

NORTH LINCOLNSHIRE COUNCIL

**HIGHWAYS AND PLANNING
CABINET MEMBER**

**CIVIL PARKING ENFORCEMENT CONTRAVENTIONS AND ASSOCIATED
OBSERVATION PERIODS**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To seek Cabinet Member approval for the proposed list of contraventions the council will enforce, following adoption of CPE powers, and associated observation times.

2. BACKGROUND INFORMATION

- 2.1 In July 2006, the then Cabinet considered a report (Min 580 refers), which gave approval for proposals for the Decriminalisation of Parking Enforcement (herein after to be referred to as Civil Parking Enforcement or CPE) in North Lincolnshire to be progressed. The effect of CPE will be to make the council responsible for the enforcement of parking both on and off street, whereas at present the council only enforces its off street pay and display and pay on foot car parks. Under the proposals, the council will take over on street enforcement of non-endorsable offences from Humberside Police.
- 2.2 Preparations for the adoption of CPE in North Lincolnshire are progressing and, as part of that process, the council needs to confirm the contravention codes, and associated observation times, it will adopt.
- 2.3 The Department for Transport (DfT) has published a full list of potential contravention codes, covering low level and high level contraventions for both on-street and off-street parking.

3. OPTIONS FOR CONSIDERATION

- 3.1 Cabinet Member has two things to consider. Firstly, which contraventions will the council enforce and, secondly, what observation times will be applied to each contravention.

4. ANALYSIS OF OPTIONS

- 4.1 Appendix A contains the full list of potential contraventions. Those it is proposed North Lincolnshire Council adopts are highlighted in bold blue. The excluded contraventions are generally those that do not currently apply to North Lincolnshire. For example, electric vehicle charging place parking, diplomatic vehicle parking, on-street parking-meter contraventions, disc parking.
- 4.2 Civil Enforcement Officers (CEO's) need to observe a vehicle for a time, to ascertain whether certain contraventions are taking place. How long, depends on the type of contravention.
- 4.3 Some of the most common contraventions, where observation periods will need to be applied, are those relating to loading and unloading. National guidance deals with this in some detail and the relevant extract from the national guidance is reproduced in Appendix B, for information. Examples (not an exhaustive list) of other contraventions, where observation periods will be applied, include parking on double yellow lines and parking in off-street car parks without displaying a valid ticket.
- 4.4 In deciding what observation time to apply to each contravention, the council should have due regard to providing an efficient and effective service, achieving the traffic management and road safety objectives of the service, but not unreasonably disadvantaging drivers or hindering business activity.
- 4.5 Having considered typical situations that drivers will experience from time to time; for example:
- the need to obtain change for ticket machines,
 - administrative delays that may occur to delivery drivers when loading and unloading, and
 - the need to stop on double yellow lines for short periods to drop off / pick up a passenger or load / unload items from a vehicle,
- and also having sought advice as to typical practices in other parts of the country, it is recommended that the observation times listed in Appendix A be adopted in North Lincolnshire.
- 4.6 It should be noted that observation times are not the same as times that may be allowed for a legitimate activity to be carried out. If, during the observation time, evidence of a legitimate activity being carried out was observed, then the period for completion of that activity would generally be longer than the observation time and would take account of the particular circumstances at the time.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 There are no significant financial implications to this report, as the CPE business model is based on enforcement being carried out in line with national guidance, which is reflected in the proposed contravention observation periods.

5.2 In order to provide as high a level of service as possible, CEO's should not be unreasonably delayed in their patrolling activity and it is felt that the observation times proposed guard against this and at the same time ensure a fair approach to drivers.

5.3 There are no staffing, property or IT implications to this report.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

6.1 Once the council adopts CPE powers, the legal responsibility for enforcement of on-street parking will transfer to the council from the police. The police will have no powers to enforce these contraventions.

6.2 There are potential environmental benefits to managing on-street parking effectively. As well as dealing with contraventions, the presence of Civil Enforcement Officers (CEO's) should discourage illegal and inappropriate parking, some of which adversely impacts on the efficient movement of traffic and can lead to congestion, increased fuel use and increased exhaust fume emissions.

6.3 A Stage 1 diversity impact assessment has been carried out and is available for inspection in the Safer Roads Team.

6.4 The additional on-street patrolling by CEO's will increase the likelihood of identifying traffic offences, other than parking contraventions. Also, it is intended that there will be regular communications between CEO's and police officers and Police Community Support Officers, for security reasons and information sharing. This increased uniformed presence should have a positive impact on traffic-related and other crime and disorder, as well as increasing reassurance to the public.

