



Civil Parking Enforcement Procedures

FOREWORD

This document aims to help you when parking in Council controlled public car parks and other parking places within Darlington.

It explains where you may or may not park and the consequences of parking in inappropriate places.

Our transport priorities are to improve safety, accessibility and air quality and to reduce congestion. Our parking facilities and the way we manage them contribute to achieving these priorities, and it is important therefore that they are appropriately controlled.

The charter and procedures set out how the Council will go about enforcing the parking rules.

Our rules will be fair but firm and our aim is to assist you to park, pick up, set down, load and unload conveniently and lawfully.

**PLEASE NOTE
THIS IS A LAY PERSON'S GUIDE TO HELP MOTORISTS.
IT SHOULD NOT BE SEEN AS A COMPREHENSIVE STATEMENT OF
THE LAW OR THE MOTORIST'S RIGHTS.**

The Parking Charter

Darlington's approach to parking enforcement is to be fair but firm and the Council's parking charter outlines how we intend to deliver the best possible service to motorists.

Fair

- We will explain and communicate the parking rules.
- Where possible the Civil Enforcement Officers (CEOs) will collect photographic evidence of parking contraventions.
- We will regularly monitor traffic signs and road markings to help motorists parking throughout the Borough.
- We will review parking services regularly to see how they can be improved.

Firm

- We will take consistent enforcement action to deter inconsiderate parking.
- We will pursue people who try and evade penalty charges to recover debt owed to the Council.
- We will work with the police to prevent crime and anti-social behaviour and to protect our parking staff against abuse and violence.

Best possible service

- All representations against Penalty Charge Notices (PCNs) will be full investigated using all available resources and evidence.
- We will try to answer 98% of all representations against PCNs within 7 working days.
- We will aim to get penalty charge notices right first time using accurate "hand-held" technology.
- We will develop on-line services to improve customer access to information.

CEO's will adopt a helpful attitude and a consistent approach to enforcement in order to encourage lawful and considerate parking.

Our customer promise is we will always be:

- professional, fair and courteous.
- polite, calm and understanding.
- open and honest.
- offer advice on the appeals procedure if requested.

This Parking Charter is developed to compliment the Council's existing **Customer Charter**

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Contact Details

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Section 1
INTRODUCTION

INTRODUCTION

One of the Council's key objectives is to manage congestion. The enforcement of parking restrictions is a key component of effective traffic management and essential to improving traffic flow.

Civil Parking Enforcement (CPE) means that the responsibility for enforcing on-street parking restrictions, in addition to off-street car parks is the responsibility of the Council rather than the police. The enforcement will be carried out by the Council's Civil Enforcement Officers (CEOs). The CEOs are directly employed by the Council.

Enforcement of a contravention of a restriction is by the issuing of a Penalty Charge Notice (PCN) which is a civil debt. PCN is the terminology used for a parking fine or ticket.

The regulations made under Part 6 of the Traffic Management Act 2004 enable a Local Authority in England, provided it has been given the relevant power by the Secretary of State, to enforce parking contraventions within a particular geographical area (CEA) and to enforce other contraventions such as double parking and parking across a dropped footway within a Special Enforcement Area (SEA). Darlington Borough Council is operating CPE for both on street and off street contraventions in its CEA and SEA areas covering the entire Borough area with the exception of the trunk roads (A1(M) and A66) that remain the responsibility of the Highways Agency.

Poor, dangerous, and obstructive parking can pose a danger to pedestrians by blocking pavements and forcing them onto the roads. It also reduces visibility for other motorists and impedes traffic flow.

Our objectives for the change to Civil Parking Enforcement will be compatible with those of our Local Transport Plan:-

- to reduce congestion and ensure expeditious movement of all road traffic
- to improve air quality and the local environment
- to maximise safety and reduce accidents
- to support economic regeneration
- to comply with the Council's Parking Management Strategy

The integration of enforcement and parking policy responsibilities should provide better monitoring of the effectiveness and value of parking controls, so that parking provision becomes more responsive to the public's needs.

All residents, visitors and businesses will benefit from better enforcement of parking regulations and the reduction of incorrectly parked vehicles.

We will not set an objective of making a profit, indeed we will not be allowed to do so. In fact we believe that we will not break even especially in the early years.

Income from PCNs is used to finance the enforcement and adjudication systems. Any on-street surpluses must be used only for the purposes set out in Section 55 (as amended) of the Road Traffic Regulations Act 1984. Authorities need to keep separate accounts of PCN. income from on-street enforcement and from off-street enforcement. Any surplus can be used for further investment in the Council's transport and environmental policies and to promote Local Transport Plan objectives.

Enforcement of parking primarily becomes the responsibility of the Council by the issue of a PCN, but the police remain responsible for issuing fixed penalties for endorsable offences such as dangerous parking, obstruction, failure to comply with police "no waiting" signs placed in

emergencies, and any vehicle where security or other traffic policing issues are involved, including the need to close roads or set up diversions. These offences remain criminal and can only be enforced by the police through the courts, with fines accruing to the exchequer. Parking offences at pedestrian crossing zigzag lines can be enforced by both the police and the Council but any action by the police will take precedence.

If the penalty charge remains unpaid after the relevant time and processes it becomes a civil debt due to Darlington Borough Council and enforceable through a streamlined version of the normal civil debt recovery process in the county court. The whole PCN recovery process applying to on street and off street parking contraventions is shown diagrammatically in Section 3.

A motorist wishing to contest liability for a penalty charge may make initial representation to the Council and, if these are rejected, may have grounds to appeal to an independent adjudicator (Traffic Penalty Tribunal). The adjudicator's decision is final but there is right of further appeal on a point of law through the High Court. Further details on challenging a PCN are given in Section 3.

As part of implementing the system the Council have developed new procedures because there are a number of differences between the way that parking regulations have been enforced in the past by the police, and the way that the regulations will be enforced in the future by the Council. These procedures apply to all on-street parking restrictions throughout the Borough of Darlington and to the Council operated car parks.

This document aims to:

- remind people how to park carefully and considerately within the law.
- indicate the steps involved once a Penalty Charge Notice (PCN) has been issued.
- outline the standard parking contraventions and observation times.
- offer guidance on the cancellation of PCNs.
- offer guidance on the enforcement of specific parking contraventions and specific circumstances.
- give definitions of some commonly used terms.
- explain the commonly used abbreviations.

The contents of the document are derived from:

- legal requirements
- current practices
- accepted best practice
- Traffic Penalty Tribunal's (formerly National Parking Adjudication Service) recommendations with regard to mitigation
- Ombudsman advice

It is impossible to qualify every case and a CEO has powers to issue a PCN to any vehicle parked in contravention of a parking regulation (unless a specified exemption applies).

A CEO will be easily recognisable by his/her uniform and although you may often see them on patrol on their own, you may see trainee officers, or those receiving on-the-job assessment, out with another member of staff.

Police officers and PCSOs were allowed a certain amount of discretion when deciding to carry out enforcement whereas CEOs will be working within a stringent set of guidelines governed by the new Traffic Management Act.

More discretion will be allowed by the processing staff who will consider a representation against a PCN taking into account the evidence provided by the motorist and the CEO as well as the guidance provided.

Darlington Borough Council is committed to training our staff and encourages all CEOs to gain a National Vocational Qualification (NVQ) that includes skills in customer relations. A member of the public can refer to the Council's complaints procedure if he/she feels that the CEO has not acted in an appropriate manner. Likewise the Council expects that members of the public will respect a CEO when he/she is carrying out their statutory duties efficiently.

Before the issue of a PCN, depending on the circumstances, CEOs will observe the vehicle to see if loading or unloading is taking place. However this observation time does not apply to streets with loading prohibitions, bays for specific users such as disabled drivers, parking across dropped footways, bus stops, taxi ranks, school entrances, pedestrian crossings or to suspended bays where instant PCNs will be issued. Observation times are shown in **Appendix 2**. CEOs are not just there to issue PCNs, they can give directions and act as the 'eyes and ears' for the Council across a range of services including reporting defects in signs and lines.

A CEO cannot cancel a PCN and may issue it by post if a driver moves away before it has been attached to the vehicle or handed to the person in charge of the vehicle or in situations where the CEO may be in an aggressive situation or suffer violence.

Only authorised Council personnel will be allowed to cancel a PCN.

Cancellation may only occur after a written representation against the issue of the PCN is received. Every representation against the issue of a PCN will be considered on its individual merits and discretion may be allowed by the processing staff who will consider a representation against a PCN taking into account the evidence provided by the motorist and the CEO as well as the guidelines given in this document. Details of how to make a representation are in Section 3.

It is not possible to document every scenario or circumstance that may exist but this document is intended to demonstrate that enforcement carried out by the Council is undertaken in a transparent, fair, and unbiased manner. Some of the more common specific circumstances leading to a representation being made are given in Section 6 together with the Council's policy for the particular circumstance.

This document will be subject to regular review and will reflect current best practice.

The Council's application to the Department for Transport included a request for the powers to introduce clamping and removal of vehicles at some time in the future but we do not intend initially to carry out wheel clamping.

Section 2

GUIDANCE ON HOW TO PARK

GUIDANCE ON HOW TO PARK AND DRIVE

Parking incorrectly, such as on double or single yellow lines, at a bus stop or in a bus lane, at a taxi rank, in or across cycle lanes or in disabled or residents' parking bays, even for a few minutes, can cause inconvenience and even danger to other road users and pedestrians. The common lines and signs used for on-street restrictions are shown in **Appendix 1**.

The Council hopes that by enforcing parking regulations fairly motorists will be more inclined to park safely and legally. This will therefore reduce the inconvenience and danger placed upon safe parkers and road users every day.

Following these simple rules will help you to park in a way that doesn't cause inconvenience to other members of the public and ensure that you do not receive a PCN:

On-street:

- always check the lines on the road and kerb and, where applicable, the signs by the side of the road or the entry signs to a Controlled or Restricted Zone where lines and signs are not both necessary (eg there are no yellow lines within a Restricted Zone but there will be repeater signs displayed at kerbside).
- always make sure you have parked within the bay markings, particularly in car parks.
- make sure that none of your vehicles wheels are resting on the yellow line(s).
- do not assume that by parking behind yellow lines you are not parking in contravention of restriction. Such areas where you think you may be legally allowed to park may in fact be part of the highway and subject to the same restriction as on the carriageway and will be enforced as such.
- do not stay longer than is permitted by the signs or by the expiry time on the ticket that you have purchased. You cannot buy extra time and cannot return to the same area within 1 hour of your expiry time.
- do not block entrances to any property.
- do not park across dropped kerbs that are provided to ease crossing for pedestrians or for cyclists to enter/leave a cycle route.
- do not double park. – i.e do not park more than 50cm away from the kerb.
- do not park on footways as it obstructs pedestrians.
- do not park on pedestrian crossings or the white zig-zag markings near to the crossing.
- do not stop on 'School Entrance Keep Clear' yellow zig-zag markings at their operational times.
- do not stop in bus Stops, taxi ranks
- do not stop in disabled parking places without displaying a valid blue badge.
- do not park in a disabled bay while displaying a valid blue badge for more than 3 hours if that is indicated on the sign.
- do not drive in bus lanes or cycle lanes.

Off -street:

- at times when charges apply either purchase and clearly display a valid ticket on the windscreen or driver's door or use the pay by phone facility to purchase the required period of parking time.
- do not stay for longer than the time paid for.
- do if necessary extend the time before the expiry time is reached by the purchase of a further ticket or extension by phone payment.
- park wholly within a marked bay. If your vehicle is particularly large you may straddled 2 bays but must purchase and display 2 tickets.
- do not park in areas marked with KEEP CLEAR or white/yellow hatching.

- do not obstruct the flow of other traffic within the car park.
- do not park in a disabled bay without displaying a valid blue badge and time-clock.
- do not overstay the free up to 3 hours disabled parking in either a normal or disabled bay in short stay car parks. For stays longer than 3 hours the normal charges must be paid.
- do display a valid permit in lieu of payment in accordance with the terms and conditions of the permit.
- do not ply for trade or sell any goods.
- do not ignore any other restrictions displayed on the signage within the car park.
- do not park and leave the engine running.

Parking restrictions on-street and off-street apply on all Bank Holidays, unless specified on the signs.

Concessions for Blue Badge holders

There are disabled parking places in various locations around the town centre, some are limited to a maximum stay of 3 hours and some have unlimited time. Some only operate during the working day but some do operate 24 hours. You must check the sign for the particular conditions.

In addition to designated parking bays some parking restrictions are relaxed for blue badge holders, making parking easier for those who are less mobile to park close to their destination. However the blue badge is not a licence to park anywhere. A blue badge holder should only park on yellow lines when there is not also a restriction on unloading. In the town centre the first consideration should be to use the free parking concession in Council car parks and not in the road adjacent to the car park where the walking distance to where you are visiting will not be less. Providing the blue badge and associated time-clock are clearly and properly displayed and the vehicle is not causing obstruction or causing a danger to others the badge holder can park with dispensation at:

- on-street disabled parking places. (there may be a time limit as indicated on the sign).
- limited waiting and on-street pay and display parking areas for an unlimited time and without charge. (sometimes there may be a time limit on free parking as indicated on the signs in pay and display areas)
- yellow lines, where there is no associated restriction on unloading, for a period not exceeding 3 hours with no return to anywhere in the same road within 1 hour of leaving.
- Council short stay car parks for up to 3 hours free of charge, after which time the normal charges apply. Wherever possible the driver should park in the designated disabled bays.
- Council long stay car parks free for an unlimited time.

