

## APPENDIX E – SCHEDULE OF CIRCUMSTANCES

THE FOLLOWING SECTIONS, ARRANGED IN ALPHABETICAL ORDER, DETAILS SOME OF THE MORE COMMON CIRCUMSTANCES ENCOUNTERED BY MOTORIST AND/OR RAISED IN APPEALS, TOGETHER GUIDANCE ON HOW EACH IS CONSIDERED:

### 1.0 Bank holidays:

1.1 Parking and waiting restrictions apply on all days including bank holidays unless the associated signage indicates otherwise. Bank Holiday enforcement is usually reduced and concentrated in town centres or known problem areas.

### 2.0 Bank visits:

2.1 Appeals from individuals or companies made on the basis of collecting or delivering money from a bank will not normally be accepted as a reason for cancellation. Motorists should contact their bank or a cash in transit company about future security arrangements.

2.2 There is an exemption that applies to security or bullion vehicles whilst loading/unloading large quantities cash and coins etc.

### 3.0 Blocked access:

3.1 An obstructed or blocked access to a private car park or property is not a valid reason to park on adjacent parking restrictions. Appeals on this basis will not be allowed. An exception to this would apply when a driver has to collect a key to unlock a gate or barrier to gain access proving this does not take an unreasonably long period of time.

3.2 In some circumstance the Council can take action against vehicles that are parked adjacent to a dropped footway crossing without the permission of the owner of the property to which the crossing provides access. See section on **Double parking and dropped kerbs** for further details.

3.3 Where restrictions are in force a PCN may be issued to a vehicle if it is parked in contravention of the restriction.

3.4 Where access to/from a property is being blocked and no parking restriction are in place the Police may in some circumstances be able to deal with the matter as an obstruction offence.

### 4.0 Broken down vehicles: (See also Vandalised Vehicles)

4.1 Appeals relating to a vehicle breakdown will normally be accepted if they appear to be unavoidable and, if supporting evidence in the form of one or more of the following is produced:

- Dated garage receipt, on headed paper, properly completed and relating to repair of a relevant fault, within a reasonable time of the contravention,

- Till receipt for purchase of relevant spare parts purchased on or soon after the date of contravention,
- Confirmatory letter from the RAC, AA or other similar breakdown/motoring organisation,

4.2 Written confirmation from the CEO that the vehicle appeared to be broken down. In these circumstances the CEO should give due consideration to issuing a PCN in the first place.

4.3 Each case will be considered upon its own merits, however, where records show that a driver has previously claimed vehicle breakdown and it is suspected that this is being used as a means of avoiding liability for PCN's then appeals on these grounds may not be accepted unless further substantiated proof is provided.

4.4 Notes left in windscreens stating that "the vehicle has broken down", will not usually be accepted as a sole reason for not issuing a PCN.

## **5.0 Builders / tradesmen:**

5.1 In Residential Parking Zones: Trade related vehicles are not exempt from parking restrictions and when parked within a controlled resident zone must display either a valid Visitor's Parking Permit (obtainable from the resident) or a Parking Dispensation (if applicable, obtainable from Streetscene).

5.2 In Yellow Line Restrictions: Exemptions apply whilst loading /unloading of tools and materials is taking place but at all other times the vehicle must be moved to an area where parking is permitted.

## **6.0 Bus stops:**

6.1 A restricted bus stop will be indicated with yellow lines and a time plate showing the hours of operation. A PCN may be issued to any vehicle other than a bus waiting in a restricted bus stop.

## **7.0 Care organisations:**

7.1 In Residential Parking Zones: The Council issues dispensations allowing carers to park within Residential Parking Zones whilst attending residents. Dispensations are issued upon application, and must be supported by an official letter from the care organisation or, in the case of a private carer (relative etc), confirmation from the resident's GP that he/she is in need of regular, permanent care within their home. Suspected abuse will be investigated and permits may be withdrawn.

7.2 In Council Car Parks: Dispensations are not valid in Council car parks.

7.3 Yellow Lines: Dispensations do not allow carers to park on yellow line restrictions and will not be issued for this purpose.

## **8.0 Children / elderly people:**

**8.1** Appeals on the basis of delays caused by young children or elderly people will not normally be accepted. It is the responsible adult's duty to ensure that sufficient allowance is made at the time of parking to accommodate these largely foreseeable delays (see also **Emergencies** below).

