending emergency situations. Marked Police vehicles are also exempt when being used on official duty. PCNs issued to unmarked vehicles will be cancelled upon written confirmation from a senior officer that the vehicle was being used on official business.
2. Vehicles and liveried cars involved in contracted highway maintenance.
3. Statutory undertakers (gas, electricity, water and telecommunications) where it is necessary for them to park adjacent to the work site in order to carry out emergency or essential activities.
4. Liveried Royal Mail vehicles engaged in the collection or delivery of postal packets. Where no activity can be seen or the vehicle could reasonably have complied with a parking restriction, a PCN may be issued. PCNs issued to non-liveried Royal Mail vehicles will be cancelled upon written confirmation from a manager that the vehicle was actively involved in the collection or delivery of mail.
5. Diplomatic vehicles, except for exceptional circumstances such as causing an obstruction.
6. Official vehicles of funerals and weddings in restricted areas close to the ceremonial location. Only those vehicles directly involved in the ceremony, such as hearses and bridal cars, are subject to this exemption.
7. Vehicles involved in furniture removals whilst actively loading and unloading.
8. Council vehicles as described in section 2.12.

2.3 Loading and Unloading

Vehicles are permitted to park in contravention of waiting restrictions whilst loading or unloading. A PCN will be issued in the event that no loading or unloading activity involving the vehicle is seen during the relevant observation period (see 2.6 below).

A loading/unloading restriction is indicated by yellow kerb markings. A single kerb marking indicates that no loading/unloading is allowed within the times indicated on the time plate and will be accompanied by a single or double yellow line. A double kerb marking indicates that the loading/unloading restriction is in force 'at any time' and will be accompanied by double yellow lines. There is also a sign stating 'No loading at any time' in close proximity.

2.4 Taxis

The Council operates a number of Hackney carriage/taxi ranks. These are only for licensed Borough of Broxbourne Hackney carriages and private hire vehicles to wait but not park. Any such vehicle left unattended in a rank is liable to receive a PCN.

2.5 Civil Enforcement Officers

Civil Enforcement Officers (CEOs) do not have any discretion; where they observe a vehicle parked in contravention of parking restrictions they must issue a PCN on all occasions. Not to do so is likely to bring both their impartiality and the integrity of the service into question.

CEOs use digital cameras to take images of vehicles that are in contravention of parking restrictions. These images will be used as evidence in the event of an appeal.

CEOs do not have the powers to enforce restrictions on private land, this is a matter for the landowner.

Dangerous or obstructive parking is a matter for the Police.

A CEO is not authorised to cancel a PCN once it has been issued, and all challenges must be made in writing to the Council at the address printed on the reverse of the PCN, or via the Council's website www.broxbourne.gov.uk/parking. Any notes displayed within a vehicle will be recorded but will not prevent the issue of a PCN.

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

Payment of any PCN should never be made directly to a CEO.

All CEOs are salaried staff. They do not receive a bonus or commission in relation to the PCNs that they issue, nor do they work to any form of PCN target regime.

Abusive and aggressive behaviour towards CEOs will not be tolerated and will be reported to the Police.

2.6 Observation Periods

The Council allows observation periods in relation to various contraventions. These observation periods are not a legal requirement and are at the discretion of the Council.

On-Street

Prior to the issue of a PCN where a vehicle is parked in contravention of a waiting restriction, the following observation times apply:

- Five minutes for all commercial vehicles, including liveried cars.
- No observation time for other vehicles

In circumstances where it is clear to the CEO that a commercial vehicle or liveried car is not involved in any loading or unloading activity, only two minutes observation is required.

In the event that a vehicle has overstayed in an on-street time-restricted bay, a PCN will not be issued until ten minutes have elapsed after the restricted period of parking has expired.

Pay-and-Display

Prior to the issue of a PCN in a car park or on-street ticket required location, the following observation times apply (i.e. the time elapsed since the vehicle was first logged onto the CEO's handheld computer):

- Two minutes where no pay-and-display ticket is displayed or no valid parking session via the mobile payment service
- Ten minutes where a pay-and-display ticket or mobile payment service session has expired.

The table below provides a summary of the observation periods referred to above.

