

# Ashford Borough Council Parking Enforcement Guidelines

**January 2021**

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## Introduction

The Parking Service at Ashford Borough Council (ABC) covers parking controls in the towns of Ashford, Tenterden and the remaining areas within the borough.

The prime aim of enforcement is to achieve the following guideline objectives –

- integrate traffic management policies with effective on and off street enforcement
- provide dedicated enforcement
- ensure that there is a fair and even distribution and turnover of available parking spaces throughout the borough, for visitors, residents, traders, customers and businesses
- be responsive to changing priorities, local factors and demand
- provide parking exemptions or dispensations as appropriate.

Parking enforcement will be ‘fair but firm’ and community support for or acceptance of parking controls is conditional upon achieving this balance in the enforcement operation. The guidance set out in this document has been designed to assist in these objectives and establishes the “ethos” of the scheme; whilst individual areas will minimise the potential for misunderstanding and dispute over specific parking issues. In general, enforcement activity will comply with the following principles –

- fair in applying the legislation and securing compliance
- consistency of approach
- intelligence led to make the best use of resources of enforcement and action where necessary
- transparency about what enforcement action is taken and why

This guidelines covers our approach towards both on and off-street enforcement activities. This document is made available to the public providing as a clear guidance for them using the highway and car parks in the control of Ashford Borough Council. For ease of use, categories have been listed in alphabetical order.

**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 guidelines contained in this document may be subject to amendment as deemed necessary.

Ownership of this document rests with the Parking, Highways and Transportation Team at Ashford Borough Council, who is responsible for the guidance contained within, and for review and amendment where necessary. The Parking, Highways and Transportation Team can be contacted at [parkingcustomercare@ashford.gov.uk](mailto:parkingcustomercare@ashford.gov.uk)

Ashford Borough Council has zero tolerance in relation to the abuse of our staff.

## National Legislation and Guidance

Road Traffic Regulation Act 1984

Amongst many other things, this Act gives powers to local councils to make Traffic Regulation Orders imposing waiting restrictions and designating on and off-street parking places. It is under this Act

therefore, that councils will establish parking arrangements either on street or in car parks, introduce parking bays, specify the type of vehicles that may use them and the conditions for their use, and specify what charges are to be made (e.g. charges for permits, charges for pay and display machines). Traffic Regulation Orders may also place restrictions on moving traffic, such as banned turns and one-way streets.

### The Traffic Management Act 2004 (Part 6)

Under the Traffic Management Act (TMA) 2004, the Secretary of State for Transport can make Civil Enforcement Area (CEA) Orders, permitting authorities to enforce contraventions of parking controls within a designated CEA. Such contraventions are not criminal offences and are not subject to a Fixed Penalty Notice, but are enforced through civil procedures. These procedures replace the criminal law procedures previously applied by the Police, and may be used both for on-street parking and in car parks.

### The Traffic Signs Regulations and General Directions (TSRGD) 2016

These form a single document regulating all the lines and signs used to indicate different types of restrictions on the streets throughout the country. Apart from the very limited flexibility allowed by the TSRGD, Kent County Council (KCC) and Ashford do not have any discretion in the use of signs and lines. It must use those specified in the regulations. Should KCC and/or Ashford propose to use a different type of sign, or alternative wording, other than the appropriate sign, or wording, as indicated in the regulations, the sign must receive prior approval from the Department for Transport (DfT) before it can be used. Any sign that does not conform to the regulations, or has not been granted approval by the DfT is not enforceable.

The DfT publishes a 'Know your Traffic Signs' guide which can be downloaded from <https://www.gov.uk>. This guide illustrates and explains the traffic signs that a road user is most likely to encounter. A thorough knowledge of all traffic signs is essential for all road users, not just new drivers or riders, and this guide is a useful companion to ensure their knowledge is up-to-date. The Official Highway Code contains most of the commonly used road signs, which are prescribed by the Traffic Signs Regulations, but it does not give a comprehensive explanation of the signing system. The Guide should be used to complement The Official Highway Code, while the Regulations themselves provide the definitive legal guidance.

### **Statutory Guidance**

Under powers given by the TMA 2004, the Secretary of State has issued both Statutory and Operational Guidance to authorities on how Civil Parking Enforcement should be implemented and administered. However, the Operational Guidance was discontinued early in 2018 and authorities are now directed to follow the Statutory Guidance instead. The Statutory Guidance contains the mandatory legal requirements for Civil Parking Enforcement but lacks the additional details and helpful explanatory material formerly provided in the Operational Guidance. This now places a greater onus upon enforcement authorities to determine issues at an operational level.