**8.2** PCN's issued whilst children are being dropped-off or collected from schools will not normally be cancelled unless the correct observation period was not allowed by the CEO.

## **9.0 Council officers and members on duty:**

**9.1** Council officers and elected members are expected to fully comply with parking regulations and will be issued with a PCN if a contravention occurs:

**9.2** In Council Car Parks: Staff and members are not exempt and must comply with any restrictions in force e.g. by purchasing a pay and display ticket and claiming back if appropriate.

**9.3** In Residential Parking Zones: a valid visitor's permit or parking dispensation, obtainable from Streetscene must be displayed.

**9.4** Yellow Lines: Dispensation will not be given to allow staff or members to park on yellow lines.

**9.5** Appeals for Cancellation of PCN: These must be in writing and will only be supported if relevant valid grounds can be proven. All staff appeals are independently audited by the Head of Service.

## **10.0 Controlled Parking Zones:**

**10.1** Much of Birkenhead town centre area is largely defined within a controlled parking zone (CPZ). All entry and exit points to the CPZ are signed and provide details of the blanket waiting restriction which applies, as indicated by the single yellow lines, throughout the area. There is no requirement for time plates within the zone to inform of the restrictions that apply unless the local restrictions differ from the blanket restrictions that are shown on the entry zone signs.

## **11.0 Delays:**

**11.1** Appeals on the basis of delays due to queues at shops, banks, leisure centres etc, meetings taking longer than expected, caught up in crowds etc, will not normally be allowed. It is the motorist's responsibility to make sufficient allowance for these largely foreseeable delays at the time of parking (see also **Emergencies** below).

## **12.0 Dental / doctor's appointments:**

**12.1** Appeals on the basis of delays relating to medical treatment will only be considered if it can be shown that the delays were significantly longer than the normal delays

experienced whilst attending such appointments. Claims should be supported in writing from the relevant medical practitioner.

### **13.0 Description of vehicle incorrect:**

**13.1** During the PCN issuing process a record is made of the make, colour and registration number of the vehicle, which will appear on the PCN. Other details such as tax disc number and positions of tyre valves may also be recorded.

**13.2 Incorrect colour:** PCN are issued in a variety of weather and lighting conditions and some paint finishes vary significantly with angle and light. Colours such as silvers, greys and blue etc may be easily mistaken. Where there is a close relationship between the colours then the PCN will normally be pursued. For widely differing colours i.e. a blue car recorded as red car which cannot easily be explained by the above greater consideration will be given to cancellation of the PCN. If all other details are correct this may, however, indicate a re-spray not advised to DVLA.

**13.3 Incorrect make:** Although many manufacturers produce different models that look very similar it would be difficult to enforce a PCN issued to a Vauxhall which turned out to be a Ford, although an exception may a modified or de-badged vehicle. In most cases serious consideration will be given to cancelling the PCN.

**13.4 Tax Disc Number:** All tax disc numbers are unique; if the number recorded by the CEO on the vehicle at the time of issue matches the DVLA records the Council will usually pursue the PCN irrespective of any errors regarding colour or make.

### **14.0 Blue Badge Concession:**

**14.1** Blue badges must only be used when the vehicle is being used to transport a disabled person either as a driver or as a passenger. It is not permitted to use the badge for any other purpose e.g., shopping for a disabled person when they, themselves, are not being transported in the vehicle. Full guidance on the use of a Blue Badge, is provided by the Department for Transport in its booklet which is issued to all new Blue Badge holders.

**14.2** Blue badges must be clearly and properly displayed whilst the vehicle is parked, with the expiry date and serial number visible. The time disc/clock should also be clearly displayed and correctly set where a time limit or time restriction is in place.

**14.3** Failure to adhere to the rules may result in a PCN being issued for contravention of the prevailing parking restriction. When considering blue badge appeals relating to failure to correctly display a disabled badge (and/or clock) an appeal will normally be allowed upon proof of the existence of a valid blue badge. The letter of cancellation sent to the person making the representation will contain information on how to correctly display and avoid receiving a PCN in the future; it will also state that a lenient approach may not be taken in any future cases.

