

**NORTH LINCOLNSHIRE COUNCIL**

**HIGHWAYS AND PLANNING  
CABINET MEMBER**

**PARKING ENFORCEMENT POLICY**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To seek Cabinet Member approval for the council's Parking Enforcement Policy.

**2. BACKGROUND INFORMATION**

- 2.1 In July 2006, approval was given 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 parking offences from the police.
- 2.2 Preparations for the introduction of CPE powers in North Lincolnshire are substantially complete and the council has received confirmation from the Department for Transport that the council's CPE powers will come into effect on 1 March 2010. The report is urgent to enable implementation by the scheduled date.
- 2.3 One of the final processes to be completed is formal approval of the council's Parking Enforcement Policy, which will provide information to the public and to the council's enforcement officers about how CPE will work. A copy of the draft policy is appended.

**3. OPTIONS FOR CONSIDERATION**

- 3.1 Cabinet Member can either approve the policy or not.

**4. ANALYSIS OF OPTIONS**

- 4.1 The proposed Parking Enforcement Policy covers a wide range of parking situations and outlines the council's approach to how these will be managed. The underpinning principle throughout the policy is the

need to achieve the road safety and traffic management objectives without unnecessarily inconveniencing day-to-day business or commercial activity. To that end, it is felt the policy demonstrates a balanced and reasonable approach to enforcement.

4.2 In light of the above, the use of discretion by the council's Civil Enforcement Officers (CEO's) will be very limited. This is to ensure a consistent approach to enforcement and also to protect the CEO's from potential charges of inconsistency or worse. So far as drivers are concerned, the ultimate safeguard is the appeals procedure, which provides two opportunities to appeal to the council and a third and final appeal to an independent Traffic Parking Tribunal (TPT).

4.3 Approving the proposed Parking Enforcement Policy will ensure an appropriate operational framework for CPE is in place and will also provide an effective information source for road users, local communities, businesses and other stakeholders.

4.4 Not approving the proposed policy will mean the council operating inconsistently with other councils and not in accordance with national guidance. It could also potentially compromise the council's position in regard to any future parking appeals.

## **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 broadly reflected in the proposed enforcement policy.

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 proposed policy guards against this and at the same time ensures 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 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 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. The proposed policy will hopefully demonstrate to everyone that a fair and reasonable approach is being taken to parking enforcement. In addition, risk assessments and training in how to deal with conflict will assist in reducing the risk to CEO's.

## **7. OUTCOMES OF CONSULTATION**

- 7.1 Consultation was 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 contained in the policy do not unreasonably inhibit their ability to carry out day-to-day business activity. This was the subject of a previous report to Cabinet Member in November 2009, which approved those observation times.
- 7.2 In addition to the above, CPE more generally is being publicised in a series of articles in the council's Direct magazine and it was also discussed with town and parish council representatives at the Town and Parish Council Liaison meeting on 15 October 2009. A series of 'drop-in' question and answer sessions for local businesses, town and parish councils, elected members and other stakeholders were held at various locations throughout the area, as follows:

Epworth on 17 November 2009  
Brigg on 18 November 2009  
Scunthorpe on 19 November 2009  
Barton on 23 November 2009  
Crowle on 16 December 2009

CPE has also been discussed at various Neighbourhood Action Team (NAT) meetings. Feedback from consultees has generally been positive.

- 7.3 In addition to the above, this draft Parking Enforcement Policy has been circulated to a wide range of stakeholders. To date, no significant objections or comments have been received. It is felt the draft policy

broadly reflects the feedback received from the previous consultation, detailed above, and also reflects the nature of parking enforcement services provided in other local authority areas, which adopted CPE powers some time ago. As such, it is well tested and felt to be robust.

- 7.4 More generally, a comprehensive package of measures, to publicise the start of CPE, is underway. This includes newspaper articles, radio advertising, further information in Direct magazine and information displayed on the council's external notice boards and its website. It is also planned to carry out leaflet drops, but these will be limited by resource availability and the busier town centre areas will be given priority.
- 7.5 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.
- 7.6 Illegal parking can adversely affect local businesses, which often rely on a regular turnover of vehicles in time-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 attached Parking Enforcement Policy.

### SERVICE DIRECTOR HIGHWAYS AND PLANNING

Church Square House  
P O Box 42  
Scunthorpe DN15 6XQ  
Author: Pete Scott  
Date: 08 February 2010

#### **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.  
Highways and Planning Cabinet Member report, “Civil Parking Enforcement Contraventions and Associated Observation Periods”, dated 26 November 2009

# **PARKING ENFORCEMENT POLICY**

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# INTRODUCTION

North Lincolnshire Council's Parking Enforcement Policy covers all aspects of Parking Enforcement across the whole Borough.

The prime aim of parking enforcement is to achieve the following policy objectives:

- To integrate traffic management policies with effective on-street enforcement
- To provide dedicated on-street and off-street parking enforcement.
- To allow the council to be responsive to changing priorities, local factors and demand for parking.
- To provide definitions of parking exemptions or dispensations where appropriate.
- To allow free moving traffic
- To create a safer North Lincolnshire

Parking enforcement will be 'fair but firm' and community support for, or acceptance of, this approach is conditional upon achieving this balance in the enforcement operation.

This policy is designed to outline the circumstances when enforcement action will take place and the reasoning behind this.

In general, enforcement activity will comply with the following principles:

- Applying the legislation fairly and ensuring compliance with the law.
- Taking enforcement action where it is necessary.
- Being consistent in our approach.
- Being transparent about what enforcement action is taken and why.