Some of the principles that the DfT endorse, and which underpin the guidance and continue to be relevant are:

- the public have a right to expect fair and efficient enforcement, there is a need for public confidence in the scheme
- authorities must have appropriate back office systems in place and properly trained staff

- Notice to Owner backlogs must be avoided and representations must be dealt with quickly and efficiently Mitigating circumstances must be properly considered
- properly reasoned decisions must be given in response to representations Local Authorities must be sure of their ground before they contest appeals

The Statutory Guidance has the force of law and must be closely adhered to.

The document is entitled The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions (2016) and may be downloaded from the link:

<https://www.gov.uk/government/publications/civil-enforcement-of-parking-contraventions>

## **Traffic Penalty Tribunal**

The TMA also allows for an independent adjudication service in relation to penalty charge notices which is called the Traffic Penalty Tribunal (TPT).

## **Enforcement Practice**

### **General Note**

Unless otherwise stated, the guidance detailed within this document applies everywhere within Ashford Borough, including on-street restrictions and off-street car parks.

### **Abandoned Vehicles**

Please refer to the council's abandoned vehicles policy, available on the council website <https://www.ashford.gov.uk/the-environment/streets/abandoned-items/abandoned-vehicles/>

### **Abusive and Violent Behaviour**

We believe that our customers have a right to be heard, understood and respected as we do with our staff and councillors; and for them to work in a safe environment free from any abuse and harm caused by others.

All abusive and violent behaviour including derogatory remarks, inflammatory statements, remarks of a discriminatory nature and unsubstantiated allegations will be reported as per the individual council procedures and maybe placed on a register held by the council and be reported to the police. The council will fully support a prosecution of individuals.

### **Bailiffs – see Enforcement Agents**

### **Bank Holidays**

A Bank Holiday and a Public Holiday are technically the same except that one is set in Statute and the other in common law.

Bank Holiday and Public Holiday dates can be found at: <https://www.gov.uk/bank-holidays>

All on street waiting and loading restrictions remain in force on Bank Holidays and Public Holidays. In some of our car parks we offer free parking on Bank Holidays and Public Holidays. The signs will

indicate whether or not the car park is free. Where parking restrictions apply on Bank Holidays and Public Holidays, Penalty Charge Notices may be issued.

There may be a need for a higher Civil Enforcement Officer presence for special events.

### **Bank Visits**

Waiting restrictions generally include an exemption for delivery and collection of cash and valuables by bullion vehicles, there are no exemptions for parking whilst conducting business at a bank. Any vehicle seen parked apparently in breach of the restrictions may be issued with a Penalty Charge Notice.

### **Bill Stickers**

Vehicles belonging to people who are actively engaged in the removal of advertising posters will be exempt and may park for as long as necessary to carry out their duties. In most cases, the drivers will be working close by and it should therefore be apparent to Civil enforcement officers that this activity is taking place.

### **Blocked Access – see Dropped Kerbs**

### **Breakdowns**

It is recognised that vehicles do break down from time to time. A breakdown may be due to some unforeseen circumstance and as such, discretion may apply. Contact the council if this happens to you.

Civil Enforcement Officers are unlikely to be present when a breakdown occurs, as a result, a Penalty Charge Notice may be served. If you receive a Penalty Charge Notice the council will require some evidence of the breakdown e.g. a breakdown report from your recovery company or garage receipt for repair.

### **Builders / Tradesmen**

There are dispensations for builders/tradesmen as follows:

#### a) Waiting restrictions:

Parking is only be allowed whilst loading/unloading of tools or materials is taking place. At all other times the vehicle must be parked in a permitted parking place.

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, any vehicle should be moved to a permitted parking place before any subsequent repairs are undertaken. If it is essential to park a vehicle in close proximity to the place where a person is working an application for a parking dispensation can be made. See **Parking Dispensations**.

#### b) On street parking places:

Trade vehicles can only park for the time given on time plate or, if loading/unloading to an adjacent property or, if a dispensation to park is displayed in the vehicle.

### c) 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 dispensation must be made to the council's parking office. It is however best practice to avoid using a disabled bay and find alternative parking nearby.

## **Bus Stop Clearways**

The bus stop clearway will have a time plate indicating what the restriction is and whether it applies to buses or local buses. This restriction is No Stopping.

Marked bus stop clearway areas can only be used by a local bus ( i.e. a scheduled service bus) for up to two 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.

Any vehicle that is not a local bus parked or waiting in a bus stop area will be issued with a Penalty Charge Notice.

Due to the congestion and inconvenience caused by vehicles parked in bus stop clearways the council will enforce these areas frequently.

There is no leeway given to any vehicle encroaching into a bus stop clearway, even if part of the vehicle is parked legally.

## **Car Parks**

Council-operated car parks form a major part of the public parking stock, particularly in our town centres. They will often require regulations and enforcement. Ashford Borough Council, with the support of Kent County Council, have powers to apply off-street orders to our car parks.