Blue badge holders are not allowed to park:

- in any area where there is an unloading restriction shown by adjacent signs along the roads or on the entry sign to a pedestrian, Controlled or Restricted Zone.
- in any area specifically reserved for other vehicles i.e. taxi ranks, reserved spaces in car parks, loading bays (unless actually loading/unloading goods), bus stops.
- in a bus or cycle lane.
- on a clearway or zig-zag school entrance markings
- on the zig-zag markings at a pedestrian crossing.
- where there is a temporary restriction and police no waiting cones are in place.
- in a suspended parking place.
- close to a junction where it will make it difficult for others to see clearly.
- on a bend or near the brow of a hill.
- where there is a double white line in the centre of the road.
- so as to narrow a road by a traffic island or near roadworks.
- where it would hold up traffic.
- where emergency vehicles stop or go in and out (eg hospital entrances)

- where the kerb has been lowered to assist pedestrians or cyclists or across an access to a property

Blue badge holders are not allowed to drive in bus lanes or in streets with access restricted to certain vehicles unless the entry sign shows the blue badge symbol.

Parking with a blue badge must always be in accordance with the current Department of Transport blue badge scheme guidance.

CEOs have the powers to inspect the blue badge of a person who is in the vehicle or when they are returning to or leaving the vehicle. It is an offence to fail to produce the badge if a CEO asks for it. A CEO cannot confiscate the badge, but a police officer can.

For further guidance refer to the current version of the [The Highway Code](http://www.direct.gov.uk/en/TravelAndTransport/Highwaycode/DG_070202)
http://www.direct.gov.uk/en/TravelAndTransport/Highwaycode/DG_070202

Section 3

PENALTY CHARGE NOTICES & THE PROCESSING SYSTEM

PENALTY CHARGE NOTICES & THE PROCESSING SYSTEM

The regulations made under Part 6 of the Traffic Management Act 2004 enable an authority in England, once they have been given the relevant power by the Secretary of State, to enforce parking contraventions within a particular geographical area:-

- Darlington Borough Council will be responsible for enforcing on-street parking regulations within the whole of the Borough and within their own off-street car parks.
- Enforcement primarily becomes the responsibility of Darlington Borough Council. However the police will remain responsible for offences such as:
 - dangerous parking.
 - obstructions.
 - failure to comply with police no waiting cones.

Parking offences at pedestrian crossing zig-zag lines may be enforced by the police and the Council but any action by the police takes precedence.

- A motorist wishing to contest liability for a penalty charge can make up to two written representations to the Council, one informal and one formal. If these are both rejected, the motorist may have grounds to appeal to an independent adjudicator (Traffic Penalty Tribunal). The adjudicator's decision is final, subject to the power of adjudicators to review a decision. No further challenge can be made other than on a point of law through an application to the High Court for judicial review.
- If the penalty charge remains unpaid, which can mean the appeals process is exhausted or the driver/owner has made no contact, then the outstanding balance will become a civil debt which will be due to Darlington Borough Council. The debt will be enforced through The Traffic Enforcement Centre, Northampton County Court and a certified bailiff may be employed to recover the outstanding amount.

The Role of a Civil Enforcement Officer (CEO)

A CEO has powers to place a PCN on a vehicle or issue the notice directly to the driver/owner for not complying with parking regulations.

Darlington Borough Council is committed to training our staff and encourages the development of skills in customer relations. Our CEOs will be easily recognisable by their uniforms.

Before the issue of a PCN and depending on the circumstances, CEOs will observe vehicles for a specified time to see if loading or unloading is taking place. However this observation time does not apply to streets with loading prohibitions, bays for specific users such as disabled drivers, bus stops, taxi ranks or to suspended bays where instant PCNs will be issued. (see **Appendix 2** for more information on observation times)

Although CEOs are there primarily to issue PCNs they may also give directions and often act as the 'eyes and ears' for the Council across a range of services including reporting defects to signs and lines.

CEOs have no powers of discretion and will be working within a stringent set of guidelines governed by the Traffic Management Act.

CEOs will at the time of issuing a PCN make notes to substantiate the reason for the issue and may also take a photograph that will be used by processing staff if a challenge is received.

Penalty Charge Notice (PCN)

The Penalty Charge Notice is the terminology used for a 'parking fine or ticket'.

The level of the penalty charge is set nationally. There are two levels of penalty charge depending on the severity of the parking contravention. The two levels are:

- £70 for a higher level contravention
- £50 for a lower level contravention.

(see **Appendix 2** for more information on higher and lower bands)

The PCN is issued at the time of the alleged contravention and must be affixed to the vehicle within a sealed plastic carrier, handed to the driver, or issued by post (in the case of a vehicle driven away before the PCN was served, or where the CEO has been prevented from serving the notice to the driver).

The PCN will have a unique reference number and will identify details of the contravention and information on how to deal with the PCN.

If you receive a Penalty Charge Notice

Once a PCN is issued or is in the process of being issued the CEO cannot cancel the notice and it may be sent to you in the post if you drive away or refuse to accept it. Only when a driver returns to their vehicle before the CEO has commenced the issue of the notice may the CEO give advice to the driver as an alternative to the issue of the PCN

Discretion may be allowed by the processing staff who will consider all representations to PCNs taking into account the evidence provided by the motorist and the Council guidance procedures.

The Council urges every motorist who is issued a PCN to deal with it quickly.

The PCN will be processed using a set of national procedures and timescales.

Penalty Charge Notice – Discount Period

A PCN must be paid within 28 days of its issue but if the PCN is paid within 14 days of issue a discounted amount of 50% of the original PCN rate is accepted in full settlement.

You can pay the penalty charge straight away using the payment details on the PCN or, if you believe that the penalty charge should not have been issued, you may challenge the issue of the PCN in writing as described on the PCN.

Informal Representation against issue of a PCN

This document provides guidance on the Council's procedures. It is not possible to document every scenario or circumstance that may exist but it is intended to demonstrate that enforcement carried out by the Council is undertaken in a transparent, fair, and consistent manner.

An owner/driver of a vehicle that has received a PCN may make a written informal challenge to the Council at any time before a Notice to Owner (NtO) is served. Generally such a challenge will be made before the end of the 14 day discounted period. This challenge must clearly state the

reasons and circumstances that the owner wishes to be taken into account. Before making such challenge an owner may wish to read **Section 6** of this document that outlines specific circumstances.

If the challenge is received more than 14 days from issue of the PCN the discount period will not apply unless circumstances have adversely affected the ability of the motorist to make the challenge within 14 days.

The processing staff will respond in writing within 14 days of receipt of the challenge and must either give notification of the cancellation of the PCN or rejection of the challenge giving precise reasons why the decision has been reached and a re-offer of a further 14 days to pay the discounted charge.

After receiving a rejection to an informal representation the owner should either pay the penalty charge or if he/she wants to make a further representation he/she needs to wait until the Notice to Owner (NtO) has been served when formal representation can be made within 28 days of the serving of the NtO.

Challenge Accompanied by Payment

Where members of the public submit a challenge to the PCN accompanied by the payment the processing staff will always consider the challenge and will not bank any cheque or postal order submitted.

If the challenge is successful the Council will return the payment.

DVLA enquiry

If a PCN remains unpaid 28 days after its issue date the Council will make an enquiry to DVLA to ascertain the identity of the registered keeper of the vehicle. This enquiry is made electronically via the Council's parking enforcement system.

The response from DVLA is received electronically usually within 3 days of the enquiry.

Registered Keeper (Owner) Liability

The registered keeper of the vehicle as registered with the DVLA is deemed to be the owner of the vehicle.

The following extract from the Traffic Management Act 2004 outlines who is responsible for paying a penalty charge once issued:-

'Person by whom a penalty charge is to be paid

- (1) where a parking contravention occurs, the person by whom the penalty charge for the contravention is to be paid shall be determined in accordance with the following provisions of this regulation.*
- (2) in a case not falling within paragraph (3), the penalty charge shall be payable by the person who was the owner of the vehicle involved in the contravention at the material time.*
- (3) where—*
 - a) the vehicle is a mechanically propelled vehicle which was, at the material time, hired from a vehicle-hire firm under a hiring agreement;*
 - b) the person hiring it had signed a statement of liability acknowledging his liability in respect of any penalty charge notice served in respect of any parking*

- c) *in response to a notice to owner served on him, the owner of the vehicle made representations on the ground specified regulation 4(4)(d) of the Representations and Appeals Regulations and the enforcement authority accepted those representations,*

the penalty charge shall be payable by the person by whom the vehicle was hired and that person shall be treated as if he were the owner of the vehicle at the material time for the purposes of these Regulations.

(4) *In this regulation—*

- a) *“hiring agreement” and “vehicle-hire firm” have the same meanings as in section 66 of the Road Traffic Offenders Act 1988(1); and*
b) *“the material time” means the time when the contravention giving rise to the penalty charge is said to have occurred.’*

If the registered keeper has proof that he/she was not the legal keeper of the vehicle on the date that the PCN was issued the Council may accept representations made against the issue of a PCN if:

- the current registered owner is able to provide proof that the vehicle was disposed of before the contravention, i.e. a bill of sale, registration documents, insurance documents or a letter from the DVLA; and/or
- if the current registered owner is able to provide the full name and address of the person to whom they disposed of the vehicle along with the date of disposal.
- if the current registered owner is able to provide proof that the vehicle was purchased after the contravention, i.e. an invoice, registration documents, insurance documents or a letter from the DVLA; and/or
- if the current registered owner is able to provide the full name and address of the person from whom they purchased the vehicle along with the date of purchase.

Notice to Owner (NtO)

Once the DVLA identify the registered keeper of the vehicle a letter in the form of a NtO will be sent to the owner advising him/her that the relative PCN remains unpaid.

The notice will contain full details of the PCN issued and reminds the owner that payment is due to be paid in full within 28 days of the date of sending of the NtO after which time a charge certificate may be served that increases the charge by 50%. Once an owner receives a NtO he/she may make a formal written representation to the Council

If a NtO is sent to the registered keeper who subsequently states that they have not received a PCN they may make a written statement to that effect. If this is accepted, the discount amount can be paid, provided it is paid within 14 days.

When it is claimed that the PCN was not received the computer system will be interrogated:-

- 1) to ensure that previous such claims have not been made by the same person. If there is a history of such claims the discounted period should not be restarted and the full amount must be paid.
- 2) to determine whether the information recorded by the CEO confirms that the PCN was attached to the vehicle.

- 3) to determine whether there is corroborating evidence that the PCN may have been removed illegally by third parties or otherwise.

Section 66(1) of the Road Traffic Act provides that the liability remains with the owner of the vehicle even if the PCN is subsequently removed by an unauthorised person or by weather conditions.

It is an offence for any person other than the owner or person in charge of the vehicle and the enforcement authority to remove or interfere with a PCN attached to a vehicle. A person committing such an offence will be liable to a fine not exceeding level 2 on the standard scale (£500).

Formal Representation against Issue of PCN

The owner of a vehicle is given the opportunity to make a formal representation against a PCN once he/she receives the NtO. This representation must be made within 28 days of receipt of the NtO.

Formal representation can only be made on the following grounds (this is explained to the owner in the documentation):-

1. that the alleged contravention did not occur.
2. that the recipient:
 - never was the owner of the vehicle in question;
 - had ceased to be its owner before the date on which the alleged contravention occurred; or
 - became its owner after that date.
3. that the vehicle had been permitted to remain at rest in the place in question by a person who was in control of the vehicle without the consent of the owner.
4. that the recipient is a vehicle-hire firm and:
 - the vehicle in question was at the material time hired from that firm under a vehicle hiring agreement; and
 - the person hiring it had signed a statement of liability acknowledging his liability in respect of any PCN served in respect of any contravention involving the vehicle.
5. that the penalty charge exceeded the amount applicable in the circumstances of the case.
6. that there has been a procedural impropriety on the part of the enforcement authority.
7. that the Order which is alleged to have been contravened in relation to the vehicle concerned is invalid.
8. in the case where a PCN was served by post on the basis that a CEO was prevented by some person from fixing it to the vehicle concerned or handing it to the owner or person in charge of the vehicle, that no CEO was so prevented.
9. that the NtO should not have been served because the penalty charge had already been paid in full or by the amount reduced by any discount set within the period set.

Notice of Acceptance or Rejection of a Formal Representation

All formal representations and supporting evidence for whatever grounds will be given due consideration by the processing staff. A Notice of Acceptance or Rejection will be sent within 56 days, however the Council does endeavour to do so within 10 working days:

1. Notice of Acceptance: this will confirm that the representation has been accepted and that the person's liability for the NtO has been cancelled and any payment already made is refunded. The PCN is normally also cancelled unless the recipient of the NtO has proved that they were not the owner of the vehicle at the time of the contravention in which case a further NtO to another person for the same penalty charge may be served.