This policy covers both on and off-street enforcement activities. It is issued to all council staff involved in parking enforcement.

For ease of use, categories have been listed in alphabetical order.

**It is important to note that the policies and practices set out in this document are not necessarily intended to be fixed and will be amended accordingly and in conjunction with legislation. The current policy document will be posted and available on North Lincolnshire Council's website and is posted as required by Part 6 of the Traffic Management Act 2004.**



# ENFORCEMENT POLICY

## General Note

Unless otherwise stated, the guidance detailed within this document applies everywhere within the Civil Enforcement Area (CEA) and Special Enforcement Area (SEA), which includes all on-street restrictions and off-street car parks within the Borough of North Lincolnshire, with the exception of a small number of exempted roads, details of which are listed in Appendix A to this policy.

When dealing with members of the public, Civil Enforcement Officers (CEOs) and other staff are expected to be polite and helpful.

CEO's are expected to advise members of the public who query the following information when issued with a Penalty Charge Notice (PCN):

- Why the PCN was issued, including explanations about lines and signs or other regulations if appropriate.
- An explanation of the details given on the PCN.
- Details of how to appeal against the issue of the PCN.

CEO's will not -

- Offer an opinion on the regulations or the parking enforcement regime in North Lincolnshire and the way in which it operates.
- Indicate that a PCN should not have been issued.
- Indicate that a PCN is likely (or not) to be cancelled.

Because Civil Parking Enforcement (CPE) was only introduced in March 2010 and there are regular Traffic Regulation Order (TRO) changes, some drivers will not have received tickets in the past when parked illegally in that same location. CEO's are likely to receive complaints from motorists that 'I have always parked there and never been issued with a ticket'. In these circumstances, the driver should be aware that:

- The restriction has not changed and it has always been against the regulations to park there.
- It is only the enforcement of the restrictions that has changed.
- Unfortunately, the fact that they have always parked there and never received a ticket does not mean that it is permissible to park there, nor does it mean that the PCN should not have been issued.
- The PCN was correctly issued and any further complaint should be referred to the council, in writing, at the address shown on the back of the PCN.

## **Abandoned Vehicles**

CEO's will not have any direct role in dealing with abandoned vehicles. The council has an Abandoned Vehicles Policy and all activity associated with abandoned vehicles is administered by the council's Neighbourhood and Environment Service. For further information, please refer to the council's Abandoned Vehicles Policy, which can be accessed on the council's website.

PCN's will not be served on vehicles displaying official 'Police Aware' notices.

## **Abusive and Violent Behaviour**

Abusive behaviour to any staff, either in person or on the telephone, will not be tolerated. Abusive individuals will be advised that their behaviour is unacceptable and the conversation may be terminated if the abuse continues. A register will be kept of persistent offenders who are intimidating or abusive to staff.

CEO's who experience abusive behaviour will make a full record in their pocketbook directly quoting what is said. Threatening or intimidating behaviour is subject to the council's operating procedures and will be treated as serious incidents.

The council will fully support the CEO in the prosecution of individuals who assault or harass them in the performance of their duties, and will enlist the support of Humberside Police to take legal action in such an event.

## **Bailiffs**

Bailiffs' vehicles are only exempt from the regulations where they are actively being used for the removal of goods from a property. A bailiff calling to collect on a warrant (where goods are not being removed from the premises) is not exempt and unless there is any indication that goods are to be removed (when the normal loading provisions will apply) the CEO will issue a PCN.

## **Bank and Public Holidays**

All waiting restrictions are active on statutory Bank and Public Holidays and will be subject to enforcement activity. The council will also enforce on its off street car parks on Bank or Public Holidays. The exception is Christmas Day (see also **Christmas Enforcement**).

## **Breakdowns**

Unless a CEO sees a visible sign of a breakdown, a PCN will be issued to the vehicle in breach of the regulations. The CEO will have no discretion in considering notes in the windscreen indicating that the vehicle has "broken down", but will record full details of all such notes in their pocket-book or on their hand-held computer.

If the driver is present with the vehicle, then the CEO will allow a reasonable time, not exceeding 24 hours, for it to be removed. In cases of genuine breakdown, the motorist will be able to make a written appeal to the council and it will be dealt with depending on the circumstances.

## **Bus Stops**

Due to the congestion and inconvenience caused by vehicles parking in bus stops, there will be no observation time allowed and CEO's should issue a PCN to any vehicle in a bus stop. A full list of observation times to be applied in other circumstances is contained in Appendix B to this policy.

If a CEO witnesses a vehicle parked in a bus stop and the vehicle moves off the CEO will issue a Regulation 10 PCN that will be served by post to the owner/keeper of that vehicle.

Vehicles that park or stand either partially or fully within the markings of a clearway bus stop / stand will also be issued with a PCN (see also **Parking Outside Bay Markings**).

## **Carers (see Health Care Workers)**

### **CCTV Enforcement**

Under the Traffic Management Act 2004, local authorities are permitted to issue PCN's using evidence gathered by CCTV cameras. The cameras used must be of an approved standard. On witnessing a contravention, a PCN is posted out to the registered keeper of the vehicle.

At present, North Lincolnshire Council does not enforce using CCTV cameras.

### **Christmas Enforcement**

The council appreciates that the Christmas period has to be treated sensitively where loading/unloading of presents may take place and residents park their vehicles overnight. No enforcement will therefore take place on Christmas Day.