**14.4** When a Disabled Badge is clearly and properly displayed a motorist may park:

**On Street, in**

- Limited waiting bays, for any length of time
- On Street pay and display bays: free of charge without time limit
- On Street residents only parking bays: free of charge without time limit
- On Street Disabled Parking Bays: check accompanying time plate for any time limits
- Yellow Lines: For a period not exceeding 3 hours

#### **Off Street, in**

- Council Car Parks: In accordance with details provided on the car park information boards. Vehicles must park within the bays provided, but are not restricted to those dedicated for blue badge holders. Blue Badges cannot be used on double yellow lines or hatched areas within a Car Park.

- 14.5 Disabled Badge Holders are not allowed to park in any street or area where a loading restriction is in place – these are marked with kerb blips or kerb markings.
- 14.6 Disabled Badge Holders are not allowed to park in any area specifically reserved for other vehicles or purpose i.e. Taxi Ranks, Bus Stops or Goods vehicle loading bays etc. or in any area where they may cause an **obstruction or danger** to other road users.
- 14.7 To benefit from the concession parking must always be in accordance with the rules of the Blue Badge Scheme.
- 14.8 Civil Enforcement Officers have a right to ask to see and to inspect a Blue Badge.

#### **15.0 Double parking and dropped kerbs:**

- 15.1 The contravention of double parking is defined as when a vehicle parks on any part of the carriageway of a road where no part of the vehicle is within 50 cm of the edge of the carriageway.
- 15.2 The contravention of parking on a part of a road adjacent to a dropped or raised kerb applies where a vehicle parks on the carriageway adjacent to a footway, cycle track or verge where the footway, cycle track, verge or carriageway has been lowered or raised for the purpose of –
- assisting pedestrians crossing the carriageway
  - assisting cyclists entering or leaving the carriageway
  - assisting vehicles entering or leaving the carriageway across the footway, cycle track or verge.
- 15.3 The contravention does not apply where a vehicle is parked outside residential premises by or with the consent (but not for reward) of the occupier of the premises. This exception does not apply in the case of a shared driveway. Enforcement action will not be taken where a vehicle is parked outside residential premises unless and until the Council has been asked to do so by the occupier of the property.
- 15.4 The following exceptions to the double parked or parked adjacent to a dropped footway contravention apply:

- vehicles parked wholly within a designated parking place or any other part of the carriageway where parking is specifically authorised
- vehicles used by the fire, ambulance or police services
- loading and unloading
- vehicles used for waste collection, building works or road works.

## **16.0 Drink driving or other arrest:**

**16.1** If the driver of a vehicle has been arrested or otherwise detained and, as a direct result, a contravention of a parking restriction occurs, any resultant PCN will be enforced unless;

The driver can provide proof, preferably in writing, confirming date, time and evidence of arrest including custody number, officer and Police Station involved.

## **17.0 Dropping off and picking up passengers:**

**17.1** It is permitted to stop in restricted lengths of street to drop off and collect passengers except when the following restrictions apply; designated clearways, zigzags (schools and pedestrian crossings) and “no loading” restrictions. Parking to await a collection is not permitted. Any appeals considered will take into account factors such as elderly passengers, disabled persons, young children or large amounts of luggage similarly Hackney Carriages or Private Hire Vehicles will be allowed additional time to announce their arrival and accept payment.

## **18.0 Emergencies:**

**18.1** An emergency is typically a serious unplanned and unforeseen situation that results in a contravention occurring. The most common are accidents or medical emergencies requiring treatment. Appeals will normally be allowed provided independent supporting evidence is made available.

## **19.0 Emergency call out - Plumbers, electricians, gas fitters:**

**19.1** Parking to attend an emergency will normally be considered justification to cancel a PCN, however, only during the period which is required to make the premises safe i.e. turn off the main supply. During any subsequent repairs or planned work the vehicle should be parked within a permitted parking place or with a relevant dispensation displayed.

## **20.0 Emergency duties:**

**20.1** Doctors, nurses, midwives and first responders engaged on emergency duties should, wherever possible, park legally as this is the safest for all concerned. Appeals will normally be allowed provided supporting evidence is made available.

**20.2** Regular or planned visits are not considered an emergency.

## **21.0 Estate agents:**

**21.1** Estate agents visiting a client's property within a residential parking zone should either display a valid Visitors or Business/Property Owner Permit if available.