2. Notice of Rejection (NoR): this formally rejects the representation and gives detailed reasons why the Council have come to this conclusion. Depending on the circumstances a further discount period may be given at this point. The NoR also gives instructions that a Charge Certificate (see below) will be served unless either the penalty charge is paid or an appeal has been made to the adjudicator (Traffic Penalty Tribunal) and that they may also award costs against either party. An appeal must be made within 28 days of receipt of the NoR. A charge certificate increasing the charge by 50% will be served after 28 days if an appeal to the adjudicator has not been made.

Traffic Penalty Tribunal

This is an independent adjudication service supported by subscriptions from Local Authorities by means of a levy on each PCN issued. The adjudicator has a judicial position and should be treated accordingly.

If no agreement can be reached between the Council and the owner he/she may within 28 days of the NoR make an appeal to the Traffic Penalty Tribunal. The adjudicator has the power to award costs against either the Council or the owner.

Details of the Traffic Penalty Tribunal can be found on their web site

<http://www.trafficpenaltytribunal.gov.uk>

If an appeal is withdrawn before the hearing and the penalty charge remains unpaid after 14 days of the withdrawal, a charge certificate will be issued that increases the charge by 50%.

The Traffic Penalty Tribunal will review the case and make an independent decision as to the validity of the PCN based purely on its legality. The adjudicator may only allow an appeal on one of the statutory grounds for appeal.

If the adjudicator allows the appeal the Council will usually be directed to cancel the PCN and NtO and refund any money already paid in respect of the penalty charge.

The adjudicator may, if he believes that discretion should have been used, refer the case back to the Chief Executive of the Council with a recommendation for further consideration of the case and it is the Chief Executive rather than the processing staff who dealt with the case previously who makes the final decision within 35 days. If the Chief Executive agrees with the adjudicator then the NtO will be cancelled and any payment refunded, if the decision is not accepted then the adjudicator and the appellant are informed of the reasons of rejection and a charge certificate is issued if the penalty charge is not paid within 28 days of the Council informing the appellant that it does not accept the adjudicator's recommendation.

The Traffic Penalty Tribunal decision is final and binding on both parties.

Charge Certificate

If an owner fails to deal with the PCN or fails to accept a decision by the Council and does not make an appeal to the adjudicator or does not accept the adjudicator's decision found on behalf of the Council, the owner will receive a Charge Certificate.

A Charge Certificate is issued:

1. 28 days after a NtO is issued and no formal representation is made.
2. 28 days after a Notice of Rejection to a formal representation is sent where no appeal has been made to Traffic Penalty Tribunal.

3. 14 days after any appeal to Traffic Penalty Tribunal is withdrawn (i.e. withdrawn before hearing date)
4. 28 days after the rejection of an appeal by the Traffic Penalty Tribunal.

When a Charge Certificate is issued the amount of the penalty is increased by 50%.

PCNs issued at the £70 rate will increase to £105.

PCNs issued at the £50 rate will increase to £75.

The Charge Certificate is sent to the owner requiring payment within 14 days of the full increased amount.

Debt Recovery

If the owner of the vehicle does not respond to the charge certificate within 14 days, the Council will 21 days after it was served register the charge certificate with the Traffic Enforcement Centre (TEC). There is a £7 registration fee. The owner then is dealt with as a debtor. The Council will be authorised to issue an order for the recovery of the increased penalty charge, any costs awarded against the debtor by the adjudicator and the registration fee.

The TEC is located in Northampton and is a branch of the County Court, which specifically deals with motoring contraventions. All communication with TEC is carried out electronically either by fax, modem link or a secure private network via a Parking Enforcement computer system.

Debt Registration

Once the debt has been registered at TEC an Order for Recovery and witness statement form is sent to the debtor advising him/her that they have 21 days in which to pay the amount owed or to sign and send a witness statement (see below) refuting the need to pay the penalty charge and that the registration of the unpaid penalty charge should be revoked to the TEC.

Failure to do either will lead to a Warrant of Execution being applied for by the Council at TEC. Once issued, this will enable the Council to instruct bailiffs to seize and sell goods to the value of the outstanding amount plus the cost of executing the warrant.

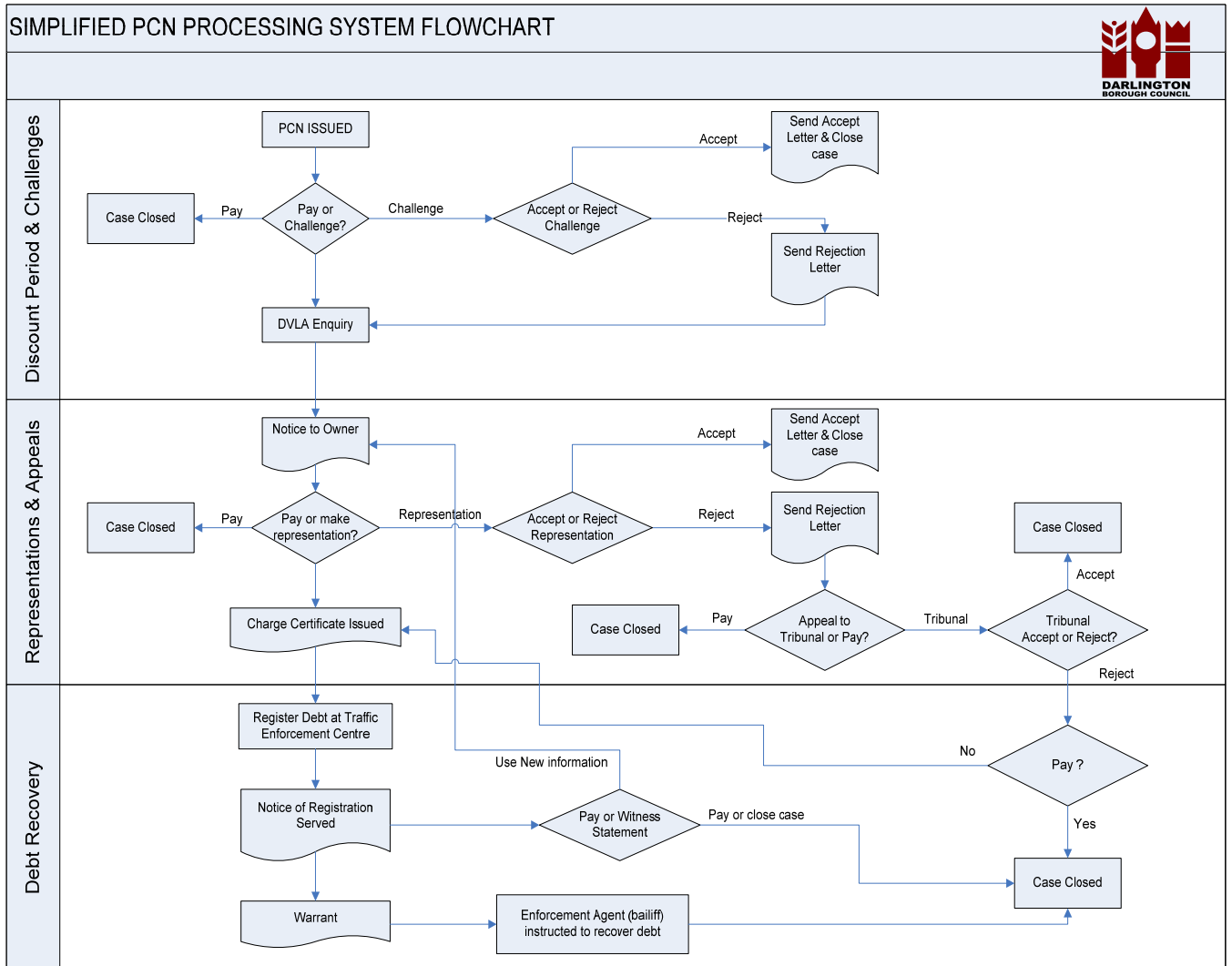
Witness Statement

A witness statement can only be made for the following grounds:

1. the NtO was not received
2. a NoR was not received following a representation
3. an appeal had been made to the adjudicator but no response had been received, the appeal had not been determined or the appeal had been determined in the debtor's favour
4. the penalty charge had been paid

SIMPLIFIED PCN PROCESSING SYSTEM FLOW CHART

The diagram below provides a diagrammatical representation of the legislative framework for dealing with a PCN



Section 4
STANDARD CONTRAVENTION CODES &
OBSERVATION TIMES

STANDARD CONTRAVENTION CODES & OBSERVATION TIMES

The Contraventions used by the Council on PCNs are the national set of offence codes set by the Department for Transport to provide consistency in enforcement across all local authorities.

This list is amended by the Department for Transport from time to time with new codes added and existing ones removed or amended. The list of **contravention codes** currently being used in Darlington are shown in **Appendix 2**.

Also shown in **Appendix 2** are the **observation times** for each contravention code. The observation times are the minimum times that the CEO concerned will observe a vehicle to determine whether there is any legitimate loading/unloading taking place or whether the driver has gone to pay for parking before issuing a PCN for a contravention of a restriction.

Observation times can be:

1. casual whereby a CEO notes the vehicle when first observing that it may be in contravention then he/she will return a short time after or at intervals or to see if there is loading/unloading taking place or
2. continuous where the CEO remains nearby for a set period to see if there is loading/unloading taking place

For some contraventions there is no observation time required and an instant PCN is served.

The observation time is not to be assumed to be a grace time that a motorist is allowed to park before a PCN is issued.

Section 5 SPECIFIC PROCEDURES

SPECIFIC PROCEDURES

This section covers specific procedures developed from experience, best practise and legislation. It is organised in alphabetical order.

Calibration of Equipment

Prior to commencement of each shift the CEOs shall calibrate their hand held computers to ensure that they reflect the correct time and date.

CEOs' Pocket Book

The CEOs shall maintain a separate pocket book in which they shall note daily details of their patrols, PCNs issued etc. These books shall be kept in addition to any details entered into their handheld computers. They will be made available to the adjudicators in the event of a PCN being challenged through the independent adjudication process and will assist the investigation of any challenge or representation received by Darlington Borough Council.

Each pocket book will be numbered and when issued to the CEO the number of the previous book used by that CEO entered on its cover along with the CEO's **number**. Similarly when a pocket book is completed the serial number of the new book issued will be entered on the cover. All completed pocket books will be retained in the office in numerical order. Each completed pocket book should have the CEO's **number**, the serial number of the previous book and the serial number of the next book written on the front cover.

Clamping & Removal

The Council will apply for the power to clamp and subsequently remove vehicles parking in contravention of parking restrictions. However, it is not the intention, at this time, to carry out clamping or removal although this decision may be reviewed in the future.

Complaints against CEOs

Allegations that a CEO has made an error whilst issuing a PCN will be investigated under the normal representations or challenge procedures and a formal written notice of acceptance or rejection will be sent within the stipulated timescale.

Complaints of misconduct or rudeness received about a CEO as part of a representation will be referred to the Parking Enforcement Coordinator to investigate.

Any allegation of misconduct or rudeness made against a member of the enforcement staff will be investigated and dealt with in accordance with the Council's Formal Complaints Procedure. The findings of the investigation will be communicated to the complainant, in writing, within the stipulated timescale. If appropriate the Council's Disciplinary Policy will also be implemented.

The number of complaints being handled, the basis of the complaint and their current status or outcome will be reported to senior officers on an annual basis.

Description of Vehicle – On PCN

When issuing a PCN the CEO will note the make, colour and registration number of the vehicle, which will appear on the PCN. He/She will also note other details such as tax disc number and positions of tyre valves (where required), which will form part of the supporting records.

1. **Tax Disc Number:** The one thing that is unique to the vehicle is the tax disc number, which is recorded by the CEO at the time of the PCN issue. If this matches with the vehicle registration then the Council have good grounds to pursue the PCN irrespective of any other error regarding colour or make.

2. **Incorrect make:** Although many manufacturers produce different models that look very similar it would be very difficult to enforce a PCN issued to a Vauxhall which turned out to be a Ford. The CEO will check the tax disc of the vehicle before issuing a PCN. This should show the correct make of vehicle. If a subsequent tax disc check is irreconcilable the Council may consider cancelling the PCN.

Exempt Vehicles

There may be exemptions to certain restrictions contained in traffic regulation orders. Reference should always be made to the actual traffic regulation order but generally the following vehicles may be exempt from waiting restrictions:

- vehicle dropping off/picking up a passenger
- vehicle making a delivery/collection of goods
- Post Office vehicles collecting from a post box
- police, ambulance, fire vehicles acting in an emergency
- vehicles associated with building/demolition works, window cleaning, furniture removal and permission has been given by the Council
- vehicles involved in maintenance, reconstruction of highway or public utility apparatus or with removal of an obstruction
- in certain circumstances a vehicle displaying a blue badge
- a bus on a bus stop
- a taxi on a taxi rank
- an official car used for a wedding or funeral
- a bullion vehicle

Challenge & Representation Processes

The process of dealing with challenges and representations against the issue of PCNs is well documented in **Section 3** and will be carried out in a fair, transparent and consistent manner. These procedures include the ultimate right of all appellants to refer the matter to an independent adjudicator (Traffic Penalty Tribunal).