### **Clamping and Removals**

North Lincolnshire Council does not intend clamping or removing vehicles at this stage for being parked in contravention. However, the council may remove any vehicles that are abandoned (see **Abandoned Vehicles**) or that are classed as persistent evaders i.e. the vehicle has a number of unpaid PCN's associated to it (see **Persistent Evaders**)

### **Coaches**

The council recognises that coaches may need to set down a large group of people in a safe manner and as such has provided a facility located at the High Street East car park. A CEO will always attempt to communicate with a coach driver whose vehicle is stationary at any location and parked in contravention.

Coaches should not be parked in loading-restricted areas or where it is dangerous to park including double yellow lines and double kerb blips. When necessary, a CEO will advise the driver on the best location to stop.

## **Council Vehicles and other Utility Vehicles (see also Statutory Undertakers)**

Liveried council vehicles will not be issued with PCN's when said vehicles undertake essential work on the highway.

Examples of essential works include the following:

- Servicing and maintaining street furniture
- Maintenance of utility boxes
- Vehicles performing highway maintenance
- Graffiti removal
- Removal of fly-tipped material

Preferential treatment will not be given to council employees using their own vehicles for business purposes. If the driver is seen and claims to be a council employee, this will be noted by the CEO, but will not prevent the issue of a PCN. Emergency situations will be dealt with according to the circumstances.

### **Note**

It is council policy that any PCN's incurred by a council vehicle must be paid by the employee who was driving the vehicle at that time.

## **Council Staff Parking**

Council employees using their own vehicles are not exempt from the restrictions and PCN's will be issued to all vehicles parked in contravention. If any driver approaches a CEO and states that they are an employee of North Lincolnshire Council, the CEO should make a note in their pocket book, but must not refrain from issuing a PCN.

The council issues parking permits to the public, including council employees, that are valid in specific car parks. These permits are all vehicle-specific and a PCN will be issued to any vehicle not bearing the registration number on the permit.

## **Cycle Tracks/Lanes**

Parking in a mandatory cycle lane (i.e. a cycle lane separated from the main carriageway by a solid white line) is a contravention for which a PCN will be issued.

Parking in an advisory cycle lane (i.e. a cycle lane separated from the main carriageway by a broken white line) is not a parking contravention for which a PCN will be issued, unless the cycle lane is covered by a parking restriction (e.g. yellow lines).

It should be noted, however, that even if there are no yellow lines, a police officer may issue a Fixed Penalty Notice (FPN) for parking in an advisory cycle lane if they deem it to be a significant obstruction.

## **Diplomatic Vehicles**

PCN's will not be issued in the normal manner to vehicles parked in contravention and displaying diplomat plates (usually in the format of three numbers, followed by 'X' or 'D' and another three numbers), as they are exempt from parking regulations.

## **Disabled (Blue) Badge Holders**

People with mobility problems and severe health problems can be issued with a Blue Badge. These can be obtained from North Lincolnshire Council subject to application criteria.

Blue Badges issued by any other local authority (including other countries in the European Union) are also valid in North Lincolnshire.

Under the terms of the Blue Badge regulations, badge holders may park in the following locations:

- In designated disabled parking bays.
- In all limited waiting bays, for an unlimited period of time.
- For up to 3 hours on a single or double yellow line with the badge correctly displayed and the clock set to show the time of arrival, and where loading restrictions are not in force. However, a PCN will be issued if the time shown on the clock has been exceeded or the clock is not correctly displayed.

In all cases, a PCN will be issued where the blue badge is not properly displayed on the front of the vehicle so that the CEO can easily see the details i.e. the expiry date and issue number. The CEO must make full notes of the manner in which the badge is displayed, supported by a photograph.

Blue Badge holders are not permitted to park:

- Where loading restrictions are in force, or in loading bays.
- On bus stops which are subject to a bus stop clearway order, or on any clearway.
- On school zigzag areas during school term times.
- In taxi ranks.
- On zigzag markings adjacent to zebra or other pedestrian crossing facilities.

If a CEO suspects that a Blue Badge is being used fraudulently, he/she will make a detailed note of the circumstances and the badge details and forward these details to the relevant enforcement body.

If, on appeal to the council, it is established that the appellant is a valid Blue Badge holder, but has simply failed to display it, then provided there have been no previous similar contraventions in respect of the appellant, the PCN will be cancelled. If there is evidence of a previous cancellation the PCN will stand.

## **Disabled Bays**

The council provides disabled bays on its off-street car parks as well as dedicated on-street parking spaces. Drivers who park in these disabled bays without displaying a valid Blue Badge will be issued with a PCN.

## **Dispensations**

Very exceptionally, dispensations may be required for vehicles, which the driver wishes to park in circumstances that would ordinarily be in contravention of parking restrictions, but for which there is no exemption listed in the council's On-Street Parking Order.

To apply for a dispensation, the council should be contacted on 01724 297000.

Any vehicle granted a dispensation must clearly display the notice in the windscreen. The notice will contain details of the registration number, date(s) and time(s) to which the dispensation relates and the location at which it is valid.

Any vehicle not parked in accordance with the terms of the dispensation will be issued with a PCN.

## **Displaying Pay and Display Tickets**

Pay and display tickets should be affixed to the vehicle's front windscreen so that the CEO can read the details easily. Full instructions for use will be found on the ticket itself.

However, if the CEO can read the pay and display ticket, and it is valid, even if it is not displayed in accordance with these provisions, a PCN will not be issued.

More than one pay and display ticket should not be displayed at any one time. However, a PCN should only be issued where the motorist has parked for longer than the prescribed time or is not clearly displaying a valid pay and display ticket.