**21.2** Estate agents are not exempt from parking restrictions.

**22.0 Footway parking:**

**22.1** Typically waiting and loading restrictions apply to the whole width of the highway, including any footways and verges; consequently footway/verge parking will be enforced where a TRO is in place in a street. Additionally, TRO's can also be introduced solely to preventing footway/verge parking and there are several locations across the Borough where this type of order exists. In the absence of a TRO it is much more difficult to enforce, however, the Police may be able to issue a fixed penalty notice for obstruction in certain circumstances.

**22.2** The Highway Code also states that drivers should not park partially or wholly in the pavement unless signs permit it.

**23.0 Funerals, weddings and civil partnerships:**

**23.1** Vehicles actively involved in a funeral, wedding or civil partnership will not be issued with a PCN.

**23.2** However, vehicles belonging to mourners and wedding or civil partnership guests are not exempt and must comply with any restrictions in force. In some location parking dispensation may be available via Streetscene.

**24.0 Garages - PCN issued whilst in for repair:**

**24.1** Although it would be expected that a garage would accept responsible for any PCN that incurred in relation to a customer's car whilst in their custody, the Council has no powers to enforce payments from them. Ultimately the responsibility for the PCN rests with the registered keeper of the vehicle and it is they who would have to seek to recover the costs of the PCN from the garage.

**25.0 Glaziers:**

**25.1** Appeals relating to glazier company vehicles when parked close to the location of an emergency repair would normally be allowed provided evidence in the form of documentation or CEO's notes, confirmed that such activity was taking place at the time of the issue of the PCN.

**25.2** PCN's issued to vehicles not required for delivery of materials or tools will not be cancelled

**26.0 Government department vehicles:**

**26.1** There are no automatic exemptions for government department vehicles.

**26.2** Appeals on the basis of vehicles being involved in activities such as surveillance must be supported in writing from a senior manager on headed notepaper. Wherever possible Government Agencies should liaise in advance with the Council.

**27.0 Hackney carriages / private hire vehicles:**

**27.1** Hackney Carriages and Private Hire Vehicles (PHVs), like other vehicles, may stop on restrictions to allow passengers to board or alight for as long as is reasonably necessary for the purpose. If a licensed Hackney Carriage or PHV is left unattended whilst, for example, assisting passengers into premises it may be issued with a PCN.

**27.2** Appeals on this basis, especially those involving elderly, infirm or disabled passengers should include appropriate evidence.

**28.0 Hiring agreement:**

**28.1** Responsibility for a PCN issued during a period of hire, lies with the hirer of the vehicle at the time.

**28.2** The Hire Company must make formal representation to the Council and provide a copy of the hire agreement.

**28.3** The 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 contain a clause regarding the hirer's liability for any PCN's incurred during the hire period. Following receipt of the above a new NtO will normally be issued to the hirer. If the above information is not provided by the hire company or is not relevant to the date of the offence then the PCN will continue to be enforced against them.

**Intervention in challenge and representation processes by members and other officers:**

**28.4** The procedures and policy for dealing with challenges and representations against the issue of PCN's are as set out in this report and legislation. The procedures include the ultimate right of all motorists to refer the matter to an independent adjudicator through the TPT.

**28.5** To preserve the integrity of these procedures they shall be undertaken by trained staff within Parking Services and should not be subject to external pressure by either members of the Council or other senior officers, designed to influence a decision, by virtue of their position alone.

**29.0 Keeper's liability:**

**29.1** Legislation states that a PCN "shall be payable by the person who was the owner of the vehicle involved in the contravention at the material time". This is deemed to be registered keeper of the vehicle, as per records held at the Driver and Vehicle Licensing Agency (DVLA). If at the time of the contravention the keeper was not the driver of the vehicle, then it is their responsibility to pay the PCN and seek recompense from the driver.



### **30.0 Loading / unloading:**

- 30.1** Vehicles are permitted to remain at rest in contravention of waiting restrictions, including resident parking zones, whilst carrying out activities of loading or unloading provided that:
- 30.2** Loading activity involving the vehicle is observed by the CEO. The observation period shall be for at least three minutes for private motor cars and a PCN shall only be issued if no activity is seen during this period.
- 30.3** In the case of goods vehicles a longer observation period, up to a maximum of 20 minutes will normally be allowed. This is to allow the driver to complete delivery paperwork and to take account of the longer time needed to unload/stack larger volumes of goods.
- 30.4** Appeals on the basis of loading must include supporting evidence to explain why no activity was observed.