To preserve the integrity of these procedures they will be managed and carried out by the appropriate appointed officers within the Parking Office.

Legislation

The statutory Acts governing parking enforcement are: The Traffic Management Act (2004) and The Road Traffic Regulation Act (1984). If a driver is querying the legislation it will be explained to him/her in simple terms. There is no need to supply specific reference unless especially requested.

When such a request is made the Council will make reference to specific, relevant paragraphs and will quote them word for word within any correspondence. The Council will not supply full copies of the relevant Acts, which can be obtained from the HMSO or, in the case of the 2004 Act, accessed via the internet.

If the owner is querying the authority behind a specific restriction then reference should be made to the relevant traffic regulation order, a copy of which is available to view during normal office hours at the Town Hall. Prior to any correspondence with the owner this order should be checked to ensure the validity of the PCN. If any doubt exists then the PCN should be cancelled and the decision will be communicated to the owner. No legal advice will be given.

Mis-spelling Of Owner's Name

The mis-spelling of the owner's name and/or address on the Notice to Owner(NtO) does not invalidate it or discharge the liability of the person receiving it. The onus is still on the genuine owner to deal with the matter. Such names and addresses are obtained from the DVLA and these details have been registered by the owners themselves. It is the owner's responsibility to ensure that these are correct. If any mis-spelling is discovered then alterations must be made with the DVLA immediately to ensure that future notices are sent out correctly. When the mis-spelling is severe and is radically different from the correct spelling consideration may be given to the cancellation of the PCN.

Registered Keeper Sold Vehicle before issue of PCN

If the registered keeper has proof that he/she was not the legal keeper of the vehicle on the date that the PCN was issued the Council may accept representations made against the issue of a PCN. (see **Section 3 Registered Keeper Liability**)

Moving Traffic Offences

The principle of enforcing moving traffic contraventions by CCTV is a relatively new concept. In accordance with the Department for Transport's recommendation the Council will apply for powers to undertake enforcement of this type of contravention. However, introduction of these powers will be considered at a later date once motorists are familiarised with the concepts of civil parking enforcement and an assessment has been undertaken to determine whether this type of enforcement is necessary. In the meantime moving traffic offences will continue to be enforced by the police.

Observation Period – Prior To Issue Of PCN

Prior to the issue of a PCN a CEO will, for most contraventions, allow a period of time to elapse between first observing the vehicle in contravention and the issue of the PCN. The details of the vehicle will be entered into the CEO's Hand Held Computer (HHC) when first seen and the computer will prevent issue of the PCN if an observation period is required. (see **Section 4**)

Sometimes the CEO will continue with his/her patrol and return at intervals to assess if any loading/unloading is taking place but sometimes the CEO will wait near to the vehicle for the whole observation time before issuing a PCN. The observation time and the PCN issue time will appear on the face of the PCN itself and will be recorded by the enforcement software system.

Some contraventions do not require an observation time and can be issued immediately.

Penalty Charge Notice - Early Issue Of

Any claim that a PCN was issued before the time that a contravention is deemed to have been committed will be carefully investigated. The issue of PCNs is controlled by handheld computers carried by each CEO. These computers have in built time-clocks, which are calibrated to Greenwich Mean Time each morning prior to commencement of the patrols. Where appropriate the CEO will impose an observation period prior to allowing a PCN to be issued. These times will appear on the PCN itself as "Time First Seen" and "Time of Issue". The normal procedure is for a CEO to enter the observation details into the computer, then to continue with his/her patrol before returning to the vehicle to complete the issue of the PCN. In most cases an observation and issue time will be recorded unless the contravention does not require an observation period.

Penalty Charge Notice – Incorrect Vehicle Location

Claims from a motorist that their vehicle was not parked in the location at the time and on the date alleged on the PCN will be given careful consideration.

Following consideration of all available evidence the Council may accept representation against the issue of a PCN if:

- the motorist provides a copy of their vehicle excise licence (tax disc), which was valid at the time of the contravention, and the serial number of which differs from the serial number noted by the CEO.
- the CEO has input the incorrect location on the handheld computer while issuing the PCN.
-

The representation may be rejected if:

- the photographic evidence obtained by the CEO at the time of the contravention proves that the vehicle was parked in the location specified on the PCN.
- the motorist does not provide a copy of their tax disc, after being given a further opportunity to submit such a copy.
- the serial number on the copy tax disc provided by the motorist is identical to the serial number noted by the CEO.
- there is no evidence or if the evidence presented does not support the claim or is inconclusive.
- there have been previous unsubstantiated claims made by the same individual.

Penalty Charge Notices – Removed from Vehicle / Not Received

It is an offence under the Traffic Management Act 2004 for any unauthorised removal or interference with a Penalty Charge Notice once it has been affixed to a vehicle.

Claims from the owner of the vehicle that a PCN was not received will require careful consideration. This is because the CEO will have gathered photographic evidence at the time of the contravention to prove that the PCN was affixed to the vehicle.

If the Council receive correspondence claiming that the PCN was not received, the Council will examine the evidence recorded by the CEO. If it is accepted that the PCN was not received the Council will write to the owner of the vehicle to inform them that if the PCN is paid within 14 days of issue of this letter, the 50% discounted PCN rate will be accepted in full settlement. If the PCN remains unpaid after 14 days it will be dealt with via the normal PCN recovery system.

When it is claimed that the PCN was not received the notice processing system will be interrogated to ensure that previous such claims have not been made by the same person. If there is a history of such claims the discounted period will not be restarted and the full amount should be paid.

Penalty Charge Notices – Time to Pay / Instalment Payments

As a general rule the Council will neither offer extensions in time in which to pay a PCN nor will it enter into instalment payment arrangements. Exceptions to this are only made in cases of demonstrated, genuine financial hardship. The Council will not consider any payment arrangement if a warrant has been issued for recovery of the debt due although the bailiff may enter into such an arrangement on his own behalf.

- an application must be in writing and will be responded to within 8 working days.
- an application must contain a proposal for payment and be accompanied by any evidence supporting the claim of financial hardship.
- the Council's response will signify acceptance or rejection of the proposal.
- a rejection will be accompanied by the Council's counter proposal which will be the final offer based on:
 - where the debt involves multiple PCNs the Council will expect the settlement of at least one per month.
 - payments will be applied to the oldest PCN first thereby preventing the payment of discounted PCNs first.

- otherwise a minimum payment of £10 per week. Wherever possible payment to be made by post-dated cheques to be held by the Council for presentation on the due dates.
- non-payment of any cheque will result in enforcement action being recommenced and all un-banked cheques being returned to the drawer with a letter stating that the arrangement is cancelled.
- where payment by cheque is not available, payments by postal order or debit card will only be accepted at the Council's parking office.
- the Council will maintain a separate active file for each arrangement reached, which will be reviewed by a senior manager each month.

Penalty Charge Notice – Vehicle Driven Away before PCN served

If the CEO's pocket book and computer notes confirm that the vehicle drove away after either he/she had started to write the PCN or had started to enter data into the hand-held computer but before the PCN could be completed and served, by fixing to the vehicle or being handed to the driver, a PCN will be served on the owner of the vehicle by post after obtaining the registered keeper details from the DVLA. In these cases a CEO will always try to tell the driver of the contravention before they drive away. The PCN will also serve as the NtO and a 14 day discount period is still given.

Penalty Charge Rate

The PCN rates have been set at £70 and £50 for Darlington, dependent on the type of parking contravention committed. Any increase will only be possible by guidance from Central Government and will require advertisement prior to introduction. If paid within 14 days of issue the PCN rate is discounted by 50%, and £35 or £25 (depending on the type of contravention) will be accepted in full settlement. The Council may accept representations made against the issue of a PCN if it showed the incorrect amount of penalty charge, i.e. the wrong penalty charge.

Persistent evaders

A vehicle owner is classed as a persistent evader if he/she contravenes regulations deliberately and often and fails to settle the debts incurred. A persistent evader will have three or more recorded contraventions for the vehicle with the PCNs remaining unpaid or represented against within the statutory time limits or where representations and appeals have been rejected but still not paid.

If the debt has not been paid because the DVLA has details of the vehicle registered but not the identity and address of the owner or the details are incorrectly registered the information will be passed to the police for investigation of a criminal offence.

Once a vehicle is identified as a persistent evader any further issue of a PCN will be subject of the strongest possible enforcement and immobilisation or removal of the vehicle will be considered.

Previous Records of Parking Contraventions

All parking contravention records are stored within a computer system. All records of previous parking contraventions committed by vehicle owners will be consulted upon before making any decision on representations received.

Trunk Roads

Trunk roads are the responsibility of the Highways Agency (HA) and police to enforce.

Uniforms of CEOs

All CEOs must wear a uniform that is distinguishable from those worn by police and PCSOs.

The uniform has:

- clear identification that the wearer is engaged in parking enforcement.
- clear identification of the Local Authority on whose behalf the CEO is acting.
- a personal identity number.

A CEO will also carry a Council ID badge showing their identification number and the name of their employer.

Waivers & Suspensions

Waivers:

In order to carry out building works to adjacent properties it is occasionally necessary for vehicles to park on waiting restrictions. In these cases a waiver should be arranged with the Council. In certain traffic sensitive streets or narrow streets a waiver may not be granted directly adjacent to a property but in another nearby location where such parking will not constitute a hazard or cause congestion.

A waiver enables a vehicle to be parked as near as possible to the desired location, it does not allow parking on;

- a bus stop
- a taxi rank
- school keep clear markings
- pedestrian crossing areas
- anywhere that would cause an obstruction or a road safety hazard

Failure to comply with these conditions may result in a Penalty Charge Notice being issued. Vehicles must be moved on the instruction of a CEO or police officer.

There may be a charge for a waiver.

Suspensions:

On street parking places and parking bays within car parks may be suspended totally or in part for certain circumstances. This can be arranged to enable building work to be carried out, to enable a special event to be held in the road, for street cleaning etc.

Essential maintenance is often difficult due to parked vehicles. The use of suspensions, whilst inconveniencing residents and displacing parking temporarily, is an effective way to ensure essential maintenance can be undertaken. This is particularly relevant in the current climate of increased flood risk. If the Council can improve access to service gullies and drains the Council can minimise the risk of flooding.

To obtain a Suspension contact the Parking Office Tel. 01325 388740.

There will be a charge for a suspension.

Section 6

SPECIFIC CIRCUMSTANCES

SPECIFIC CIRCUMSTANCES

This section covers specific circumstances developed from experience, best practice and legislation. It is organised in alphabetical order.

Abandoned Vehicles

Where a vehicle remains parked, in a restricted area, for a period during which multiple PCNs are issued (multiple = 3) for the same contravention and the PCNs are not removed from the vehicle. The CEO will report the vehicle as potentially abandoned and it will be dealt with by the Street Scene enforcement team.

We will use the following criteria to help us identify abandoned vehicles:

- untaxed or showing out of date tax disc*.
- general poor condition.
- no evidence of movement.
- multiple PCNs attached to vehicle.

*The vehicle must be untaxed or showing an out of date tax disc to enable removal by the Council.

Whilst the vehicle is being dealt with as potentially abandoned no further PCNs will be issued but those already issued will be enforced against the registered owner of the vehicle in the normal way.

Abandoned vehicles protocol shall apply and the CEOs, Street Scene enforcement officers and police officers will fulfil their agreed specified actions in respect thereof.

Bank Holidays

Generally all waiting restrictions and parking charges apply on bank holidays. Motorists cannot assume that restrictions do not apply on bank holidays unless this is specifically stated in the relative signage.

All charges at on-street parking places and off-street car parks apply on bank holidays.

Bank Visits

Claims from individuals or companies that because money is being taken to or from a bank a PCN should not have been issued will not be accepted as a reason for cancellation. If waiting restrictions are in place adjacent to a bank these must be complied with by all motorists.

It is appreciated that difficulty may be experienced when visiting banks but the only exemption that will apply to a waiting restriction is in relation to bullion vehicle (see **Bullion Vehicles**) and some private vehicles whilst loading / unloading large quantities of heavy coins or cash boxes.

Only bullion vehicles will be exempt any restriction on access to streets where a bank is located.

Blocked Access

Drivers who claim that they were unable to gain access to their property due to another vehicle obstructing the access and therefore they had parked in contravention of a parking restriction will not have the PCN cancelled.

It is permissible for the owner of a property to block his/her own access and to give permission for another person to do so provided that it is not a shared drive and the resident has not charged for this permission. Therefore in cases of a vehicle blocking an access to property a CEO will only issue a PCN when the property owner has reported that a vehicle is causing an obstruction and

he is not able to drive in or out of his access. The police may also issue a fixed penalty in the case of obstruction.

Blocked Exit from a Parking Place

Drivers who claim that they were unable to exit a parking place because another vehicle was blocking their exit should not leave their vehicle unattended. Drivers should wait with their vehicle until such times as they can advise the CEO of their predicament.

If the driver of the vehicle is seen the CEO will not issue a PCN but will make full notes of the vehicle in their pocket book and they may take a photograph of the vehicle's position, and also advise any other CEOs in the immediate vicinity of the situation.