## **Double Parking or Parking Away From the Kerb**

This activity causes a clear health and safety issue to both pedestrians and other road users. Where a vehicle is parked more than 50 centimetres away from the kerb a PCN will be issued.

## **Drain Cleaning Companies**

It is common that drain cleaning companies are called to remove effluent that can be a danger to public health, and may need to be located directly outside a property where a TRO is in place. In these circumstances these vehicles will be exempt from enforcement whilst essential work is taking place.

If an operative of the drainage company approaches a CEO, they will permit the vehicle to be parked in contravention for one hour. If the vehicle is required at that location for more than one hour, a dispensation will be required. If a CEO is not available, the council should be contacted on 01724 297000 and arrangements will be made for a CEO or other parking officer to contact the applicant.

If approval is not obtained and a CEO does not observe any activity where the vehicle is parked a PCN will be issued.

### **Drive Away Vehicles**

Up to the 31<sup>st</sup> March 2008, a PCN was only valid if it had been placed on the vehicle or handed to the person in charge of the vehicle. A common evasion of such action was for the driver of the vehicle to drive away before a PCN was served on them or their vehicle.

From the 1<sup>st</sup> April 2008, under the Traffic Management Act 2004, Local Authorities have new powers to issue PCN's by post on occasions when the vehicle is driven away before the notice has been issued. This type of Notice is known as a Regulation 10 PCN.

A Regulation 10 PCN can be issued in the following circumstances:

- Vehicles that drive away before the PCN has been affixed to the vehicle or handed to the driver.
- Vehicles that are parked in contravention in such a place that is dangerous or impractical for a CEO to issue a PCN.
- Vehicles parked in, or overlapping a bus stop.
- Vehicles parked on a Clearway.

### **Drivers in Vehicles**

Where a vehicle is parked in contravention of the restrictions and the driver is sitting in the vehicle, the CEO will ask the driver to move the vehicle and park legally; issuing a PCN only if this request is not met. Where a passenger is present in the passenger seat there is no requirement to ask them to move the vehicle and normal enforcement should continue.

### **Dropped Crossings**

A dropped crossing is defined as a part of a footway that has been dropped to give access to a driveway beyond the footway or to provide a road crossing point for pedestrians, cyclists, wheelchair users etc. The council has powers to issue PCN's where vehicles are parked across dropped crossings.

In enforcing this contravention, priority will be given to those locations where there is deemed to be the most significant road safety risk, generally at crossings provided for pedestrians, cyclists, wheelchair users etc. to cross the road.

### **Duplicate Penalty Charge Notices**

If a vehicle is parked in contravention for more than one day (24 hours), and has already received one PCN, a second PCN will be issued the following day.

If the vehicle continues to be parked in contravention for a third day the council will determine that the vehicle is an abandoned vehicle (see **Abandoned Vehicles**).

## **Emergency Vehicles**

Police, Fire and Rescue and Ambulance vehicles are exempt from the regulations providing that they are liveried and are being used in connection with official duties.

PCN's will not be issued to these vehicles. If it is obvious that the driver is not engaged on official duties full notes will be made and details will be forwarded to the relevant service to deal with such issues.

## **Expired Permits**

Individuals or businesses displaying an expired permit will be given a one-month grace period in which to renew their permit. The CEO will not issue a PCN during this period.

## **Footway (Pavement) Parking**

A PCN may be issued to vehicles parked on the footway if there is an existing restriction on the road (e.g. yellow lines) adjacent to the footway.

National legislation relating to enforcement of footway parking is currently being finalised. Until it is, PCN's will not be issued for the contravention of parking on a footway if there are no parking restrictions on the adjacent carriageway.

## **Foreign Registered Vehicles**

PCN's will be issued to Foreign Registered Vehicles if they are parked in contravention.

Any Foreign Registered Vehicle that is believed to have been in the UK for more than 6 months will be reported to the Driver and Vehicle Licensing Agency (DVLA) and may be removed as an unlicensed vehicle.

## **Funerals**

The council recognises that funerals are important events and are sensitive issues. Visitors to funerals should park legally away from the event. However, essential vehicles and close family may need to park quite near the premises being used for the occasion.

There is no automatic exemption for funeral vehicles. However, CEO's will exercise discretion where it is clear that a funeral is taking place and, where necessary, will give advice on the most convenient and sensible parking arrangements.

Providing there are no safety or congestion issues, a PCN will not be issued to any essential funeral vehicles. This will include the hearse (the vehicle that carries the coffin) and any other official vehicles.

It may be necessary to ask some vehicles to move on some occasions to avoid obstructions and a PCN will only be issued where a request for a vehicle to move is ignored.

CEO's will always make enquiries within the premises of an Undertaker if a vehicle is parked adjacent to the business and they suspect that the vehicle is being used as a hearse.



If vehicles are stopped in order to allow people to board or alight, they will be entitled to the exemption for boarding and alighting.

In some circumstances the council will be aware of large funerals and will have advised the CEO's accordingly before they take place.

### **Glaziers**

For safety reasons, and the transportation of glass, glaziers' vehicles will often need to be parked close to the premises on which they are working.

In cases where a glazier's vehicle is parked adjacent to the premises, CEO's will observe if the glass is of a size e.g. shop window, which would warrant adjacent parking. Glaziers will be exempt from the regulations in these cases. Otherwise, the vehicle should be parked legally or display a dispensation issued by the council.

If a glazier approaches a CEO, they will permit the vehicle to be parked in contravention for one hour. If the vehicle is required at that location for more than one hour, a dispensation will be required.