### **31.0 Location of contravention – incorrect:**

- 31.1** If it can be proven that the location stated on the PCN is incorrect then the PCN will be cancelled.

### **32.0 Lost keys:**

- 32.1** Appeals on the basis of car keys being lost, stolen or locked in a car which in turn resulted in a contravention occurring will be considered favourably providing supporting evidence is available for example from the police or a motoring organisation.
- 32.2** The following will also be taken into account:
- If the vehicle was parked in a pay and 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?

### **33.0 Mis-spelling of keeper's name:**

- 33.1** The mis-spelling of the keeper's name and/or address on the NtO does not invalidate it or discharge the liability of the person receiving it. It is the responsibility of the actual keeper of the vehicle to deal with the matter even if their name or address is misspelt.
- 33.2** Names and addresses are, in most cases, obtained from the DVLA and these details are usually supplied by the keepers themselves. It is also the keeper's responsibility to check and correct any mistakes in the vehicle keeper documents when they receive them.
- 33.3** If a mis-spelling is discovered the case records will be updated immediately to ensure that future letters and notices are sent out correctly.

#### **34.0 Notes in a vehicle:**

**34.1** In most instances a PCN will be issued even if a note is displayed in the windscreen of a vehicle, unless there is some other obvious or supporting evidence.

#### **35.0 Parked beyond bay markings:**

**35.1** Motorists are required to park their vehicle wholly within a designated parking place or any other part of the carriageway where parking is specifically authorised e.g. on and off street pay and display bays, residents' bays and limited waiting bays. If any of the vehicles wheels are outside or overhanging the bay and the Council considers that a significant or sufficient part of the vehicle is beyond the bay markings then a Penalty Charge Notice may be issued.

#### **36.0 Pay and display – did not realise it was a P&D area:**

**36.1** Appeals based upon not seeing relevant signs or pay and display machines will not be allowed unless signs are missing or obstructed such that they would not be seen by a person acting reasonably.

#### **37.0 Pay and display machines – out of order:**

**37.1** Claims of this nature will be checked against service records for the relevant machine and any complaints or enquires received. If validated the appeal will be allowed, however, if there was another nearby ticket machine and evidence confirms that other users had been able to purchase tickets around the same time then the representation is unlikely to be allowed.

#### **38.0 Pay and display – gone to meter or for change:**

**38.1** Motorists are expected to arrive at their parking destination with sufficient means to pay any necessary parking charges. Appeals based upon the PCN being issued whilst going for change or to the meter will not usually be allowed. A 5 minute observation period is always allowed prior to issuing a PCN for not displaying a ticket, this is considered sufficient to obtain change or buy a ticket, additionally the CEO must also check whether there is anyone purchasing a ticket at any machine within eyesight or appears to be making their way back to the vehicle. Thus, someone who parks without displaying a ticket will have had at least 5 minutes formal observation in addition to any period of time before the vehicle was observed by the CEO.

#### **39.0 Pay and display – wrong machine:**

**39.1** Pay and display tickets are not transferable between locations and are only valid for the car park or zone in which they were purchased. This is because different tariff structures exist in different areas. However, in circumstances where a higher value ticket is still time valid a more lenient approach may be taken.

#### **40.0 Pay and display tickets:**

**40.1** Pay and Display car parks and streets require a ticket to be purchased at the time of parking for the length of time required. All tickets show the expiry date and time on

them along with the fee paid and the machine number. The applicable Parking Charges are displayed either on the machine or on an adjacent notice board.

**40.2** Pay and Display Tickets must be clearly displayed whilst the vehicle is parked, face up showing the date/expiry time etc. The ticket must be valid for the location and the date and time during which the vehicle is parked.

**40.3** PCN's may be issued for:

- Failing to display a valid ticket; meter feeding (purchasing additional time in an attempt to remain in the same parking place beyond the maximum time permitted) or Displaying a ticket that has expired.
- Appeals based upon a valid P&D ticket being produced and/or if the CEO confirms that a ticket was in evidence but could not be clearly seen, for example details obscured by wiper blade, would normally be accepted. However, appellants should note that this reason will only be accepted if it is the first such representation on these grounds from that person. Repeat claims for subsequent PCN's for the same contravention are unlikely to be cancelled.