If the vehicle is left unattended, the CEO will issue a PCN but will make full notes of the vehicle in their pocket book and will also take a photograph of the vehicle's position.

Where a representation to a PCN is received claiming that a vehicle could not be moved due to another parked vehicle then due consideration will be given to its cancellation. When considering this, the representation should be accompanied by any supporting evidence provided by the vehicle owner and due consideration will also be taken of the CEOs pocket book notes and any photographs.

Blue Badges – See “Disabled Drivers / Passengers”

Breakdown Organisations

Vehicles being used in conjunction with the repair or recovery of broken down vehicles will be exempt from the regulations as long as they can be seen to be actively involved in such. Vehicles parked for long periods with no activity observed are subject to the same restrictions as ordinary motorists.

Broken Down Vehicles (Also See “Vandalised Vehicles”)

Claims of alleged breakdown may be accepted if they appear to be unavoidable and, if supporting evidence in the form of one or more of the following is produced:

- garage receipt, on headed paper, properly completed and indicating repair of the alleged fault within a reasonable time of the contravention.
- till receipt for purchase of seemingly relevant spare parts purchased on or soon after the date of contravention.
- confirmatory letter from the RAC, AA or other similar motoring organisation.
- confirmation from the CEO that the vehicle was obviously broken down.

Each case will be considered upon its own merits.

A note left in the windscreen, stating that “the vehicle has broken down”, will not be accepted by the CEO as a reason for not issuing a PCN.

Listed below are some areas of contention relative to the alleged breakdown of vehicles:

1. Flat battery:
 - a) The receipt for the purchase of a new battery or parts that could cause a flat battery (alternator, solenoid etc.), should be requested. The receipt should not pre-date the date of the contravention or postdate it by an unreasonable length of time.
 - b) In cases where it is alleged that the vehicle was bump started and no other evidence received the PCN may be enforced. (nb. most vehicles with automatic transmission cannot be bump started).

- c) If no evidence is produced the PCN will be enforced.

Consideration will also be given as to how the vehicle became illegally parked in the first instance eg whether it was pushed from an unrestricted area or whether it was parked in contravention of a restriction before the breakdown occurred.

2. Flat tyre:

- a) It is reasonable to expect that in the event of a flat tyre the driver would be with the vehicle and making efforts to change the vehicle's wheel. If the vehicle is left unattended a PCN will be issued and will be cancelled only if it subsequently transpires that the driver was elderly, disabled or infirm and had gone to obtain assistance. In such instances evidence from the assisting party is required.
- b) If the wheel could not be changed because of a mechanical difficulty evidence must be produced from the attending breakdown service/garage supporting this.
- c) Failure to carry a spare wheel is not sufficient reason to cancel a PCN.

3. Overheating:

- a) All cases where it is claimed that the vehicle had overheated due to lack of water will be enforced unless it is directly attributable to a mechanical fault such as: broken fan belt, cracked radiator, burst hose, faulty water pump or thermostat. In such cases evidence of repair must be produced.
- b) Overheating caused by heavy traffic or hot weather will not be accepted as a valid excuse.

4. Running out of fuel:

- a) Unless this is due to a mechanical / electrical fault evidenced by repair bills all PCNs will be enforced.

Builders / Tradesmen

There are some dispensations for builders/tradesmen as follows:

1. Waiting restrictions:

Parking will only be allowed whilst loading/unloading of tools or materials are taking place. At all other times the vehicle must be moved to a permitted parking area. An emergency is considered to last as long as it takes to make the premises safe i.e. turn off the main supply after which time any vehicle should be moved to a permitted parking place before any subsequent repairs are undertaken.

If it is essential that a vehicle is parked close to where the person is working so as to reach equipment/heavy goods etc then an application for a waiver may be made to the Council's parking office

2. On street parking places:

Trade vehicles can only park if they are loading/unloading to an adjacent property or have obtained a waiver to park from the Council's parking office.

3. Disabled parking places:

If a person is working at a property adjacent to a disabled parking place and it is essential to park a vehicle in the disabled bay, an application for a waiver must be made to the Council's parking office. It is however best practice to avoid using a disabled bay and find alternate parking nearby.

Bullion Vehicles

Bullion vehicles for security reasons are required to park in close proximity to premises in order to effect safe delivery or collection of cash. All restrictions have an exemption for bullion vehicles to wait whilst loading/unloading.

Security vans that are not armoured bullion vehicles involved in the delivery of high value goods or securities are expected to comply with waiting restrictions. PCNs issued under such circumstances may be cancelled upon receipt of a representation from the security company confirming such an activity at the time, unless it can be clearly shown that the vehicle was parked for longer than was necessary or in a restricted access area.

Buses

Scheduled service buses have exemption to waiting on bus stop clearways for up to 2 minutes in order to maintain a scheduled service or for as long as necessary to allow passengers to board/alight or for a change of crew.

Scheduled service buses can wait on a bus stand as long as necessary to maintain the scheduled service.

Bus stop clearways are signed with an exemption for local buses to stop, this excludes out of service buses and coaches.

Out of service buses and coaches must obey restrictions in the same way as other vehicles and will receive a PCN if parked in contravention of a restriction. Coaches can wait on yellow lines to allow passengers to board/alight where it is safe to do so and they do not cause an obstruction.

Bus Stops

Marked bus stop clearway areas can only be used by a local bus (ie a scheduled service bus) for up to 2 minutes in order to maintain a scheduled service or for as long as necessary to allow passengers to board/alight or for a change of crew.

A local bus is not permitted to park in a bus stop for any reason other than stated above.

It is not legal for an out of service bus or a coach to use a bus stop. There is parking provision within Chesnut Street car park for touring coaches. The Council does not condone coaches being parked in residential streets.

Any vehicle that is not a local bus parked or waiting in a bus stop area will be given a PCN.

Caravans and Trailers

Caravans and trailers not attached to a motor vehicle should only be parked on private land. A notice under section 143 of the Highways Act will be issued to remove the structure if a caravan or trailer is observed to be left on the highway for considerable time. Dispensation is allowed for residents to park their caravan outside their home to load/unload prior to and at the end of their holiday for which the caravan is being used. Complaints regards caravans/trailers being parked should be made to the Council highways section (Tel 388748)

Care Organisations

Numerous care organisations are now operating within the Borough. Each will often display badges issued by the various organisations but due to the variety of badges in circulation none are recognised by Darlington Council as valid authorities to park.

- Parking in Council operated car parks: It is not felt that there is a need for carers to park within Council car parks free of charge unless they are transporting a disabled person as a passenger who can display their blue badge and receive some dispensation from the parking charge.

- Parking at on street parking places: It is not felt that there is a need for carers to park within a parking place free of charge unless they are transporting a disabled person as a passenger who can display their blue badge and receive free parking.
- Parking on yellow Lines: Carers are not exempt from yellow line restrictions and must not contravene them. No dispensation will be issued to carers to enable them to park on yellow lines except in a medical emergency in which case any PCN issued may be cancelled following an appeal after consideration of the evidence available.
- Parking in residents' parking places is not permitted unless a permit has been issued. An elderly/indisposed resident can apply to the Parking office for a carer permit for a family member/friend who carries out daily personal caring duties but not for a professional carer. These permits are issued at the Council's discretion.

Cars for Sale / Hire

Vehicles parked on the highway for the purpose of being sold, or for hire, will be subject to the same restrictions as any other vehicle. CEOs will deal with vehicles for sale in the same way as any other vehicle parked in contravention of the restriction and will issue a relevant PCN. Any challenge against the issue of a PCN for the reason of the vehicle being sold or hired will be rejected.

It is not permitted to sell any goods within a car park or on street parking place.

It is also not legal for more than 2 vehicles that are advertised for sale to be parked together on any highway whether covered by waiting restrictions or not. There is separate legislation to deal with this and CEOs will advise the relevant department when more than 2 vehicles for sale are seen on the highway.

Certified Bailiffs

Certified bailiffs, as agents of the court, are court officers. Of the many functions they perform, executing warrants is one that is likely to concern us most. These are court orders for the seizure and selling of goods of sufficient value to cover the outstanding amount plus the cost of executing the warrant. For this purpose the bailiff may have an appropriate vehicle nearby.

For their other activities they do not need a vehicle nearby, e.g. if they are serving a summons or warrant (not enforcing it). In such circumstances they would be expected to comply with parking restrictions.

When they are taking goods or high values in cash, the Council can exercise discretion where it appears reasonable to do so. Certified bailiffs are not exempt from legislation however, and an official badge or permit may be displayed on the vehicle and, further, the act of loading/unloading should be observed as taking place. Once goods have been seized the bailiff is required to list them prior to leaving the premises and this could legitimately take some time. In such circumstances the Council should ask for a warrant number, identification and confirmation of the nature of goods being seized before the PCN is cancelled.

Council Officers & Members on Duty

Generally all Council officers and Members on duty are expected to fully comply with parking regulations:

1. Staff or Members carrying out their official Council duties will be expected to comply with any relevant parking regulations. Failure to comply will result in a PCN being issued. Staff carrying out statutory duties such as refuse collection, street cleansing, highway and verge maintenance in Council liveried vehicles do have an exemption from restrictions.

2. Parking on yellow Lines: No special dispensation will be given to allow staff or Members to park on yellow lines. In such cases PCNs will be issued and pursued.
3. Request for cancellation of PCN: This will only be considered in the case of emergency and must be supported by written confirmation from the relative Director.

Court Attendance / Arrest

Jury members, witnesses and defendants all have to obey parking regulations. However, if a defendant has unexpectedly been given a custodial sentence and, as a direct result, is unable to remove his/her vehicle from a Council car park or an on street parking place the Council expects that the vehicle is removed as soon as is reasonably possible by the defendant's family, friends or legal representative. Any PCN issued may not be enforced providing supporting evidence is supplied by the defendant's legal representative.

The length or timing of any court hearing or trial cannot be guaranteed and Jury members and/or witnesses may find that they are unable to leave court to purchase further pay & display time in a car park or to move their car. This often leads to overstay and to PCNs being issued. It is advisable to use long stay car parks if carrying out court duties. The courts will not pay any PCN issued to a witness or Jury member whilst carrying out their legal duties even if they are delayed by the court. In such circumstances the Council will enforce PCNs against the owner unless evidence is produced to support the fact that they were delayed to an extent that could not have been reasonably foreseen e.g. moved to a hotel overnight.

If the driver of a vehicle has been arrested and, as a direct result, has been forced to leave the vehicle in contravention of an on street parking restriction or in a car park any resultant PCN may not be enforced unless the driver has had ample time to safely remove the vehicle after his/her release from custody. (in the case of drink driving a period of at least 12 hours should be allowed for safe removal of the vehicle). The arrested person should make arrangements for someone to move his/her vehicle for him/her as soon as is reasonably possible.

In all cases of arrest representation by the owner should provide date, time and evidence of arrest including custody number, officer and police station involved.

Dental / Doctor Appointments

A driver should always purchase sufficient time or take account of the maximum time period permitted when parking. A dental or medical appointment is not considered to be different from any other business a driver may be undertaking. When a PCN has been issued for overstay in a parking place or car park no dispensation will be given even if evidence is provided to prove an appointment overrun.

Disabled Driver / Passenger

See also Section 2

Blue badges are issued to a disabled person and can only be used by that person when they are either the driver or a passenger of the vehicle. It is not permitted to use the badge for any other purpose e.g. shopping for the disabled person when they are not actually being transported in the vehicle. Police officers and CEOs have the power to inspect a blue badge and it is an offence for the driver to refuse to produce the badge when requested to do so by any of these authorised persons. A police officer also has the power to seize a blue badge where it is required as evidence in a criminal prosecution.

Blue badges must be clearly displayed with the expiry date facing upwards whilst the vehicle is parked. The blue badge and where appropriate the associated time-clock must be displayed on the dashboard or the fascia of the vehicle where it can be seen through the windscreen. If there is no fascia or dashboard in the vehicle the badge must be displayed in a prominent position. Failure to do so will result in a PCN being issued for the contravention of the relative parking restriction.

When considering an appeal the Council will take into account previous contraventions by the same driver and/or badge holder for failure to display a valid blue badge:-

Providing the blue badge is clearly and properly displayed the badge holder can park at:

- limited waiting parking places for an unlimited time.
- yellow lines where there is no prohibition on loading for a period not exceeding 3 hours provided it is safe to do so and in accordance with the Highway Code.
- on street parking places for an unlimited time.
- Council car parks free for up to 3 hours in short stay car parks after which time the normal charge must be paid and free for an unlimited time in long stay car parks.

Disabled Badge Holders are not allowed to park at:

- any area where there is a loading restriction.
- any area specifically reserved for other vehicles or purpose. i.e. taxi ranks, reserved spaces in car parks, bus stops, loading bays or suspended parking places.

Parking with a blue badge must always be in accordance with the current blue badge scheme guidance.

Double Parking

Double parking is when a driver parks on any part of the carriageway and no part of the vehicle is within 50 centimetres of the edge of the carriageway and the vehicle is not within the markings of a designated parking place.