The regulations imposed on the car parks may cover such issues as parking charges, permit requirements, time limits and provisions for various vehicle types and users. Signing and lining within car parks is outside the scope of the TSRGD but still needs to make clear what time limits, charges and other main conditions apply to each car park.

## **Coaches**

The council recognises that coaches may need to set down a large group of people in a safe manner. Therefore, discretion will be given where this type of activity takes place. Coaches should not however park in loading-restricted areas, bus stops, pedestrian crossings, school keep clears or where it is dangerous to park.

Ashford Borough Council provides dedicated coach parking in Ashford at the Civic/Stour Centre Car Park accessed via Station Road or Tannery Lane and in Tenterden, in Station Road Car Park and at the rear of Tenterden Leisure Centre Car Park in Recreation Ground Road.

## Complaints

All complaints regarding Civil Enforcement Officers conduct must follow the standard corporate complaints procedure and be in writing. This will ensure the complaint is handled in accordance with the council's procedures and policies.

The council's complaints procedure can be found on our website <https://www.ashford.gov.uk/contact-us/compliments-and-complaints/>

## Controlled Parking Zones

A Controlled Parking Zone (CPZ) is an area where the kerbside parking is marked out with parking spaces where it is safe to park. Parking is generally allowed for a limited time unless you have a permit. Yellow lines indicate where parking is not allowed.

The limits of a CPZ are indicated by prominent zone entry signs and zone exit signs. Within the zone, any yellow lines whose times of operation coincide with those of the zone do not need to be accompanied by time plates. Most residents' parking schemes take the form of a Controlled Parking Zone.

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

Liveried council vehicles are exempt from parking enforcement when undertaking *statutory duties and essential work* on the highway or in the council's public car parks.

Examples of *statutory duties and essential works* include the following:

- Servicing street furniture
- Highway maintenance
- Street Cleaning and Graffiti removal
- Refuse collection
- Maintenance of utility boxes and other equipment
- Parking machine maintenance
- Survey work

All councillors and council officers are expected to park legally and will be treated in the exact same way as any other member of the public and the same criteria will apply.

## Council Staff Parking

Ashford Borough Council staff are provided parking permits to use in various council car parks and some on-street parking places during work times and/or when on council business.

## Crossovers – see Dropped Kerbs

## Delivery or collection of goods – see Loading/Unloading

## Dental / Doctor Appointments

A driver should always purchase sufficient parking time or take into account the maximum parking time allowed when deciding where to park. A dental or medical appointment is not considered different from any other business a driver may be undertaking. Evidence confirming an appointment overran is unlikely to be accepted as a reason to waive a Penalty Charge Notice.

## Diplomatic Vehicles

Diplomatic vehicles are not exempt from Penalty Charge Notices. Diplomatic registrations are normally associated with embassies. An embassy is designated as foreign soil. This means that the council are unable to serve any documents to it, however the Traffic Management Act 2004 allows for payment to be accepted as normal. The Foreign and Commonwealth Office supports the fact that some authorities may pursue a Penalty Charge Notice and will contact an embassy on behalf of the authority.

## Disabled Bays

The council provides two types of disabled parking bays, statutory and advisory.

**Statutory disabled parking bays**, marked or signed bays and covered by a Traffic Regulation Order. Drivers who park in statutory disabled parking bays without correctly displaying a valid blue badge, may be issued with a Penalty Charge Notice.

**Advisory disabled bays** have no sign and no Traffic Regulation Order, rely on the good will of other drivers not to park in them. These bays are usually sited in residential areas, outside the property of the disabled badge holder. Civil Enforcement Officers cannot enforce this type of bay, although the police can enforce for the offence of obstruction if they consider that wilful obstruction is taking place.

## Disabled (Blue) Badge Holders

People with mobility problems can apply for a blue disabled badge. For information about the Blue Badge Scheme go to: <https://www.kent.gov.uk/roads-and-travel/travelling-around-kent/parking/disabled-parking-blue-badge/apply-for-a-blue-badge>

Blue badge applications should be made to Kent County Council, follow the link: <https://www.gov.uk/apply-blue-badge>

Blue badges issued by any local authority (including other countries in Europe) are valid:

a) On street, under the terms of the Blue Badge regulations, badge holders may park:

- in designated disabled parking bays
- in any parking place, e.g. pay and display bays, and all limited waiting bays, without time limit
- for up to 3 hours on a single or double yellow line with the badge correctly displayed with the serial number, expiry date showing and the clock set to show the time of arrival.

Blue badge holders may not park:

- places where a loading/unloading ban is in force, as indicated by kerb markings

- in any bay reserved for specific users, such as a police bay, motorcycle bay or loading bays.
- on a bus stop clearway, or on any other clearway.
- at pedestrian crossings and other areas indicated by zigzag markings
- on School Keep Clear areas.
- in taxi ranks.
- anywhere the council has suspended parking.