If a CEO is not available the council should be contacted on 01724 297000 and arrangements will be made for a CEO or other parking officer to contact the applicant.

If approval is not obtained and a CEO does not observe any activity where the vehicle is parked a PCN will be issued.

### **Grace Periods**

A grace period will be applied on expiry of a pay and display ticket on an off street car park and also in cases where vehicles have over-stayed their time limit on limited waiting restrictions.

The grace period allows a driver to return to their vehicle within a short time period of the ticket or the restriction expiring. This will demonstrate a fair and reasonable approach to enforcement.

A grace period of 10 minutes will apply for overstaying the time purchased in a car park or the time allowed on limited waiting restrictions.

Where a driver is not displaying a valid pay and display ticket, a 10 minute observation period will apply (see **Observation Periods**). This allows the driver time to locate a machine and buy a ticket.

### **Grass Verges**

A PCN may be issued for the contravention of parking on a grass verge if there is an existing restriction on the road (e.g. yellow lines) adjacent to the grass verge.

There is no provision for a PCN to be issued for verge parking where there is no parking restriction (e.g. yellow line) on the adjacent road. However, drivers should be aware that police officers or authorised officers of the council do have powers to take action against verge parking in certain other circumstances (unrelated to parking contraventions covered by the Traffic

Management Act 2004) and which may lead to a financial penalty (e.g. under local bye-laws if the verge is designated as 'ornamental').

### **Health Care Workers / Carers**

There is a presumption that health care workers and carers will park in accordance with parking regulations, whenever it is reasonable and practical to do so. There is no automatic exemption from parking restrictions for health care workers. It is accepted and understood that, in certain circumstances, health care workers may need to park in contravention of parking restrictions (for example, to park immediately outside a property that has loading restrictions in place, in order to deliver medicines or medical equipment that cannot be otherwise delivered without compromising patient safety). In such cases, a dispensation may be granted (see **Dispensations**).

### **Hours of Enforcement**

Enforcement will be carried out during the hours of control, which vary according to the restriction. It should not be assumed that the council does not enforce at certain times if CEO's are not visible.

### **Lighting Engineers**

The council's Street Lighting Section is exempt when undertaking works adjacent to a lighting column. An engineer must be seen to be present and working at the vehicle to prevent a PCN being issued. If there is no activity then the vehicle should be enforced in the normal way.

### **Limited Waiting Bays**

There are a number of limited waiting bays in North Lincolnshire. These provide for various waiting times ( usually 1 or 2 hours / no return within 1 or 2 hours) unless displaying a valid Residents' Parking Permit where the waiting bay is within a Residents' Parking Scheme (see **Residents' Parking Schemes**).

PCN's will be issued to vehicles parked for longer than the maximum period permitted, provided that they have over-stayed by a minimum of 10 minutes, and for returning within the no return period.

### **Lines and Signs**

Before any PCN is issued, the CEO must be satisfied that the required lines and signs are present and are not incomplete or obscured.

Where a restriction should be signed, and the sign is missing, or a restriction should be lined, and the lining is missing or obscured, a PCN will not be issued.

However, if there are small lengths of yellow lines missing (less than the length of a small car), the CEO will issue a PCN as normal, and report the defective section for remedial action.

Any damaged lines and signs are noted by CEO's when on patrol.

## **Loading and Unloading Guidelines**

Any vehicle can load or unload continuously for up to 20 minutes when parked in a loading bay or on a double yellow line which allows such activity.

If loading exceeds the 20-minute time period, but it is obvious that loading or unloading is still taking place, the CEO will use his/her discretion in allowing the vehicle to park for longer within reason. If the loading or unloading is planned for a longer period of time then a dispensation will be required (see **Dispensations**).

If a CEO suspects a vehicle is parked in contravention and is not loading, he/she will observe that vehicle for a minimum of 5 minutes to ensure that this is the case. If no loading or unloading takes place during this observation period, a PCN will be issued.

Loading or unloading is allowed for commercial purposes or if the items being loaded or unloaded are not easily portable. The process does have to be continuous and the CEO must see some evidence of this taking place.

If a CEO has reason to believe that any vehicle is loading or unloading, then a 20-minute period, to complete the loading / unloading, will normally be allowed .

Loading and unloading is permitted in the following locations:

- In permit holder bays.
- On single or double yellow lines.
- In loading bays.

Loading and unloading is not permitted in the following locations:

- In a bus stop
- In a taxi rank
- On a Clearway
- In a Doctor/Hospital/Ambulance bay
- Where kerb markings indicate No Loading restrictions.
- On school zigzag markings.
- In a marked suspended bay.
- On single or double yellow lines, where it would be dangerous to do so.

## **Maximum Size of Vehicle**

Unless the signage states otherwise, the maximum unladen weight of a vehicle that is permitted to park in a pay and display bay in an off-street car park is 2540 Kg. Passenger vehicles, which can carry not more than 12 passengers and the driver, are also permitted.

All vehicles must park wholly within the bay markings. CEO's will issue PCN's to vehicles that do not comply with these requirements. If a vehicle is too large to park wholly within one bay, a parking ticket should be purchased and displayed for each additional bay, or part thereof, in which the vehicle is parked.

## **Motorcycle Parking**

Motorcycles are legally defined as powered two wheeled vehicles. Quad Bikes are classed as motor vehicles, not motorcycles.

There are currently some dedicated motorcycle parking bays which allow motorcycles to park free of charge within North Lincolnshire. It is a contravention for other vehicles (including motorcycles with sidecars) to park in these bays.