Double parking can obstruct the passage of emergency vehicles, buses, waste disposal and other essential vehicles and cause inconvenience and unnecessary danger to other road users.

Vehicles parked in such a manner may be issued a PCN.

Dropped Footways

A dropped footway is a location where the footway, cycle track or verge has been lowered or the carriageway has been raised to the level of the footway, cycle track or verge in height to assist pedestrians crossing the carriageway, cyclists entering or leaving the carriageway or vehicles entering or leaving the carriageway to an off street parking area across the footway, cycle track or verge. A dropped footway is a great assistance to disabled persons and mothers with prams and is often associated with tactile paving to assist the visually impaired. Parking alongside a dropped footway can cause considerable inconvenience and can put vulnerable road users at greater risk of being involved in a road traffic accident.

No driver is permitted to park their vehicle in a manner that will obstruct a dropped footway.

There are exemptions and the contravention does not apply to emergency services, vehicles associated with building or road works, vehicles stopping to drop off/pick up a passenger or vehicles unloading goods. Neither does it apply to a vehicle parked across a residential access with the occupier's consent unless it is a shared drive or where that consent has been paid for.

A PCN will be issued if a vehicle is parked obstructing a dropped footway with or without any associated tactile paving or Keep Clear line or across an access and the owner of the property has contacted the Council to advise of the obstruction.

Dropping Off - Picking Up Passengers

Except on designated clearways, bus stops, taxi ranks and zig-zag markings at school entrances or pedestrian crossings any vehicle will be allowed a reasonable amount of time to drop off or pick up passengers irrespective of any on-street waiting restriction in force provided that they are not causing undue obstruction to traffic flow.

As long as the CEO witnesses dropping off or picking up activities a PCN will not be issued. After a observed period of inactivity a PCN will be issued.

When considering the cancellation of PCNs special consideration will be given to taxis or private hire vehicles who may need additional time to announce their arrival and/or accept payment.

Emergencies

There are exemptions to regulations for vehicles carrying out emergency duties:

1. Emergency services, liveried local authority and public utility vehicles will be exempt from parking restrictions when actively dealing with an emergency on the highway. However, these vehicles should not be parked in a way that will cause an obstruction to other road users or pedestrians.
2. Doctors, nurses, midwives and some other carers engaged on emergency duties are, wherever possible, expected to park legally in accordance with local restrictions. Dispensation is given to park in residents' parking places when a valid permit recognised by the Council is displayed. Should a PCN be issued it may be cancelled only upon evidence of the emergency being provided. Regular or programmed visits will not be considered an emergency.
3. Medical emergencies: An emergency is an unforeseen situation that prevented the driver from moving his/her vehicle. They are usually of a medical nature and leniency may be exercised where it can be seen that the driver could not have foreseen the situation. If the motorist provides proof of a medical emergency, that is consistent with the conditions described or, if the CEO has made notes to support the motorist's representation, we may accept the representation and cancel the PCN. If the motorist cannot provide some proof of a medical emergency, consistent with the conditions described or, where other evidence contradicts the motorists claim we will reject the representation.
Generally pregnancy is not considered to be a disability and delays caused by young children should not normally lead to the cancellation of a PCN. However, this is a sensitive area and each case will be treated on its merits. eg. if the delay was short (up to 10 minutes) or was caused by a minor medical emergency, child being sick or pregnant women feeling unwell, leniency may be shown. If the delay was caused by the parent not allowing enough time to deal with young children or her own condition, both of which they are fully aware of, then the PCN will be enforced.
Each case will be treated on its individual merits and we will take any previous PCNs issued to the same owner into account.
4. Non-Liveried Vehicles such as private vehicles being used by Council Departments are wherever possible expected to park legally in accordance with local restrictions. Should a PCN be issued it will be cancelled only upon evidence of the vehicle being parked due to an emergency situation. Regular or programmed visits will not be considered an emergency.

Estate Agents

Estate agents are generally not exempt from parking restrictions and PCNs should always be enforced. Exception is made to a vehicle used for surveying when ladders and heavy equipment are used as this is classed as building work.

Fire-fighters on Call

'Fire-fighter on Call' placards are issued to fire-fighters to display in their own private vehicles. The placard is meant to be a way of informing members of the public that the vehicle belongs to a fire-fighter and that the vehicle should not be obstructed in case the driver needs to report on duty at a nearby fire station. This however, does not allow the vehicle to park in contravention of any parking regulations and any PCN issued to vehicles displaying these placards will be enforced.

Footway Parking

Waiting and loading restrictions cover the relevant half of the highway (centre line to the highway boundary) and where a restriction exists on the carriageway the adjacent footway and verge are also covered by the same restriction. A PCN will be issued for contravention of the restriction even if the vehicle is parked wholly behind the yellow line(s).

Parking partially or wholly on a footway or verge should not take place unless there are signs that permit it. This type of parking can damage footways and cause problems for pedestrians. Visually impaired persons are particularly inconvenienced by this behaviour and can be put at risk by having to walk around such a parked vehicle into the road.

Where a parking restriction does not exist the Council does not at this time propose to enforce pavement parking on a Borough wide basis as the practicalities of processing the necessary traffic orders and introducing the required signs on every footway are not feasible at this stage. The police will however retain powers to deal with obstruction offences where footway parking occurs.

Once CPE is operational the Council will review this position and careful consideration will be given as part of an ongoing review process as to where traffic regulation orders need to be introduced to prohibit footway parking.

Funerals & Weddings

There is dispensation for an official car being used in connection with a wedding/civil partnership or funeral at an adjacent premises to park on yellow lines, but not within a bus lane, for the duration of the wedding or funeral service. Official cars are:

- Funerals – the hearse and cortege vehicles.
- Weddings – the bridal and bridesmaid vehicles and/or groom's vehicle.

Garages – Vehicles Left Unattended

When a garage employee parks a vehicle on a highway, in contravention of a parking restriction, whilst maintenance of the vehicle is being carried out (i.e. to facilitate vehicle movement within the workshop) any PCN issued will be the responsibility of the vehicle owner. Garages have no right to utilise the highway in such a manner and PCNs will always be enforced in such cases.

Government Department Vehicles

Unless the reason for parking the vehicle was under exceptional circumstances PCNs issued to vehicles owned or operated by Government Departments may be enforced. They are not exempt purely by virtue of the fact that they are operated by a Government Department. If the vehicles are involved in exceptional activities such as surveillance by Customs & Excise or the Benefits Agency, evidence to support this in the form of a written statement from a senior manager on

headed notepaper must be supplied. Wherever possible Government Agencies involved in such activities should be encouraged to give the Council advance notice and make an application for a waiver.

Hackney Carriages / Private Hire Vehicles (PHVs)

(See also Taxi Ranks)

There is a distinct difference between Hackney Carriages (taxis) and Private Hire Vehicles (PHV). PHVs are not allowed to ply for hire on the street or display a "TAXI" sign.

Taxis and PHVs, like all vehicles, may stop on yellow lines where it won't cause an obstruction to allow passengers to board or alight. It is not an exempted activity to assist passengers into premises and to leave the carriage unattended.

If a licensed taxi or PHV is left unattended for more than 5 minutes it is liable to receive a PCN. When considering representations it should be borne in mind that when a taxi or PHV is called to an address to pick up passengers the driver should be allowed time to announce his/her arrival.

Hatched Markings in Car Parks

Hatched markings or KEEP CLEAR markings in a car park indicate the area where parking is not permitted. Any parking in these areas will be classed as parking outside of a marked bay and a PCN will be issued.

Hazardous Chemicals / Substances

Claims by companies that toxic or dangerous substances were being delivered or collected from premises and, as a result, a PCN was issued to the vehicle being used will be given careful consideration. If the PCN was issued for contravention of a waiting restriction it can be established from the CEO's notes whether the activity of loading was taking place. If no loading activity was taking place the PCN will be enforced. There is no reason, in this case, to differentiate between toxic and non-toxic deliveries as it is the driver's responsibility to ensure that the vehicle is moved immediately after the loading / unloading activity is complete. Ideally if there are serious Health and Safety concerns the authority should be notified prior to the delivery.

If the PCN was issued for contravention of a loading restriction then, once again, the CEO's notes should be viewed to establish whether the loading activity was taking place. If so then serious consideration will be given to the cancellation of the PCN in view of the Health & Safety of the public. Any such representation should be accompanied by documentary evidence showing the nature of the goods being delivered.

Hiring Agreement

It is within the legislation that, in the case of a hired vehicle, responsibility for a PCN is that of the hirer of the vehicle at the time and not with the registered keeper. The hire agreement should contain a statement regarding the hire's liability for any PCNs incurred during the hire period. Consequently, in this case, the responsibility does not rest with the registered owner, the Hire Company, providing they make formal representation to the Council once the Notice to Owner is received.

This representation must be accompanied by a copy of the relevant hire agreement. In all cases this 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 include a statement regarding the hirer's liability for any PCNs incurred during the hire period.

Should any of the foregoing be unclear, absent or in contradiction of the date / time of issue of the PCN then the PCN will be enforced against the Hire Company and a notice of rejection of the representation sent to them with the reasons clearly stated therein.

Loading / Unloading

Within the town centre generally all loading/unloading should be from designated loading bays. Vehicles are permitted to park in contravention of waiting restrictions only where loading is not prohibited whilst carrying out the legitimate activity of loading or unloading provided: Vehicles will be permitted to park in contravention of most waiting restrictions, including on street parking places, whilst carrying out the legitimate activity of loading or unloading provided

- loading/unloading involving the vehicle, is observed by the CEO whilst the vehicle is parked. The initial observation period is 10 minutes, and a PCN shall only be issued if no activity is seen during this period.
- the goods being delivered or collected comply with the definition of goods, ie goods of any kind whether animate or inanimate and includes postal packets of any description and terms used in relation to activities in connection with goods shall include checking the goods for the purpose of their delivery or collection
- where a PCN is issued, a representation will be considered if supported by evidence confirming that the driver was delayed in making the delivery, was involved in moving heavy goods or had to enter a property and wait for paperwork to be signed.

Location – Incorrect

When a PCN is issued the location of the vehicle is stated on the PCN itself. If this is recorded incorrectly then this is deemed to be a material error and the PCN should be cancelled.

Claims from a motorist that their vehicle was not parked in the location at the time and on the date alleged on the PCN requires careful consideration.

Following consideration of all available evidence we may accept representation against the issue of a PCN if:

- the motorist provides a copy of their vehicle excise licence (tax disc), which was valid at the time of the contravention, and the serial number of which differs from the serial number noted by the attendant.

The representation may be rejected if:

- the photographic evidence obtained by the CEO at the time of the contravention proves that the vehicle was parked in the location specified on the PCN.
- the motorist does not provide a copy of their tax disc, after being given a further opportunity to submit such a copy.
- the serial number on the copy tax disc provided by the motorist is identical to the serial number noted by the CEO.
- if there is no evidence or if the evidence presented does not support the claim or is inconclusive.
- there have been previous unsubstantiated claims made by the same individual.

Lost Keys

Where it is claimed that car keys have been lost, stolen or locked in a car thus preventing removal of the car from a parking area which in turn resulted in the issue of a PCN, then due consideration may be given to its cancellation. When considering this the representation should be accompanied by any supporting evidence from the police, motoring organisations or relatives.

The following should also be considered if:

- the vehicle was parked in a pay & display car park, did the loss of the keys prevent purchase of additional parking time?
- the vehicle was parked on a yellow line, should it have been parked there in the first place?

Medical Emergencies

See **Emergencies**

Mitigating Circumstances

Each case will be treated on its individual merits and particular circumstances are referred to elsewhere within this document. However, the following are a few guidelines:

1. **Delays:**

Delays due to queues at shops/banks etc., meetings taking longer than expected, caught up in crowds etc., are not considered as valid reasons to cancel a PCN. Allowance should be made for such delays when purchasing parking time as they are a regular occurrence and part of normal life.

2. **Children/Elderly people:**

Claims are often made by people, accompanied by young children or elderly people, that they were delayed because of them. Again this should not be considered as a reason to cancel a PCN because allowance should be made for this when purchasing parking time. Claims against PCNs issued in residents' parking places whilst children were being dropped-off or collected from schools will not be cancelled unless the normal 5 minute observation period should be enough time in such circumstances.

3. **Emergencies:**

An emergency is an unforeseen situation that prevented the driver from moving his/her vehicle. They are usually of a medical nature and leniency may be exercised where it can be seen that the driver could not have foreseen the situation. All such claims should be supported by independent evidence.(**see Emergencies**)

Mobile Phones

Answering a phone is not a permitted excuse for parking on yellow lines or within parking places without payment and a PCN will not be cancelled.

Motorcycle Bays

There are no specific on street motorcycle parking places in Darlington but motorcycles may park for free in Council off street car parks provided they use a marked motorcycle bay. They may not park on keep clear or hatched areas in car parks as they may cause an obstruction to either pedestrians or other vehicles using the car park.

Motorist Claims of Feeling Unwell

See **Emergencies**

Pay & Display Ticket Machines – Did Not Realise There Was One There

As a driver you must be aware of the parking conditions. This includes ensuring you obey the lining and signing of restrictions and whether or not payment is required. A 'P' on a blue background on the street signs will indicate that payment is due. Information boards within car parks will indicate when and what payment is required. No dispensation will be given for an excuse of not knowing payment was due.