Table 1 - observation time summary

Observation time	On-street	Pay and display car parks/on-street ticket required
Two minutes		No mobile payment session purchased or pay and display ticket on display
Five minutes	Commercial vehicles and liveried cars parked on a waiting restriction	
Ten minutes	Following the expiry of the time allowed in an on-street time restricted parking bay	Following the expiry of a pay and display/mobile payment session

2.7 Service of PCNs by Post

Where a CEO is physically prevented from serving a PCN by attaching it to the windscreen or handing it to the driver, it will be served by post.

2.8 Registered Keeper's Liability

Under the Traffic Management Act 2004 the responsibility for a PCN rests with the registered keeper as recorded at the Driver and Vehicle Licensing Agency (DVLA). Even if the keeper was not the driver at the time of the contravention, it remains their responsibility to pay the PCN.

The responsibility for a PCN issued to a hired vehicle lies with the hirer. The hire company will be required to provide a copy of the relevant hire agreement, clearly stating the name and address of the hirer.

2.9 Discount Period

The period for paying the discounted amount of a PCN is 14 days from the issue of the PCN, inclusive of the day of issue itself. If a challenge received within this period is rejected, the discount period will be re-offered. If the penalty charge is not paid or challenged within 14 days of the issue of the PCN, the full amount will be due.

Consideration may be given to extending the discount period in certain limited circumstances, such as postal delays, holidays and non-receipt of a PCN. The Council may also exercise its discretion to re-offer the discounted sum when rejecting formal representations.

2.10 Persistent Evaders

The Council may remove and impound vehicles of persistent evaders. The purpose of this procedure is to reduce the number of motorists who park regularly in contravention of restrictions but seek to avoid payment of the PCN. A vehicle which has been removed under these powers may be disposed of in the event that the owner does not collect it within 28 days.

2.11 Abandoned Vehicles

Where a vehicle remains parked in a restricted area for a period during which three PCNs have been issued for the same contravention, the CEO will report the vehicle as potentially abandoned, and it will be dealt with under the Council's procedures for abandoned vehicles, under the provisions of the Refuse Disposal (Amenity) Act 1978 and the Road Traffic Regulation Act 1984.

The following criteria will be used in identifying abandoned vehicles:

1. No valid car tax
2. General poor condition
3. No evidence of recent movement or ownership

4. Multiple PCNs attached to the vehicle

No further PCNs will be issued to the vehicle after three have been issued for the same contravention.

2.12 Councillors, Officers and Council Vehicles

All Councillors and Council officers are expected to comply fully with parking regulations, whether or not carrying out work or duties on behalf of the Council. No dispensation will be given to allow staff or members to park in contravention. In such cases PCNs will be issued and pursued.

The only exemptions are:

1. CEOs while carrying out their duties, who are permitted to park for a period of time which is reasonable in relation to such duties.
2. Council staff engaged on surveillance duties, which must be confirmed in advance by the relevant Service Director.
3. Council vehicles and those of their contracted agents actively engaged in carrying out statutory duties. These include refuse or recycling collection, street cleansing, highway maintenance, and situations where close proximity is required to perform specific duties, such as grass cutting.

In all cases vehicles must be parked safely and not cause an obstruction.

3. CHALLENGES AND REPRESENTATIONS

3.1 Challenging a PCN

This document provides general guidance on the Council's policy on disputed PCNs. It is not intended to be a definitive statement of the action to be taken in all situations. Each case will be considered on its own merits, taking into account all of the supporting evidence and circumstances, consistent with the principles set out in this document. The Council may apply its discretion with regard to any mitigating circumstances which are not specifically contained within this policy. This will be done fairly and the decision reached will take into account all of the relevant information put forward.

The driver or keeper of a vehicle may challenge in writing the validity of a PCN for up to 28 days from the date of issue. If a written challenge is received within 14 days of the date of issue, a further period of 14 days to pay at a discounted sum will be given in the event that the challenge is rejected.

The Council will normally respond to a challenge within 14 days of receipt. If the challenge is rejected, further information will be supplied on how to make a formal representation.

