



**BOROUGH OF  
BROXBOURNE**  
[www.broxbourne.gov.uk](http://www.broxbourne.gov.uk)

# **BROXBOURNE BOROUGH COUNCIL**



# **PARKING ENFORCEMENT POLICY**

# BROXBOURNE BOROUGH COUNCIL

## PARKING ENFORCEMENT POLICY

### CONTENTS

<b>1.</b>	<b>INTRODUCTION.....</b>	<b>3</b>
<b>2.</b>	<b>RESTRICTIONS AND ENFORCEMENT .....</b>	<b>4</b>
2.1	APPLICATION OF RESTRICTIONS.....	4
2.2	EXEMPTIONS TO RESTRICTIONS.....	4
2.3	LOADING AND UNLOADING .....	4
2.4	TAXIS .....	4
2.5	CIVIL ENFORCEMENT OFFICERS.....	5
2.6	OBSERVATION PERIODS.....	5
2.7	SERVICE OF PCNs BY POST .....	5
2.8	REGISTERED KEEPER'S LIABILITY .....	6
2.9	DISCOUNT PERIOD .....	6
2.10	INSTALMENT PAYMENTS .....	6
2.11	PERSISTENT EVADERS.....	6
2.12	ABANDONED VEHICLES .....	6
2.13	COUNCILLORS, OFFICERS AND COUNCIL VEHICLES .....	7
<b>3.</b>	<b>CHALLENGES AND REPRESENTATIONS .....</b>	<b>7</b>
3.1	CHALLENGING A PCN .....	7
3.2	CHALLENGES AND REPRESENTATIONS ACCOMPANIED BY PAYMENT.....	8
3.3	INTERVENTION BY MEMBERS AND OFFICERS .....	8
3.4	CEO ERRORS.....	8
3.5	DESCRIPTION OF VEHICLE ON PCN.....	8
3.6	INCORRECT SPELLING OF KEEPER'S NAME .....	9
3.7	PERMISSION TO PARK.....	9
3.8	LOADING AND UNLOADING .....	9
3.9	SIGNS AND LINES .....	9
3.10	EMERGENCIES .....	9
3.11	SECURITY VANS .....	10
3.12	GOVERNMENT DEPARTMENT VEHICLES .....	10
3.13	DISABLED DRIVERS AND PASSENGERS .....	10
3.14	PREGNANCY AND PARENTS WITH YOUNG CHILDREN.....	10
3.15	TAXIS .....	10
3.16	DELAYS .....	10
3.17	BROKEN-DOWN VEHICLES .....	10
3.18	STOLEN AND VANDALISED VEHICLES.....	11
3.19	LOST KEYS .....	11
3.20	PAY-AND-DISPLAY CAR PARKS.....	11
3.21	PERMITS, SEASON TICKETS AND LEASED BAYS.....	11

## 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 and inconsiderate 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 to 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 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 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.

This Policy will be reviewed and updated at least every two years. The previous version was issued in March 2011.

## **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 and on-street pay-and-display may have the 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.

### **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 the parking restrictions, a PCN will be issued. PCNs issued to non-liveried Royal Mail vehicles will be cancelled only on written confirmation from a manager that the vehicle was actively involved in the collection or delivery of mail.
5. Diplomatic vehicles save 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.

### **2.3 Loading and Unloading**

Vehicles will be permitted to park in contravention of waiting restrictions whilst carrying out 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).

### **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 and 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.

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. 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 any bonus or commission in relation to the PCNs that they issue nor do they work to any form of PCN target regime.

## **2.6 Observation Periods**

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

### Pay-and-Display

Prior to the issue of a PCN in a car park or on-street pay-and-display 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.
- Ten minutes where a pay-and-display ticket has expired.

### 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.

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.

## **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 his/her 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 penalty charge 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 Instalment Payments**

The Council will not normally enter into an instalment payment arrangement. However, this will be considered where clear evidence is produced of genuine financial hardship and reasonable payment terms are agreed.

## **2.11 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 penalty charge. 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.

## **2.12 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. Missing or out-of-date tax disc.
2. General poor condition.
3. No evidence of recent movement or ownership.
4. Multiple PCNs attached to vehicle.

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

### **2.13 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 head of service or director.
3. Council vehicles and those of their contractual 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 only general guidance on the Council's policy in respect of 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 opportunity 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.co.uk](http://www.trafficpenaltytribunal.co.uk)

Where a penalty charge 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. It will send a further letter (Pre-Debt Registration Letter) 14 days later as a final reminder to the debtor of the monies due, prior to the debt being registered at the TEC.

Information on the penalty charge process can be found at [www.patrol-uk.info](http://www.patrol-uk.info)

### **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 Members and Officers**

To preserve the integrity of these procedures, any attempt by members of the Council, 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**

CEOs will record on a PCN the make, colour and registration mark of the vehicle, its location, and the vehicle excise licence number and expiry date. He/she 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 make 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.

If the vehicle excise licence number recorded by the CEO on the PCN matches that of the vehicle, then the PCN is unlikely to be cancelled irrespective of any other error regarding colour or make.

### **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 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.

### **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 in exceptional circumstances be accepted 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 petrol, 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 adjacent to each payment machine. Any challenge or representation made on the grounds that the driver went to get change for the machine will not normally be upheld.

Where it is claimed that a machine is not working, the machine records and CEO notes will be checked. If the machine was not working at the time and there was no alternative working machine in the car park, the PCN will be cancelled.

### **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.