Motorcycles are not allowed to park in a non-dedicated motorcycle bay without purchasing and displaying a ticket.

Motorcycles should be parked perpendicular to the kerb in limited waiting bays so as not to take up parking spaces for four-wheel motor vehicles. If they are not parked in this way, a PCN will be issued.

This provision does not apply to other restrictions (e.g. yellow lines).

## **Obscured or Incorrectly Validated Permits**

If a parking permit is not clearly displayed in a vehicle, a PCN will be issued. The CEO will make a note in his/her pocket book about the obscured section of the permit and ensure that the appropriate photograph is taken.

A PCN will not be issued if the permit is not displayed in accordance with the regulations, but can nevertheless be clearly seen and all the required details can be read.

## **Observation Periods**

When a vehicle is parked in contravention of the regulations, and depending upon the type of restriction, the CEO will observe the vehicle for a time before issuing a PCN.

An observation period is primarily designed to ensure that the vehicle is not engaged in an exempt activity, such as loading or unloading. An observation period is not a grace period (see **Grace Periods**)

A full list showing offence codes and observation periods can be found in Appendix B.

## **Parking Outside Bay Markings**

**On-street areas** - A PCN will only be issued to a vehicle if one-third of the vehicle is outside the markings and/or the vehicle is causing a possible obstruction. The exception being bus stops where only one wheel touching the bus stop clearway markings will enable the CEO to issue a PCN. This is because buses, particularly low-floor buses, need the whole area of the bus stop kept clear to manoeuvre into position.

**Off-street car parks** – Vehicles parked outside the marked bay in a car park will normally be issued with a PCN unless, in the opinion of the CEO, the position of the vehicle does not make it difficult for another vehicle to park in an adjacent parking space.

Vehicles should only be parked in marked bays and should not be parked anywhere else in an off-street car park.

In all cases, photographs will support the PCN.

### **Pay and Display Machine Faults**

All pay and display machines are checked daily by CEO's.

If a pay and display machine is found to be faulty it is the driver's responsibility to obtain a ticket from another ticket machine in the same parking place (where provided) or as directed in the parking place.

In the event that the pay and display machine is marked as 'out of order' and there are no alternative payment points, a vehicle will be allowed to park until the machine is repaired and then for the maximum parking duration of the bay.

Where a motorist leaves a note in his/her vehicle stating that the machine is faulty, or reports it personally to a CEO, the officer will check the machine. If the machine is found to be faulty, a PCN will not be issued and the machine will immediately be bagged or a notice placed over the coin slot until the appropriate repair action can be taken. If the machine is not found to be faulty, a PCN will be issued for the appropriate contravention.

The CEO will make full notes of the event and the action taken.

Each machine displays a telephone number for reporting faults by members of the public. A log of all such reports is kept by the council to assist with future appeals against PCN's.

### **Pay and Display Tickets – Expired Time**

CEO's are aware that the pay and display tickets issued in car parks show the time of purchase and expiry time and the amount paid for that ticket.

If a PCN is issued for expired time, full details of the pay and display ticket will be recorded, including the time of arrival, the amount paid and the expiry time.

CEO's will also issue PCN's for 'meter-feeding', e.g. where a driver has purchased a second pay and display ticket shortly before or after expiry of the first, with the intention of prolonging the period of time originally purchased beyond the maximum stay of the car park .

However, some drivers do make a mistake in using the machine, and if a vehicle is displaying two pay and display tickets that have been issued within 5 minutes of each other (both for the same day), a PCN will not be issued. In these cases, the total amount of time shown on the pay and display tickets will be allowed, i.e. if both tickets show that 30 minutes has been purchased, the driver will be allowed one hour's parking.

### **Pedestrian Crossings**

The council does enforce parking on zigzag markings at pedestrian crossings.

## **Persistent Evaders**

Although the vast majority of PCN's that are issued by the council are either paid or waived after an appeal, there are a small minority of people that consistently park illegally and avoid any PCN's that are issued to them.

A persistent evader is defined as a keeper or identified driver of a vehicle that has 3 or more recorded contraventions or PCN's that have not been paid on expiry of the statutory appeal period.

The Traffic Management Act 2004 gives the council the power to remove any vehicle that belongs to or is driven by a persistent evader and impound it. The registered keeper of the vehicle is then responsible for providing proof of ownership and paying a statutory removal and storage fee before the vehicle is released.

A registered keeper or known driver of a vehicle will continue to be classed as a persistent evader whilst there are more than 3 Penalty Charge Notices outstanding against it.

## **Picking Up/Dropping Off Passengers**

Motorists may stop to pick up or drop off passengers on yellow lines, or in any parking bay, this may include loading bays or areas where there is a loading ban in operation. It is generally accepted that the maximum time allowed for this activity is 2 minutes in the case of able-bodied passengers.

There may be exceptions to this rule if the motorist must accompany a child or elderly/disabled person away from the vehicle, or if there is luggage to be set down and the 2-minute rule will not be applied rigorously in these circumstances. A PCN will not be issued where it is obvious that this activity is taking place.

Where loading and unloading is taking place and no passengers are involved in the process, enforcement will follow the standard procedures for loading/unloading (see **Loading/Unloading**).

In most cases, a CEO will issue a PCN to a vehicle that is contravening the regulations and where the driver is absent.

## **Requests for Enforcement**

From time to time, members of the public may approach CEO's to request the enforcement of a particular restriction.

Where a CEO is approached whilst he/she is patrolling an area, providing that the request relates to a neighbouring road or the same road and will normally not involve them leaving their allocated beat, the CEO should generally comply with the request.