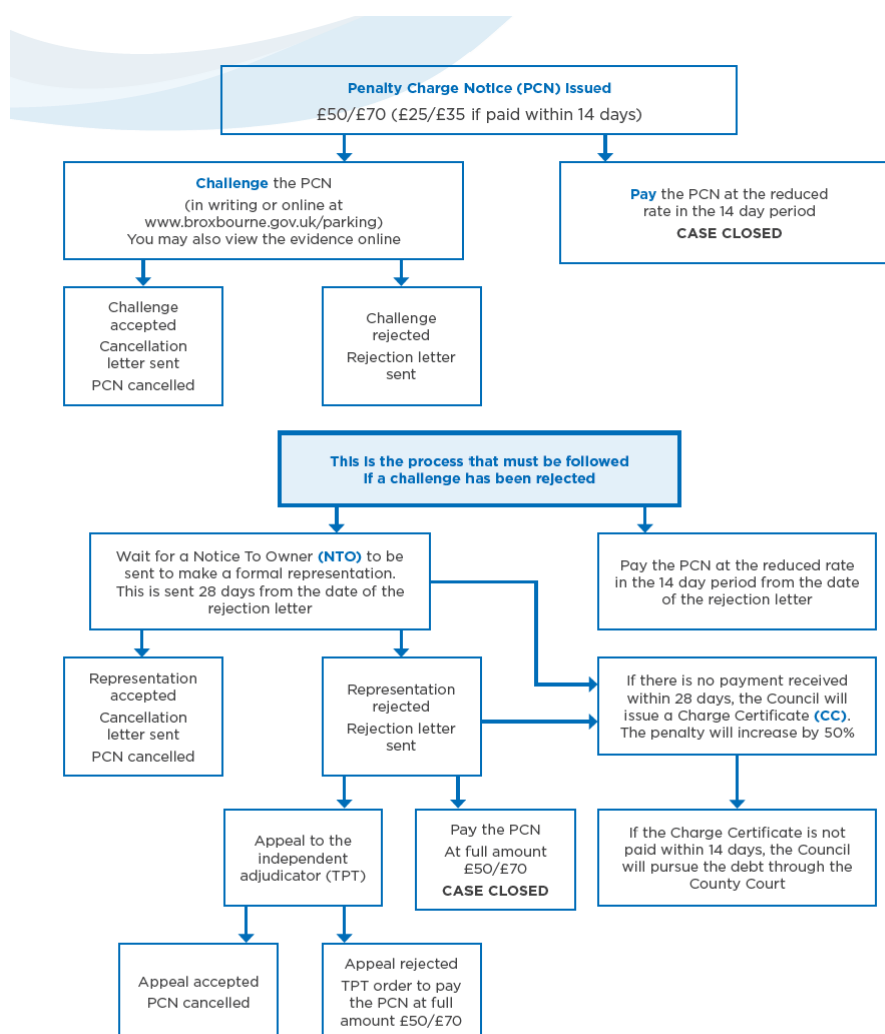
In the event that the Council rejects a formal representation, the keeper has the option to refer the case to the Traffic Penalty Tribunal (TPT), which is an independent body

whose decision is final and binding upon both the Council and the appellant. Information on the appeals process and PCNs generally, can be found on the TPT website at www.trafficpenaltytribunal.gov.uk

Where a PCN remains unpaid following the rejection of all representations and appeals, the Council will send the owner a notification (Charge Certificate) of its intention to register it as a debt at the Traffic Enforcement Centre (TEC) at Northampton County Court.

Information on the penalty charge process can be found at www.patrol-uk.info

A flow chart outlining the challenge process can be found below.



Glossary of terms

PCN - Penalty Charge Notice, the parking fine issued and affixed to windscreen.

Challenge - letter/email/online form sent within 14 days of the PCN being issued to explain circumstances.

Notice To Owner - the form Broxbourne Council sends to the registered keeper, so that a representation can be made.

Representation - formal challenge submitted on receipt of an NTO, a challenge following a challenge refusal or if it is the first notification of a PCN (e.g. if the PCN was not affixed to the vehicle).

Appeal - the case is heard by the Traffic Penalty Tribunal (TPT) who will then make a decision based on all evidence submitted. The appropriate forms will be sent with the Notice of Rejection (NOR).