**41.0 Pay and display tickets – “Free after Three” and similar schemes**

**41.1** The Council may operate a number of parking concession schemes such as 'Free after Three' which may allow parking at a discount rate or without charge. Any specific rules of parking will be clearly displayed in the parking area, including the need to obtain a ticket, if appropriate. Ticket must be displayed and will be enforced in the same manner as full price tickets.

**42.0 Penalty charge notice – discount period:**

**42.1** If a PCN is paid within 14 days of issue the amount of the penalty is discounted by 50%.

**42.2** If a challenge is received from the keeper within 14 days of issue the discount period is automatically extended pending the Council's decision. If the challenge is subsequently rejected a further 14 days discount period will begin from the date of the notice of rejection. This information is included within the notice.

**42.3** If a challenge is received later than the 14 day discount period the discount period will not be extended and the full amount must be paid in the event of the challenge being rejected.

**42.4** If an NtO is sent to the keeper who is subsequently able to demonstrate that the PCN was not received at the time of the contravention, payment at the discounted amount will normally be accepted if paid within 14 days.

**43.0 Penalty charge notice, early issue of:**

**43.1** If a motorist claims that a PCN was issued before the expiry of the requisite observation period, we will investigate fully as these periods are usually set within the hardware and software and cannot be easily overridden.

**44.0 Permits - residents / visitor permits:**

**44.1** Resident parking permits must be clearly displayed on the windscreen of the vehicle. Permits are only valid in the zone indicated, for the vehicle to which they are issued and until the expiry date, if indicated.

**44.2** Visitor's permits are issued to residents for use by visitors to their homes and must be clearly displayed on the windscreen of the vehicle.

**44.3** Vehicles parked in resident only parking schemes without a valid resident/visitor permit may be issued with a PCN. When considering appeals if a valid permit is produced and/or the CEO confirms that a permit was in evidence but could not be clearly seen, for example details obscured by wiper blade, then representations would normally be accepted. However, appellants should note that this reason will only be accepted if it is the first such representation on these grounds from that person. Repeat claims for subsequent PCN's for the same contravention are unlikely to be cancelled.

**44.4** A PCN may be issued if a permit is displayed for the wrong zone, on another vehicle (in the case of a residents permit) or after its expiry date.

**45.0 Police officers on duty:**

**45.1** PCN's should not be issued to marked police vehicles when on official duty.

**45.2** Requests for cancellation of any PCN issued to an unmarked police vehicle must be made by the Area Inspector or equivalent. It should contain confirmation that the vehicle was being used on official business and why it was necessary to park at that location.

**45.3** PCN's issued to an unmarked police vehicle which is regularly parked outside a police station will not automatically be cancelled.

**46.0 Police officer gave permission to park:**

**46.1** Appeals on this basis will only be allowed where details of the authorising Police officer are provided and the information can be confirmed.

**47.0 Pregnant mothers with young children:**

**47.1** Generally pregnancy is not considered to be a disability, and not subject to the Blue Badge scheme concessions. Delays caused by pregnancy or young children will not normally lead to the cancellation of a PCN, as they can be expected and therefore anticipated.

**47.2** However, this is obviously a sensitive area and each case should be treated on its merits, i.e. if the delay was short or was caused by a minor medical emergency, child being sick or expectant mother feeling unwell, then leniency may be shown.

**47.3** If the delay appears to be a result of not making allowance of the demands of dealing with young children or her own condition, which could reasonably be anticipated, then the PCN should be enforced.

**48.0 Private or un-adopted highway:**

**48.1** Although the vast majority of TRO's within the Borough apply to the adopted highway, TRO's may also be applied to areas of highway that are not adopted but to which the public have access to, by right or tolerance. A PCN issued on highway that is not adopted would not normally be cancelled for that reason alone.

**49.0 Road signs / markings – missing, worn, obscured or broken:**

**49.1** Lines and marking should clearly indicate the restrictions in force; however, they do not need to be in a perfect condition. The test is whether a motorist acting reasonably would be aware of the presence and intent of the marking.

**49.2** A partly worn line, utility gap or missing end bar will not normally be accepted as a reason for cancellation. However, this will sometimes depend on the position of the vehicle in relation to markings.

**49.3** If signs or marking as confirmed as missing or defective the PCN should be cancelled.

**50.0 Obscured signs:**

**50.1** Information signs accompanying waiting and loading restrictions must be clearly visible at all times. If it is claimed that a sign was obscured and could not be read (graffiti, weather or overhanging trees etc.) the sign should be inspected as soon as practicable and remedial action taken. If the claim is proved to be correct the PCN should be cancelled.