If the request will mean that the CEO will have to travel a considerable distance or leave their beat for a significant period of time, then they will note the request and ensure that this issue is addressed as soon as possible.

## **Residents' Parking Schemes**

There are currently only two residents' parking schemes in North Lincolnshire. These schemes are required to ensure that residents within these locations have access to parking spaces in the area surrounding their property.

In order to be able to regulate these schemes, permits are issued to properties within the area of the scheme. A valid permit must be displayed at all times during the time when the TRO is active.

Residents' parking schemes may include limited waiting restrictions (this will be confirmed by the signage on the street). These restrictions allow vehicles not covered by the residents' parking scheme to be parked from time to time.

If a vehicle is not displaying a valid permit and overstays the waiting limit on the street (where applicable), then a PCN will be issued for the appropriate contravention.

## **Royal Mail Vehicles**

Under North Lincolnshire Council's TRO's, vehicles belonging to the Post Office and other companies engaged in the delivery of postal packets (to or from post boxes and business premises), are exempt from enforcement and may load or unload where others are not permitted. However, CEO's will issue a PCN if they believe that such vehicles are not actively engaged in delivery.

## **Scaffolders**

Scaffolders are required to obtain waivers/dispensations to park on yellow line or work out of bays. The latter may require a bay suspension.

Scaffolders are generally exempt from parking restrictions where scaffolding is being constructed., i.e. whilst loading and unloading equipment from the vehicle and erecting/dismantling the scaffold.

Scaffolders are required to obtain a dispensation to park on yellow lines.

CEO's will issue a PCN to vehicles that are not engaged in actively loading/unloading or constructing/dismantling of scaffolding or work that is covered by a permit/dispensation.

## **Schools and School Zigzags**

Yellow zigzags are placed outside schools for the safety of children. It is an offence to stop on the zigzag area. There will be no period of observation before the issue of a PCN to any vehicle that is in contravention of parking restrictions on zigzags outside a school. This includes school coaches.

If the vehicle parked in contravention moves off before a Penalty Charge Notice is issued then the notice will be served on the Registered Keeper of the vehicle by post (a Regulation 10 Penalty Charge Notice).

## **Season Tickets**

Season tickets, which are valid in long-stay car parks only, can be purchased from the council.

Season tickets can be purchased by ringing Pittwood House, Scunthorpe 01724 296665, calling in person at Church Square House, Scunthorpe, ringing or calling in person at Hewson House, Brigg 01724 296111

### **Skip Licences**

Skip licences are granted by the council's Highways Department and can permit the placing of a skip in contravention of the parking restrictions. In areas where a skip is to be left in a loading bay, taxi rank or other restricted area, the Highways Department will inform the council's Parking Enforcement Team in advance.

### **Special Events**

Where there are special events taking place that may affect the availability of parking or flow of traffic in the area, the council and/or the Police have the legal power to make special arrangements relating to parking controls.

### **Statutory Undertakers**

There is an exemption for liveried vehicles being used in the service of gas, electricity, telecommunications or water companies. These vehicles will not be issued with a PCN if the vehicle is being used in direct connection with works on the highway and appropriate signage is in place

If the vehicle is being used in connection with an emergency situation (water leak, gas escape etc.), and the council has not been made aware of such work, then a PCN may be issued if the vehicle is parked in contravention. Upon receipt of an appeal, such notices will be cancelled if the appeal is supported by evidence of the emergency. Once the emergency has been dealt with, the vehicle must be moved, as it is no longer exempt from enforcement and will be treated as such.

CEO's will also issue a PCN where it is obvious that the vehicle is not actually being used in connection with work taking place on the highway.

Statutory Undertakers' vehicles often display signs stating that emergency works are being undertaken. This is not in itself an indication that the vehicle is exempt, and a PCN will be issued to the vehicle if the CEO is not satisfied that the vehicle is undertaking such works at that time.

### **Suspension of Parking Bays**

Residents or businesses may apply for sections of the parking bays adjacent to their property to be suspended in exceptional circumstances. Suspensions may be arranged in the following circumstances:

- House or Office removals.
- Funerals or Weddings.
- Essential work on the highway.
- Essential deliveries (e.g. building materials).
- The placement of skips.



- Special events.
- Filming.

Applications for bay suspensions will need to be accompanied by proof of the reason for that suspension. The applicant should request a suspension at least 48 hours in advance of the event, providing the exact location of the parking bay. House numbers, if relevant, should be included.

However, suspensions may also need to be arranged at short notice, in the case of emergency works for example.

In all cases, there is a charge made for suspensions.

Vehicles that park in suspended bays will be issued with a PCN. The CEO will make notes or take photographs which show the position of the suspension sign in relation to the vehicle and confirm that the suspension was in force at the time.

### **Taxis and Private Hire Vehicles**

There is a difference between taxis and private hire vehicles.

Taxis are licensed by the local authority and are permitted to ply for hire in the street. They may be black cabs (Hackney carriages), saloon cars or people carriers.

Private hire vehicles are also licensed, but they are not allowed to ply for hire or to display a 'taxi' sign. They can only handle pre-arranged pick-ups.

Taxis and private hire vehicles, like all vehicles, may stop to allow passengers to board or alight for as long as is necessary, and this should be obvious to the CEO.

Where there are taxis waiting on an authorised taxi rank (private hire vehicles are not allowed on the ranks and will be issued with a PCN if observed doing so) it is not permitted for those taxis that cannot get onto the rank to queue outside the rank. CEO's will issue a PCN in these cases.