TPT - Traffic Penalty Tribunal - this is the independent adjudicator, they review cases and make rulings which are binding to both parties.

Charge Certificate - sent to the registered keeper if a PCN is not paid within the specified time frame.

3.2 Challenges and Representations Accompanied by Payment

In circumstances where a challenge or representation accompanied by payment is accepted, a refund will be made. If the challenge or representation is rejected, the owner will be informed of the rejection and that the payment has been accepted in full or part settlement.

3.3 Intervention by Councillors and Officers

To preserve the integrity of these procedures, any attempt by Councillors, senior officers or any other person to influence by virtue of their position decisions made by parking service officers will not be accepted.

3.4 CEO Errors

Where evidence is produced that a CEO has made an error or not complied with the appropriate procedure or statutory requirement, the PCN will be cancelled.

3.5 Description of Vehicle on PCN

When issuing a PCN, CEOs will record the make, colour and registration mark of the vehicle, and its location. The CEO will also note other information, if applicable, such as pay-and-display ticket or permit details and positions of tyre valves, which will form part of the supporting records.

Incorrect recording of the colour of a vehicle will not normally be considered sufficient reason for the cancellation of a PCN except where there is a wide discrepancy between the recorded and actual colour.

Incorrect recording of the manufacturer of a vehicle will normally result in the cancellation of a PCN, except in the case of unusual vehicles where the make is not readily apparent on external inspection.

3.6 Incorrect Spelling of Keeper's Name

The incorrect spelling of the keeper's name and/or address does not invalidate the PCN or discharge the liability of the person receiving it. Keeper details are obtained from the DVLA whose data is provided to them by the keeper. Therefore the onus lies with the keeper to provide the correct information to the DVLA, and only in circumstances where the keeper details are radically different will the PCN be cancelled.

3.7 Permission to Park

Where it is alleged that a Police Officer or CEO gave permission to park, written confirmation must be obtained from the officer before the PCN will be cancelled.

3.8 Loading and Unloading

Consideration will be given to cancelling a PCN on the production of evidence that loading or unloading activity was in fact taking place, despite none being seen during the relevant observation period, or in other mitigating circumstances such as extra time being required due to the weight or size of the goods or for completion of delivery paperwork.

3.9 Signs and Lines

Where it is claimed that there is a defect in any relevant signs or lines, for example where a yellow line is worn or a sign is missing or obscured, consideration will be given to cancelling the PCN. However, in the event that, despite any defect, the restriction should have been clear to the driver, it is likely that the PCN will be enforced.

3.10 Emergencies

Doctors, nurses and midwives are expected to park legally in accordance with parking restrictions. A PCN may be cancelled on evidence being provided that they were parked to attend a medical emergency.

Carers are not exempt from yellow line restrictions. A PCN may be cancelled on evidence being provided that the carer was parked to attend a medical emergency.

Discretion will be exercised with regard to vehicles of certain traders, such as plumbers, electricians, gas fitters, glaziers and roofers, when dealing with an emergency situation. An emergency is considered to last as long as it takes to make the premises safe, for example to turn off the main supply. After this any vehicle should be moved to a permitted parking place before any subsequent repairs are undertaken. However, consideration will be given to the circumstances of the works being carried out, taking into account the urgency, the location of the vehicle and the size of the materials. Only liveried vehicles will normally be considered for this exemption.

3.11 Security Vans

Security vans engaged in the delivery or collection of cash may sometimes park in contravention of parking restrictions in order to reduce risk. Any PCNs issued will be cancelled where appropriate confirmation is received that such delivery or collection was in fact taking place and that no other legitimate parking space was available within a reasonable distance.

3.12 Government Department Vehicles

Consideration will be given to cancelling a PCN issued to government department vehicles, where appropriate evidence is supplied that they were engaged in surveillance or enforcement activities, or in exceptional or emergency situations.

3.13 Disabled Drivers and Passengers

Blue Badge holders are permitted one cancellation in relation to a PCN issued for failure to adhere to the requirements of use under the Blue Badge scheme. No further cancellations will be made where a PCN is issued in similar circumstances, unless there are exceptional reasons.