6.5 CPE carries with it a risk of conflict with members of the public, particularly those against which enforcement action is taken. Risk assessments and training in how to deal with such conflict will assist in reducing the risk to CEO's.

7. OUTCOMES OF CONSULTATION

7.1 Consultation has been carried out with local businesses, public transport and taxi operators, the emergency services, Road Haulage Association and Freight Transport Association, to check that the

proposed observation times do not unreasonably inhibit their ability to carry out day to day business activity.

- 7.2 One comment on the proposals has been received, in which it is suggested that the observation period for not displaying a ticket in an off-street car park (Code 73) should be ten minutes, in order to allow time for people to obtain change. This seems reasonable.
- 7.3 Secondly, it is suggested that the observation period for a time-expired ticket in an off-street car park should also be ten minutes. This would again represent a reasonable approach, that recognises payment has been made and also reflects the fact that the excess time parked after the ticket has expired (Code 82), or the maximum time allowed has expired (Code 80), is relatively short. Adopting this ten-minute observation time would not have any significant financial implications or detrimental impact on the effective operation of the off-street car parks.
- 7.4 The two suggestions above would not cause any significant operational problems, as CEO's will usually spend ten minutes or more, patrolling an off-street car park and the streets immediately surrounding.
- 7.5 Finally, it is suggested that warning notices be put on all street-parked vehicles for a period of two weeks, prior to the council taking over CPE powers, to advise people of the pending changes.
- 7.6 This final suggestion also has merit, but there will be practical problems distributing so many leaflets. A comprehensive package of measures, to publicise the start of CPE, is already planned. This includes newspaper articles, radio advertising, information in Direct magazine, information displayed on the council's external notice boards and its website. In light of these planned measures, it is recommended that, if any leaflet drops are carried out, account is taken of resource implications and, if limits have to be applied, then the busier town centre areas are given priority.
- 7.7 In addition to the above, a series of 'drop-in' question and answer sessions has been scheduled during November at various locations throughout the area. The first two took place in Epworth on 17 November and at Brigg on 18 November. Feedback from town and parish council and business representatives, who attended the sessions, was generally positive.
- 7.8 There is already substantial evidence that illegal parking is something the general public and local businesses want action taking against, so there should be a high level of underlying support for the service.
- 7.9 Illegal parking can adversely affect local businesses, which often rely on a regular turnover of vehicles in limited parking areas. A number of town centre businesses have expressed a desire to see increased levels of enforcement in key areas.

8. RECOMMENDATIONS

- 8.1 Cabinet Member approves the proposed contravention list and observation times, as detailed in Appendix A and highlighted in bold blue.

SERVICE DIRECTOR HIGHWAYS AND PLANNING

Church Square House
P O Box 42
Scunthorpe DN15 6XQ
Author: Pete Scott
Date: 11 November 2009

Background Papers used in the preparation of this report:

“Operational Guidance to Local Authorities: Parking Policy and Enforcement – Traffic Management Act 2004”, published by TSO (for the DfT) 25 March 2008.

APPENDIX A

Contraventions

Higher level Contraventions - On Street

(Those to be adopted are highlighted in bold blue)

Code	Description	Observation Time
01	Parked in a restricted street during prescribed hours	5 mins
02	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force.	0 mins
12	Parked in a residents' or shared use parking place without clearly displaying either a permit or voucher or pay and display ticket issued for that place.	5 mins
14	Parked in a residents' or shared use parking place without clearly displaying either a permit or voucher or pay and display ticket issued for that place	N/a
16	Parked in a permit space without displaying a valid permit (doctors bays)	0 mins
18	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited (street trading)	0 mins
20	Parked in a loading gap marked by a yellow line	N/a
21	Parked in a suspended bay/space or part of bay/space – fees and charges	0 mins
23	Parked in a parking place or area not designated for that class of vehicles (doctors bays)	0 mins
25	Parked in a loading place during restricted hours without loading	5 mins (10 mins commercial)
26	Vehicle parked more than 50 centimetres from the edge of the carriageway and not within a designated parking place	0 mins
27	Parked adjacent to a dropped footway (tactiles, shopping centres)	0 mins
40	Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge	0 mins
41	Parked in a parking place designated for diplomatic vehicles	N/a
42	Parked in a parking place designated for police vehicles	0 mins
45	Parked on a taxi rank	0 mins
46	Stopped where prohibited (on a red route or clearway)	N/a
47	Stopped on a restricted bus stop or stand	0 mins
48	Stopped in a restricted area outside a school	0 mins