Taxi drivers, like any other driver, must not leave the vehicle parked illegally to visit toilets, shops, cafes etc. This also applies within the taxi ranks where taxi drivers can 'wait' in their vehicles but once left unattended they will be dealt with in contravention to the rank and issued a PCN.

### **Traffic Signal Engineers**

The council employs a contractor to service and repair the traffic signals across the Borough. As a result it is necessary for the engineer to park adjacent to the traffic signals, often in areas where there are TRO's in place. In these circumstances the engineers will display an approved permit and will be exempt from enforcement only at these locations and only when work is taking place.

If no permit is displayed then a PCN will be issued.

### **Untaxed Vehicles**

When a CEO observes a vehicle parked in contravention and notes that the vehicle does not have a valid tax disc, he/she will report the matter to the DVLA.

## **Weather (Inclement)**

Inclement weather conditions are not an excuse for contravening parking restrictions. Indeed, in some conditions where visibility is reduced, it can be particularly dangerous to park in contravention of restrictions. However, during periods of heavy snow, where signs and lines may be obscured, CEO's will take account of this when deciding whether a PCN should be issued.

## **Weddings**

The council recognises that weddings are important events. Visitors to weddings should park legally away from the event. However, essential vehicles and close family may need to park quite centrally near the premises being used for the occasion.

There is no automatic exemption for wedding vehicles. However, CEO's will exercise discretion where it is clear that a wedding is taking place and, where necessary, will give advice on the most convenient and sensible parking arrangements.

Providing there are no safety or congestion issues, a PCN will not be issued to any essential wedding vehicles. This will include the bridal vehicle and any other official vehicles, but not general vehicles being used to transport guests.

It may be necessary to ask some vehicles to move on some occasions to avoid obstructions and a PCN will only be issued where a request for a vehicle to move is ignored.

If vehicles are stopped in order to allow people to board or alight, they will be entitled to the exemption for boarding and alighting.

In some circumstances the council will be aware of large weddings and will have advised the CEO's accordingly before they take place.

## **Window Cleaners**

The council recognises that window cleaners are carrying out an essential service. However, they must not park in contravention unless they have applied for, and have been granted, a dispensation.

There is no concession for window cleaners cleaning properties in streets covered by residents' parking schemes although they (like any visitor) may display a visitor permit provided by the resident or park in accordance with other regulations in force.

Where a window cleaner needs constant access to their vehicle because water is pumped from the vehicle, this is classed as loading/unloading and the normal restrictions related to this activity will apply.

## **APPENDIX A – EXEMPTED ROADS**

A18 – County Boundary to Althorpe

A18 – Gunness to Ashby Road

A18 – A1029 to B1208

A18 – Wrawby to west of Melton Ross (inc spur to A15 and roundabout  
M180/A180)

A18 – East of Melton Ross to County Boundary

A15 (N) – Humber Bridge to M180

A15 (S) – M180 to County Boundary

A180T – A15 (N) to A160T junction (parts within county boundary)

A160T – A180T to A1173

M180 (including the slip roads)

M181 (including the slip roads)

**APPENDIX B – CONTRAVENTION CODES/OBSERVATION TIMES**

**Higher level Contraventions - On Street**

<b>Code</b>	<b>Description</b>	<b>Observation Time</b>
<b>01</b>	<b>Parked in a restricted street during prescribed hours</b>	<b>5 mins</b>
<b>02</b>	<b>Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force.</b>	<b>0 mins</b>
<b>12</b>	<b>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.</b>	<b>5 mins</b>
<b>16</b>	<b>Parked in a permit space without displaying a valid permit.</b>	<b>0 mins</b>
<b>18</b>	<b>Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited.</b>	<b>0 mins</b>
<b>21</b>	<b>Parked in a suspended bay/space or part of bay/space or part of bay/space.</b>	<b>0 mins</b>
<b>23</b>	<b>Parked in a parking place or area not designated for that class of vehicle.</b>	<b>0 mins</b>
<b>25</b>	<b>Parked in a loading place during restricted hours without loading</b>	<b>5 mins (10 mins commercial)</b>
<b>26</b>	<b>Vehicle parked more than 50 centimetres from the edge of the carriageway and not within a designated parking place</b>	<b>0 mins</b>
<b>27</b>	<b>Parked adjacent to a dropped footway.</b>	<b>0 mins</b>
<b>40</b>	<b>Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge</b>	<b>0 mins</b>
<b>42</b>	<b>Parked in a parking place designated for police vehicles</b>	<b>0 mins</b>
<b>45</b>	<b>Parked on a taxi rank</b>	<b>0 mins</b>
<b>47</b>	<b>Stopped on a restricted bus stop or stand</b>	<b>0 mins</b>
<b>48</b>	<b>Stopped in a restricted area outside a school</b>	<b>0 mins</b>
<b>49</b>	<b>Parked wholly or partly on a cycle track.</b>	<b>5 mins</b>
<b>55</b>	<b>A commercial vehicle parked in a restricted street in contravention of the overnight waiting ban.</b>	<b>5 mins</b>
<b>56</b>	<b>Parked in contravention of a commercial vehicle waiting restriction</b>	<b>0 mins</b>

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

### A. Lower Level Contraventions - On Street

Code	Description	1. Observation Time
19	Parked in a residents' or shared use parking place 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

<b>30</b>	<b>Parked for long than permitted (subject to them already being at least ten minutes over the prescribed limit)</b>	<b>0 mins</b>
<b>63</b>	<b>Parked with engine running where prohibited</b>	<b>5 mins</b>

**Lower level Contraventions - Off Street**

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