Blue Badge holders are exempt from charges in Borough of Broxbourne car parks and on-street pay-and-display areas provided that a Blue Badge is correctly displayed. Wherever possible the driver should park in a designated disabled bay.

Blue Badge holders must not park on restrictions where a ban on loading or unloading is in force as indicated by kerb markings.

3.14 Pregnancy and Parents with Young Children

Challenges and representations that rely on issues relating to pregnancy or dealing with young children will only be accepted in exceptional circumstances as grounds for the cancellation of a PCN.

3.15 Taxis

Challenges to PCNs issued to taxis, especially in cases involving elderly, infirm or disabled passengers, will be treated on their merits and due allowance made.

3.16 Delays

An unexpected delay in returning to a vehicle will not generally be considered as a valid reason to cancel a PCN.

3.17 Broken-down Vehicles

A claim that a vehicle has broken down will be accepted if it appears reasonable and if supporting evidence in the form of one or more of the following is produced:

1. Garage receipt or invoice on headed paper, properly completed (vehicle registration mark, date, description of works carried out, costs) and indicating repair of the alleged fault within a reasonable time of the contravention.
2. Till receipt for relevant spare parts purchased on or soon after the date of contravention.
3. Confirmatory letter from the RAC, AA or other similar motoring organisation, which includes the vehicle registration and the date and time that the vehicle was inspected.
4. Confirmation from the CEO that the vehicle was obviously broken down, supported where appropriate with a photograph.

A note left in the windscreen stating that the vehicle has broken down will not prevent a CEO from issuing a PCN.

If the cause of the breakdown is that the vehicle ran out of fuel or charge, the PCN will normally be enforced.

In the case of a flat tyre, it is reasonable to expect that the driver is with the vehicle and making efforts to change the wheel. If the vehicle is left unattended, a PCN will be issued and will be cancelled only if appropriate evidence is received.

In reaching a decision on whether or not to enforce a PCN, consideration will be given to the circumstances in which the vehicle became illegally parked in the first instance.

3.18 Stolen and Vandalised Vehicles

Where it is claimed that a vehicle has been stolen or vandalised, a PCN will only be cancelled upon supporting evidence being produced from the Police, motoring organisation or garage.

3.19 Lost Keys

Where it is claimed that car keys have been lost, stolen or locked in a car, consideration will be given to cancelling a PCN upon the production of supporting evidence from the Police, motoring organisations and garages.

3.20 Pay-and-Display Car Parks

It is the responsibility of drivers to ensure that they fully comply with the terms and conditions of use of the Council's pay-and-display car parks. Full details of the terms and conditions can be found on the tariff boards displayed in the car park.

The Council offers multiple ways of making payment for parking. These include machine payment using debit/credit card chip and pin or contactless payment, and a mobile payment option using a mobile app, automated telephone line and website.

Where it is claimed that a machine is not working, then the alternative payment method must be used. All on and off-street areas, with the exception of the car park at the rear of the Council Offices (officially known as Borough Offices North, South and Whit Hern Court), have both machines and a pay by phone option. These are clearly signposted on the machines and tariff boards.

Electric vehicle parking bays are provided within a number of car parks. These are for the use of Electric Vehicles only, and the vehicle must be charging. Vehicles parked in these bays must pay the parking charge as well as any electric charging fees.

3.21 Permits, Season Tickets and Leased Bays

It is the responsibility of the permit holder to ensure that the permit, season ticket or leased bay is renewed upon expiry. Reminder letters will be sent to leased bay holders two weeks in advance of the expiry. Permit and leased bay holders are allowed one cancellation in relation to a PCN issued for failure to comply with the conditions of use.

No further cancellations will be made where a PCN is issued in similar circumstances unless there are exceptional reasons.

3.22 Mitigation

The Council has the discretion to cancel any PCN at any point where it believes that the circumstances warrant such an action. There will always be cases that do not meet any of the standard criteria for cancellation where the circumstances are such that the Council may choose to cancel the PCN anyway.

Under general principles of public law, authorities have a duty to act fairly and proportionately and are encouraged to exercise discretion sensibly and reasonably and with due regard to the public interest. Making a fair decision on cases does not require that all cases are treated equally. It means that the individual circumstances of the case will be taken into consideration i.e. each case is decided on its own merits.