Pay & Display Ticket Machines – Not Working

Where it is claimed that a machine is not working then reference will be made to both the maintenance records, the CEO's notes and machine test records (machines are tested before every patrol). If it is confirmed that the machine was not working at the time then consideration will be given to cancelling the PCN. If there was more than one machine in a car park or an alternative on street machine in working order in close proximity to the on street parking place then it is reasonable to expect the driver to use another machine.

Pay & Display Tickets

Most Council's car parks and some on street parking places operate as pay and display. Pay & Display requires the purchase of a ticket at the time of parking for the amount of time required and this ticket must be clearly displayed on the inside windscreen/driver's window of the vehicle. All tickets have the date, amount paid, expiry time and the name of the car park or on street parking place printed on them. In car parks the charges are clearly displayed on boards adjacent to each machine and for on street parking places the charges are displayed on the ticket machine. Pay & Display Tickets must be:

- clearly displayed so that all the printed information is visible from outside of the vehicle
- for the date shown.
- un-expired.
- for the car park or parking place indicated unless a transferable ticket is permitted

PCNs will be issued for:

- failing to display a valid ticket.
- displaying a ticket that has expired.

Currently a common reason for issuing a PCN in an on street parking place is where the motorist after buying a ticket from the machine later returns and purchases a second ticket to extend their parking time. This is not permitted within any of our on street parking places as it is stated on the signs what the maximum length of parking is permitted and that no return is permitted within 1 hour. Motorists must initially buy sufficient time that they need up to the maximum time permitted at that parking place.

Representations made because the driver failed to correctly display a valid ticket even though one was held will not be allowed as it is incumbent upon the driver to ensure that the ticket is clearly displayed throughout the time that the vehicle is parked. Representations made because the driver did not have change will not be upheld.

Pay by Phone

In Council car parks motorists are able to pay for car parking using a mobile phone instead of buying a ticket from the machine. Details of how to register to use this service are shown on the tariff board situated beside the ticket machine. Once you have paid by phone the CEO's hand held equipment will show that payment has been made. The CEO can then check if a phone payment has been made if a ticket is not displayed on the vehicle. This information is also updated if you extend your time by a further payment by phone.

<http://www.darlington.gov.uk/Transport/Car%20Parking/Post31December/parkingbyphone.htm>

Pay on Exit

East Street car park is the only Council operated car park that uses a pay on exit system. Motorists are able to park for as long as they wish and then pay for the time parked on exiting the car park. If a motorist cannot produce his parking ticket on exit then it will be assumed the parking started at 8am and he/she will be charged accordingly.

It is anticipated that East St will change to a pay and display car park during 2011

Police Officers on Duty

PCNs should not be issued to marked police vehicles when on official duty and acting in an emergency. Requests for cancellation of any PCN issued to an unmarked police vehicle must be made by the officer's area Inspector or equivalent. They should contain confirmation that the officer was on official business and that it was inappropriate for the vehicle to be parked elsewhere.

Police vehicles, marked and unmarked, being used in non-emergency situations must always use permitted parking areas where these are available near to where the officer is attending.

Police Officer Gave Permission to Park

Where details of the officer concerned are given, confirmation should be sought prior to cancellation of the PCN. Where these details are not given then the PCN will be enforced unless they are supplied subsequently. Generally a police officer will only direct someone to park in a specific location so as to avoid a dangerous situation.

A CEO will not be permitted to allow people to park in contravention of any parking restrictions.

Public Service Vehicles (PSVs)

See *Buses*

Public Utility Vehicles

See *Emergencies & Exempt Vehicles*

Residents' Parking Places

1. Residents' permits:

- In a residents' parking place a resident must clearly display a valid permit on the vehicle. Permits are only valid for the zone indicated on the permit, for the vehicle whose registration number is displayed and until the expiry date printed on its face.
- Failure to display a resident's permit when required is a contravention and will result in a PCN being issued which will not be cancelled unless there are mitigating reasons why the permit was not displayed.
- Use of a permit in a zone other than that specified on the permit or after its expiry date is also a contravention for which a PCN will be issued. Again the PCN will not be cancelled unless there are mitigating circumstances that account fully for the contravention.

2. Visitor permits:

- The Council presently does not operate a visitor permit system for their residents' parking schemes other than the Neasham Road area scheme in the vicinity of the football stadium. The schemes are designed to have areas of uncontrolled space and free limited waiting or paid parking places that can be used by visitors.

Road Signs / Markings – Missing, Obscured or Broken

A PCN should not be issued when lines or signs are missing. If a challenge is made to a PCN on these grounds and it is upheld for the reasons detailed below then the PCN will be cancelled. The challenge will be considered valid if the motorist could not establish if a restriction was in operation. Where the lines can be clearly seen, even though they may be partially worn, the PCN will be enforced but remedial action to renew the lines will be taken.

Regulatory 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 (eg. graffiti or overhanging vegetation) the sign will be inspected as soon as practicable and remedial action taken. Photographic records from the CEO's notes will be consulted. If the claim is proved to be correct the PCN may be cancelled. If the sign can be easily read then the PCN will be enforced but the sign should be returned to reasonable condition as soon as is practicable.

If a restriction has been marked after the vehicle had parked a PCN may be cancelled if records confirm that signing/lining/placement of cones or suspension notices are likely to have taken place after the vehicle was parked

Royal Mail and Universal Service Provider Vehicles

Vehicles being used for the collection or delivery of postal packets are exempt from the regulations as long as they can be seen to be actively involved in such. Vehicles parked for more than the observation period 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.

Street Traders

Street trader's vehicles such as mobile kitchens and ice cream vans will not be permitted to park in contravention of any restrictions. The Council has a separate policy on the licensing of street trading vehicles.

Suspended Parking Places

The Council may suspend the use of all or any part of a parking place whenever it considers such suspension to be reasonably necessary:

- to secure the expeditious, convenient or safe movement of traffic;
- for the purposes of the Council or any statutory undertaker carrying out its duties in the highway or building works being carried out at adjacent properties;
- on any occasion on which it is likely by reason of some special event that the street is likely to be thronged or obstructed;
- for such other purpose as the Council may consider to be reasonable necessary to ensure public safety.

and may vary or revoke such suspension at any time.

The suspension will be either signed or the area will be physically closed by the use of cones/barriers.

Where a representation is received claiming that a vehicle was parked at the location without knowing that the suspension was in place and upon investigation the claim is found to be valid the PCN may be cancelled. It is normally the case that the responsibility for ensuring a vehicle is parked in accordance with any possible suspension rests with the driver. However, it will be the registered owner of the vehicle who is responsible for paying any penalty charge notice issued to the vehicle.

However, when a vehicle is parked legally within a designated bay which is subsequently suspended it is deemed to be legally parked as it cannot be made illegal retrospectively by the suspension. Vehicles parked when the suspension was placed should be recorded at that time by a CEO.

Tariff – Rises in Parking Charges

When the Council proposes to make a change to the parking charges notices will be displayed at the car park or parking place for a minimum of xx days before the change is due to take place.

A PCN issued for non payment of the correct charge will not be cancelled should the owner make representation that he/she was unaware of the change in parking fee. A driver must always consult the tariff board before buying parking time.

Taxi Ranks (Hackney Carriage Stands)

See also *Hackney Carriages / Private Hire Vehicles (PHVs)*

The Council appoints areas of highway for Hackney Carriage Stands (taxi ranks). Signs and yellow lines show its limits, the operational time of the rank, how many taxis may stand on it and any other special regulations applicable. Vehicles, other than taxis, (including Private Hire

Vehicles) parked in such ranks will be issued with a PCN. A taxi that is parked partly within a rank and partly on another restriction will be in contravention of that restriction and will be issued with a PCN.

Taxi ranks are where taxis can wait while plying for hire therefore a driver must be with the vehicle, an unattended taxi may be issued a PCN after an appropriate observation period.

Traffic Regulation Order – Invalid

The Council will carefully consider any representation made against the issue of a PCN if it is claimed that the traffic regulation order which describes the restriction that the vehicle was parked in contravention of was legally flawed. A PCN will only be cancelled if it is proved that there is a discrepancy in the traffic regulation order.

Unauthorised Use of a Vehicle

See also Vehicle Stolen

Claims that the vehicle had been used in an unauthorised way by another family member or a friend is difficult to substantiate and the PCN will be enforced unless it can be demonstrated that the matter was reported to the police prior to or just after the issue of the PCN and the taking of the vehicle has been classed as a crime. Subsequent reports will not lead to the cancellation of the PCN.

Vandalised Vehicle

When a vehicle has been vandalised to an extent that prevents it from being safely moved any PCN issued will be cancelled providing acceptable supporting evidence is provided. This evidence should be from either:

- the police – quoting the recorded crime number.
- a motoring organisation / garage who has removed the vehicle from site.

CEO observation from his/her pocket book will also be considered providing that it clearly states the extent of the damage.

Failure to provide supporting evidence or the absence of CEO observation will lead to the PCN being enforced.

Vehicles Left Unattended To Gain Access

When a driver has to collect a key to gain access to a property this should take no longer than 5 minutes and will generally be covered by CEO's observation time. In such circumstances vehicles should not be left for longer periods or in contravention of a loading restriction. However, each case will be considered on its merits and extenuating circumstances taken into account.

Vehicle Stolen

Liability will depend on whether the vehicle was stolen or taken without authority (see ***Unauthorised Use of a Vehicle***):

Claims that the vehicle was stolen at the time the PCN was issued need to be substantiated by confirmation from the police that the vehicle was reported stolen at the time the PCN was issued. Such confirmation will be a valid crime report. If the vehicle was classed as stolen then the PCN may be cancelled.

Visitor to Britain

A PCN will always be issued to a vehicle displaying foreign registration plates parked in contravention of a restriction. Payment of the PCN should be in sterling but if a foreign visitor offers payment in another currency then we will also charge the conversion charge to sterling. If the PCN remains unpaid then the vehicle registration number will automatically be recognised by the processing system as a registration number that will not be in DVLA records and the PCN cannot be pursued. If a PCN is issued to a UK registered vehicle which has been borrowed or

driven by a foreign visitor the PCN will be enforced against the registered owner as he/she remain liable for it.

Voluntary Patient Transport Vehicles

The display of a “Voluntary Patient Transport” placard does not automatically exempt the holder from parking restrictions. However representations against the issue of a PCN will be given due consideration bearing in mind that this is a voluntary service provided for the elderly and sick so that they can be transported to and from hospitals.

Generally such consideration should extend to:

- allowing sufficient time to enable the driver to make his/her presence known to the passenger.
- allow sufficient time to assist the passenger between the vehicle and their home or premises they are visiting bearing in mind that they may be elderly, infirm, disabled or unwell. This may well involve sufficient time to ensure that the passenger is comfortably settled within the premises prior to departure by the driver.

Representations must be accompanied by documentary evidence giving the date, time, the pick-up and drop-off locations for the trip and, wherever possible, a description of the passenger (i.e. Elderly, Disabled, Post-Operative etc.).

Section 7 ABBREVIATIONS

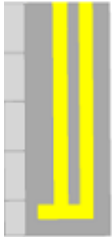
ABBREVIATIONS

CEA	Civil Enforcement Area
CEO	Civil Enforcement Officer
CPE	Civil Parking Enforcement
DfT	Department for Transport
DVLA	Driver and Vehicle Licensing Agency
HA	Highways Agency
HHC	Hand Held Computer
HMSO	Her Majesty's Stationary Office
NoR	Notice of Rejection
NtO	Notice to Owner
NVQ	National Vocational Qualification
PCN	Penalty Charge Notice
PCSO	Police Community Support Officer
PHV	Private Hire Vehicle
PSV	Public Service Vehicle
RTRA 1984	Road Traffic Regulation Act 1984
SEA	Special Enforcement Area
SPA	Special Parking Area
TEC	Traffic Enforcement Centre (Northampton County Court)
TMA 2004	Traffic Management Act 2004
TPT	Traffic Penalty Tribunal
TRO	Traffic Regulation Order

APPENDIX 1

COMMON LINING AND SIGNING

The following are some of the common restrictions you will see and a reminder of what they mean:



Double yellow lines

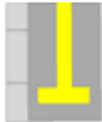
along the edge of the road mean no waiting at any time. However, you may stop while passengers get into or out of the vehicle and to load / unload goods, **unless** there are also loading restrictions.

There is no requirement to erect a sign for a permanent double yellow line restriction.



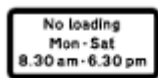
Single Yellow Lines

along the edge of the road mean you can't wait during the times shown on the adjacent sign.



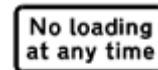
It is possible that the yellow lines operate on a seasonal basis, meaning that they will only be enforced during the times specified on the adjoining sign.

However, you may stop while passengers get into or out of the vehicle and to load / unload, **unless** there are also loading restrictions.



Loading Restrictions

are shown by single or double yellow lines on the kerb or at the edge of the carriageway. They indicate that loading or unloading is prohibited during the times shown on the signs.