49	Parked wholly or partly on a cycle track (all advisory currently)	5 mins
55	A commercial vehicle parked in a restricted street in contravention of the overnight waiting ban (laybys)	5 mins
56	Parked in contravention of a commercial vehicle waiting restriction	0 mins
57	Parked in contravention of a coach ban	N/a
61	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	0 mins
62	Parked with one or more wheels on any part of an urban road other than a carriageway (footway parking). Currently subject to clarification through legislation	5 mins
99	Stopped on a pedestrian crossing and/or crossing area marked by zig zags	0 mins

Higher level Contraventions - Off Street

Code	Description	Observation Time
70	Parked in a loading area during restricted hours without reasonable excuse	0 mins
74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	0 mins
81	Parked in a restricted area in a car park	0 mins
85	Parked in a permit bay without clearly displaying a valid permit	
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	0 mins
89	Vehicle parked exceeds maximum weight and/or height and/or length permitted in the area	0 mins
91	Parked in a car park or area not designated for that class of vehicle	0 mins
92	Parked causing an obstruction	0 mins

Lower Level Contraventions - On Street

Code	Description	Observation Time
04	Parked in a meter bay when penalty time is indicated	N/a
05	Parked after the expiry of paid for time	N/a
06	Parked without clearly displaying a valid pay and display ticket or voucher	N/a
07	Parked with payment made to extend the stay beyond	N/a

	initial time	
08	Parked at an out-of-order meter during controlled hours	N/a
09	Parked displaying multiple pay and display tickets where prohibited	N/a
10	Parked without clearly displaying two valid pay and display tickets when required	N/a
11	Parked without payment of the parking charge	N/a
19	Parked in a residents' or share use parking place or zone displaying an invalid permit, an invalid voucher or an invalid pay and display ticket	5 mins
22	Re-parked in the same parking place within one hour (or whatever return period is specified) of leaving	0 mins
24	Not parked correctly within the markings of the bay or space	0 mins
30	Parked for long than permitted (subject to them already being at least ten minutes over the prescribed limit)	0 mins
35	Parked in a disc parking place without clearly displaying a valid disc	N/a
36	Parked in a disc parking place for longer than permitted	N/a
63	Parked with engine running where prohibited	5 mins

Lower level Contraventions - Off Street

Code	Description	Observation Time
73	Parked without payment of the parking charge	10 mins
80	Parked for longer than the maximum period permitted	10 mins
82	Parked after the expiry of paid for time	10 mins
83	Parked in a car park without clearly displaying a valid pay and display ticket or voucher or parking clock	5 mins
84	Parked with additional payment made to extend the stay beyond time first purchased	0 mins
86	Parked beyond the bay markings	0 mins
90	Re-parked within one hour of leaving a bay or space in a car park	0 mins
93	Parked in car park when closed	0 mins
94	Parked in a pay and display car park without clearly displaying two valid pay and display tickets when required	5 mins
95	Parked in a parking place for a purpose other than the designated purpose for the parking place	0 mins
96	Parked with engine running where prohibited	0 mins

APPENDIX B

Extract from Civil Parking Enforcement National Guidance, relating to loading and unloading

Observation Periods

CEOs need to observe a vehicle for a time to ascertain whether certain contraventions are taking place. How long depends on the type of contravention. Authorities need to set these observation periods and make sure that their CEOs follow them. In the interests of open government, authorities may wish to publish the observation periods. Neighbouring authorities covering a continuous urban area should consider setting the same observation periods, as drivers may not know exactly where one local authority area ends and another starts.

There are two types of observation: casual and continuous. For casual observation, the standard procedure is for the CEO to note vehicle details when they first see a possible contravention taking place and to return a short while later or at intervals to see whether there is any sign of loading or unloading. If not, the CEO will issue a PCN.

For continuous observation, the standard procedure is for the CEO to note the vehicle details when they first see a possible contravention taking place and stay next to or near the vehicle, keeping it in sight at all times, for a set period (usually at least five minutes) to see if there is any sign of loading or unloading. If not, the CEO will issue a PCN.

A period of continuous observation, without any sign of the activity, provides better evidence that loading or unloading was not taking place. However, it should not be considered conclusive proof, even after a relatively long observation period, as there are circumstances which could prevent the CEO from seeing the loading or unloading. Casual observation allows the CEO more freedom of movement and lets them cover a larger area, which may be more useful at busy times.

An observation period is not a grace period. A grace period is a period of time where a contravention is taking place but the authority chooses not to enforce.