**50.2** If the sign can be easily read then the PCN should be enforced.

**51.0 Missing signs:**

**51.1** If a sign is claimed to be missing it should be inspected as soon as practicable and, if confirmed, arrangements made for its replacement. Where a sign is missing and the driver would not have been aware of the restriction because of the missing sign then the PCN should be cancelled. Consideration will be given to the position of the vehicle in relation to other visible signs and a PCN may not be cancelled if the driver parked near to or had driven passed a clearly visible sign.

**52.0 Royal mail and universal service provider vehicles:**

**52.1** Vehicles being used for the collection or delivery of postal packets are exempt from no waiting restrictions (but not no-stopping restrictions) as long as they are actively

involved in such activity. Vehicles parked for long periods with no activity observed are subject to the same restrictions as ordinary motorists and a PCN may 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.

### **53.0 School restrictions:**

**53.1** Zig-zag markings outside of schools if accompanied by a regulatory sign/plate delineate a School Keep clear Order. They are installed for the protection of the children and such orders specifically prohibit vehicles from stopping on the zig-zag markings at school entrance points. The Council is committed to working with schools to reduce accidents and in support of this School Keep Clear markings are robustly enforced. Due to the nature of this type of parking contravention, which generally involves a driver stopping for a short period of time to drop off or collect a passenger, it is difficult to enforce by conventional enforcement. Therefore, this type of restriction is predominately enforced by the use of a mobile CCTV vehicle (an approved device). A rolling programme of enforcement around schools is in place and co-ordinated by the Council's Road Safety unit.

### **54.0 Time/date, calibration of hand held computers and pay and display machines:**

**54.1** Prior to commencement of each shift the CEO's shall check the calibration of their hand held computers to ensure that they reflect the correct time and date.

**54.2** Pay and Display machines are checked daily for any visual defects. Before patrolling a pay and display area, the CEO will check the machine to see that the clock and display is working correctly and there are no coin jams in the coin slot. All Pay and Display machines are remotely monitored by computer systems and many faults are automatically reported to the Council's machine maintenance team for logging and action. The computer system retains detailed information including logs of faults and all transactions.

### **55.0 Unauthorised movement of a vehicle:**

**55.1** Movement of any vehicle by the Police is considered to be authorised.

**55.2** Unless there is clear evidence that an unauthorised person has moved a vehicle then all PCN's should be enforced.

**55.3** Claims that a vehicle was stolen and left in contravention will be considered provided a relevant crime report number is provided.

**55.4** Claims of unauthorised use by another family member or a friend will not normally result in the PCN being cancelled unless it can be proven that the matter had been reported to the Police at the time the vehicle was taken.

### **56.0 Uniforms – civil enforcement officers:**

**56.1** CEO's must wear a uniform determined by the enforcement authority and in accordance with statutory guidelines.

**56.2** The uniform should show:

- the wearer is engaged in parking enforcement
- the name of the Local Authority on whose behalf the CEO is acting
- a personalised number to identify the CEO

**57.0 Vandalised vehicle:**

**57.1** When a vehicle has been damaged or vandalised to an extent that prevents it from being safely moved a PCN may be cancelled provided supporting evidence is produced such as:

- A Police crime number.
- A relevant Motoring Organization / Garage Service receipt.

**57.2** Failure to provide supporting evidence or the absence of a relevant CEO observation may lead to the PCN being enforced.

**58.0 Vehicles left unattended to gain access:**

**58.1** When a vehicle is left in contravention adjacent to an access point whilst a driver collects a key to gain access to a property, it is expected that this should take no longer than three minutes and will be catered for by the standard three minutes observation period.

**58.2** Vehicles should not be left for longer periods or in contravention of no stopping orders or loading restriction. However, each case will be considered on its merits and extenuating circumstances will be taken into account.

**59.0 Vehicle not at scene:**

**59.1** Where a vehicle keeper receives an NtO and claims that his/her vehicle was not parked in the area at the time, we will seek further proof from the keeper to confirm the identity of the registered vehicle against the details of the vehicle observed. In particular we will request details of the tax disc serial number, as these are all unique.

**59.2** If the details match the records held by the Council then the PCN will normally be enforced. If they do not then the PCN may be cancelled and if appropriate details passed to the Police.