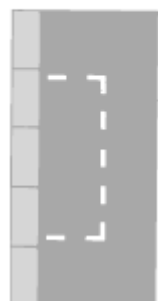


However, you may stop while passengers get into or out of the vehicle provided that you do not cause obstruction



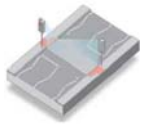
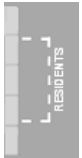
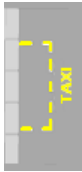
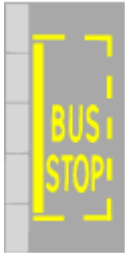
Parking Places

are shown by white bay markings.



Signs will indicate the maximum amount of time that you may park and whether you have to pay to park in the bay.

Please take note of the 'No Return' information displayed on the sign. This means that you are not permitted to return to the parking place within the time specified. The time specified begins at the expiry of the first period of free parking or at the end of the expiry time of the period of parking that you have paid for. For paid parking bays you cannot buy further time even if you have not been parked for the full amount of permitted time. CEOs will log all vehicles parked in parking places to ensure that they do not return to the bay within the specified timescale. Vehicles returning to the bay within the specified timescale or buying extra parking time will be issued with a PCN.



Loading Bays

are shown by white bay markings and have with the words 'Loading only' and a sign with the white on blue 'trolley' symbol. A sign will show the times when the bay can be used and whether there is a maximum time limit. Vehicles may not park here if they are not loading or unloading goods.

Bus Stop Clearways

You must not stop in a bus stop clearway during its period of operation unless you are driving a local service bus. If the period of operation is less than 24 hours this will be displayed on the signs

There may also be bus stands on the highway. Again, you must not park on Bus Stands during the period of operation but a local service bus can wait for as long as necessary within a bus stand.

Taxi Ranks

You must not stop in a Taxi Rank during its period of operation. The period of operation will be shown on the adjoining signage. If the period of operation is less than 24 hours there may be other waiting restrictions that apply when the rank is not operational and these will be shown on adjacent signs.

Parking Bays for Specific Use

You must not park in parking spaces reserved for specific users such as Blue badge holders or resident permit holders, unless you are entitled to do so. Signs will indicate who is allowed to park and when the restrictions are in operation.

Tradesmen working at private properties within a residents' parking area will be able to apply for a waiver to park.

Pedestrian Crossing Zig-Zags

You must not park on a pedestrian crossing or in the area covered by the white zig-zag markings at any time for any reason. These markings are installed specifically to maintain pedestrian safety.

School Entrances

You must not stop for any reason on the yellow zig zag lines at school entrances for any length of time during the times shown on the signs.

Bus Lanes

You must not drive in a bus lane during its period of operation. If the period of operation is less than 24 hours this will be displayed on the signs at the start of the bus lane.

Taxis and cyclists are allowed to use some bus lanes as indicated on the signs. It is permitted to load/unload within a bus lane, provided there isn't a signed restriction on unloading, by crossing the solid white line from the adjacent traffic lane (ie you cannot enter and drive along the bus lane to access a property).

Cycle Lanes

are shown by road markings and signs. You must not drive or park in a cycle lane that is marked by a solid white line during its times of operation.

Keep Clear lines

These lines show where parking across entrances to properties or at dropped kerbs will be obstructive.

APPENDIX 2

CONTRAVENTION CODES, OBSERVATION TIMES AND PENALTY CHARGE LEVELS

ON-STREET			
Code	Observation Time	Contravention	Charge Level
01	5 minutes	<p>Parked in a restricted street during prescribed hours. The contravention occurs when a vehicle waits/is parked on single or double yellow lines during the prescribed hours of enforcement.</p>	Higher
02	None	<p>Parking or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force. The contravention occurs when a vehicle waits/is parked on single or double yellow lines accompanied by a loading ban signified by yellow kerb/carrageway markings during the prescribed hours of enforcement.</p>	Higher
05	5 minutes	<p>Parked after the expiry of paid for time The contravention occurs when a vehicle is not removed from the parking place when the ticket expires</p>	Lower
06	5 minutes	<p>Parked without clearly displaying a valid pay & display ticket or voucher The contravention occurs when the ticket has not been displayed on the vehicle</p>	Lower
07	5 minutes	<p>Parked with payment made to extend the stay beyond initial time The contravention occurs when a driver buys a second ticket to extend the stay beyond the time first purchased</p>	Lower
12	5 minutes	<p>Parked in a residents' or shared use parking place or zone without clearly displaying either a permit or voucher or pay and display ticket issued for that place The contravention occurs when a vehicle parks in a residents' parking place without displaying a permit</p>	Higher
18	None	<p>Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited This contravention occurs when the parked vehicle is being used to sell goods</p>	Higher
19	None	<p>Parked in a residents' parking place displaying an invalid permit This contravention occurs when a resident's permit is not valid</p>	Lower

21	None	<p>Parked in a suspended bay/space or part of bay/space.</p> <p>The contravention occurs when an unauthorised vehicle waits/is parked in any part of a suspended parking place. The suspension will be signified by suspension signage such as a placard and/or cones/barriers, post and flags. The signage will be placed within the bay / space to be suspended if at all possible. If this is not possible the signage will be placed as close as is reasonably practicable to the bays / spaces to be suspended.</p>	Higher
22	None	<p>Re-parked in the same parking place or zone within one hour (or other specified time) of leaving.</p> <p>The contravention occurs when a vehicle returns to the same parking space within the specified time of leaving the space. This contravention can only be enforced when signage relating to the parking space clearly states that returning within the specified time is not permitted.</p>	Lower
24	None	<p>Not parked correctly within the markings of the bay or space.</p> <p>The contravention occurs when a vehicle stands in a parking place other than the way it is meant to eg parked echelon instead of parallel with carriageway unless the road markings indicate echelon parking</p>	Lower
25	20 minutes	<p>Parked in a loading place during restricted hours without loading.</p> <p>The contravention occurs when a vehicle waits/is parked within an area designated as a loading place without any loading/unloading activity being observed by the CEO.</p>	Higher
26	None	<p>Parked in a special enforcement area more than 50 cm from the edge of the carriageway and not within a designated parking place.</p> <p>The contravention occurs when a vehicle is parked more than 50cm from the kerbside and not within a designated parking space. This contravention is more commonly known as double parking.</p>	Higher
27	None	<p>Parked adjacent to a dropped footway.</p> <p>The contravention occurs when a vehicle waits/is parked adjacent to a dropped footway outside a property, at the end of a cycle track/lane or where the footway has been dropped to assist pedestrians cross the road.</p>	Higher
30	5 minutes	<p>Parked for longer than permitted.</p> <p>The contravention occurs when a vehicle waits/is parked within a free limited waiting parking place for longer than is permitted. Adjacent signage to the bay / space informs the driver of the vehicle exactly how long they may park for free.</p>	Lower

40	None	<p>Parked in a designated disabled person's parking place without displaying a valid disabled person's badge.</p> <p>The contravention occurs when a vehicle waits/is parked within a designated disabled person's parking bay / space without displaying a valid blue badge A PCN may be issued for this contravention for the following reasons:</p> <ul style="list-style-type: none"> • No valid disabled person's badge is observed in the vehicle • If the disabled person's badge is illegible or obscured. • The disabled person's badge has expired. • If the clock that accompanies a disabled person badge is not displayed along with the badge (where there is a limit on the amount of time that the badge holder may park). 	Higher
42	None	<p>Parked in parking place designated for police vehicles.</p> <p>The contravention occurs when a vehicle waits/is parked within any part of the markings of a designated police bay.</p>	Higher
45	None	<p>Parked on a taxi rank.</p> <p>The contravention occurs when a vehicle waits/is parked within any part of a taxi rank. Taxi ranks are clearly distinguished by the yellow carriageway markings surrounding the rank and the word 'taxi'.</p>	Higher
46	None	<p>Stopped where prohibited (on a red route or clearway).</p> <p>The contravention occurs when a vehicle wait/is parked on any part of a clearway. Distinguished by signage visible when entering the clearway.</p>	Higher
47	None	<p>Stopped on a restricted bus stop or stand.</p> <p>The contravention occurs when a vehicle waits/is parked within any part of a bus stop or bus stand. Bus stops / stands are clearly distinguished by the yellow carriageway markings.</p>	Higher
48	None	<p>Stopped in a restricted area outside a school</p> <p>The contravention occurs when a vehicle waits/is parked within the school entrance zig-zag lines during their operational time as shown on adjacent signs.</p>	Higher
61	None	<p>A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways.</p> <p>The contravention occurs when one or more wheels of a vehicle over 7.5 tonnes waits/is parked on a footway, verge or land between two carriageways. Heavy commercial vehicles parked on the footway can endanger members of the public by forcing them to walk in the carriageway. The weight of these vehicles also results in damage to the footway occurring.</p>	Higher
99	None	<p>Stopped on a pedestrian crossing or crossing area marked by zig-zags.</p> <p>The contravention occurs when a vehicle waits / is parked on a pedestrian crossing and/or crossing area that is marked by zig-zag markings.</p>	Higher

OFF-STREET (CAR PARKS)			
70	5 minutes	Parked in a loading area during restricted hours without reasonable excuse. The contravention occurs when a vehicle waits/is parked within a designated loading area without any loading/unloading activity being observed by the CEO.	Higher
73	10 minutes	Parked without payment of the parking charge. The contravention occurs when a vehicle waits/is parked without payment of the relevant parking charge by either the purchase of a ticket or use of the pay by phone system where appropriate.	Lower
74	None	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited. The contravention occurs when a vehicle waits/is parked within a car park and the vehicle is being used in connection with the sale or offering or exposing for sale of goods.	Higher
81	None	Parked in a restricted area in a car park. The contravention occurs when a vehicle waits/is parked in a clearly marked restricted area within a car park. There will be either Keep Clear or cross hatched surface markings to indicate where parking is not permitted.	Higher
82	10 minutes	Parked after the expiry of paid for time The contravention occurs when the pay and display ticket seen inside a vehicle shows that the time paid for has expired.	Lower
83	10 minutes	Parked in a car park without clearly displaying a valid pay & display ticket. The contravention occurs when a clearly displayed pay and display ticket cannot be seen inside a vehicle parked in car park and payment has not been made by phone. A PCN may be issued for this contravention for the following reasons: <ul style="list-style-type: none"> • No pay and display ticket can be seen inside the vehicle. • The details on the pay and display ticket are illegible / obscured. • The pay and display ticket on display is face down resulting in no details being visible to the CEO. • The pay and display ticket has fallen onto the floor of the vehicle resulting in no details being visible to the CEO. 	Lower
85	None	Parked in a permit bay without clearly displaying a valid permit. The contravention occurs when a vehicle waits/is parked within the confines of a permit bay/space within a car park without a parking permit being on display within the vehicle.	Higher

86	None	<p>Parked beyond the bay markings.</p> <p>The contravention occurs when one or more wheels of a vehicle are seen to be parked outside of the markings of a parking space within a car park and payment has not been made for use of the 2 spaces being used. The fact that the wheels of the vehicle are parked outside of the markings of the parking space means that other parts of the vehicle will be encroaching on the available room in adjacent spaces.</p>	Lower
87	None	<p>Parked in a designated disabled person's parking place without displaying a valid disabled person's badge.</p> <p>The contravention occurs when a vehicle waits is parked within a designated disabled person's parking space within a car park without clearly displaying a valid disabled person's badge. A PCN may be issued for this contravention for the following reasons:</p> <ul style="list-style-type: none"> • No valid disabled person's badge is observed in the vehicle • The disabled person's badge is illegible or obscured. • The disabled person's badge has expired. • The clock that accompanies a disabled person badge is not displayed along with the badge. 	Higher
91	None	<p>Parked in a car park or area not designated for that class of vehicle.</p> <p>The contravention occurs when a vehicle is parked in an area of a car park that is not designated for that class of vehicle. An example of this would be where a car is parked in a motorcycle bay.</p>	Higher
92	None	<p>Parked causing an obstruction.</p> <p>The contravention occurs when a vehicle waits/is parked within a car park in a manner that is causing obstruction to other users of the car park.</p>	Higher
93	None	<p>Parked in a car park when closed.</p> <p>The contravention occurs when a vehicle is left in a car park outside of the car parks normal hours of operation and the entry to the car park has been locked.</p>	Lower
94	10 minutes	<p>Parked in a pay and display car park without clearly displaying two valid pay and display tickets when required.</p> <p>The contravention occurs when a vehicle waits/is parked in a car park straddling two spaces without displaying two valid pay and display tickets.</p>	Lower
96	None	<p>Parked with engine running where prohibited.</p> <p>The contravention occurs when a vehicle waits/is parked within a car park with the engine of the vehicle running</p>	Lower

An 'instant' PCN may always be issued in circumstances where the CEO concerned has evidence, other than a period of observation, which supports the action of issuing the PCN without observing the vehicle for the minimum periods indicated.

Visitors are not permitted time to obtain change away from the immediate area of the P&D machine or car park. CEOs should observe queues at ticket machines and/or pedestrians who may be seeking change or returning to the vehicle in question, before issuing a PCN