## b) Car Parks

The Blue Badge Scheme does not apply to off street parking. However, in Ashford we offer Blue Badge holders three hours free parking **in most** of our pay and display car parks. All disabled badge holders must display their blue badge and time clock, even when parking in a disabled bay.

If you do not display your Blue Badge and/or time clock correctly, you may be issued with a Penalty Charge Notice.

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

Civil Enforcement Officers 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 Civil Enforcement Officer asks for it.

Where a Civil Enforcement Officer suspects that a blue badge is being used fraudulently, the officer will issue a Penalty Charge Notice and/or report the matter to the authority who issued the badge and/or retain the badge for return to the issuing authority.

## Displaying Pay and Display Tickets

Pay and Display tickets should be displayed in a conspicuous position in the vehicle so that the side marked "This side up" is clearly visible and can be easily read by the Civil Enforcement Officer from outside of the vehicle.

If a vehicle is seen parked in a place, where payment is required, without a pay and display ticket clearly displayed, may be issued with a Penalty Charge Notice. A vehicle displaying an expired pay and display ticket may be issued with a Penalty Charge Notice.

## Double Parking

If a vehicle is parked more than 50 cm from the edge of the carriageway and the vehicle is not in a marked parking bay, a Penalty Charge Notice can be issued. Bad and inconsiderate parking can cause congestion/difficulties/obstruction for other highway users particularly larger vehicles, such as ambulances, fire engines, buses, waste collection vehicles etc. in places where the road is narrow or in turning areas.

Blue Badge holders are not exempt from this restriction.

## **Drain Cleaning Companies**

When drain-cleaning companies are called to premises in an emergency (such as when effluent can cause a danger to the public's health) pumping equipment may need to be used from such vehicles. In these circumstances, these vehicles will be exempt from enforcement but only if the Civil Enforcement Officer witnesses pumping activity taking place from the vehicle.

## **Drink Driving**

If a Civil Enforcement Officer sees someone intoxicated while in charge of a vehicle, or attempting to operate that vehicle, they will call 999 as this may require urgent police action. Any driver unfit to drive after drinking will remain responsible for any Penalty Charge Notice incurred because of them being unable to move their vehicle.

## **Drive-away**

If a vehicle is driven away before the Civil Enforcement Officer has the opportunity to either affix the Penalty Charge Notice to the vehicle or hand the Penalty Charge Notice to the driver, it is the council's policy to issue Regulation 10 Penalty Charge Notice.

The council will apply to the Driver and Vehicle Licensing Agency for details of vehicle ownership and send the Penalty Charge Notice by post to the registered keeper.

## **Drivers in vehicles**

If a vehicle is stationary on a single or double yellow line or other parking restriction and the driver is seen sitting in the vehicle, the Civil Enforcement Officer has the option to ask the driver to move the vehicle and to park legally. If the driver chooses not to move the vehicle a Penalty Charge Notice may be issued.

## **Dropped Kerbs**

Dropped kerbs are a place where the kerb has been lowered or the carriageway has been raised to make a gentle ramp for pedestrians, pushchairs, wheelchairs or vehicles. They can be across the pavement, verge or cycle track. Tactile paving indicates many dropped kerbs.

Dropped kerbs are there to assist those who need to cross the road safely or to allow vehicle access. Blocking a dropped kerb can cause a problem for other road users and may result in a Penalty Charge Notice.

Many residential properties have dropped kerbs to access private driveways. In Ashford, the council does not have the powers to enforce obstructive parking across a private dropped kerb. If a vehicle is parked across your private vehicle access, you must report the obstruction to Kent Police.

## **Duplicate Penalty Charge Notices**

If a vehicle remains parked in contravention of a parking regulation for a period exceeding 24 hours the council may issue more than one Penalty Charge Notice.

## **Emergency Services**

The emergency services are exempt from parking restrictions if the vehicle is being used to carry out their statutory powers or duties. For the purposes of most Traffic Regulation Orders, emergency services are considered to be:

- Police
- Fire and Rescue Service
- Ambulance

If a motorist from the emergency services receives a Penalty Charge Notice, proof of their statutory duty will be required. This will normally come via a senior member of staff on a form that they are familiar with using.

## **Enforcement Agents**

Under the Tribunals, Courts and Enforcement Act 2007, Bailiffs are now called Enforcement Agents.

A vehicle used by enforcement agents is only exempt from the parking regulations when the vehicle is actively being used for the removal of goods from a property. If there is any indication that goods are to be removed, normal loading provisions will apply. A bailiff calling to collect on a warrant (where goods are not being removed from the premises) is not exempt.

## **Expired Permits**

An email reminder is sent to permit holders at least two weeks before their permit is due to expire. Regardless of whether a reminder e-mail is received, it is the responsibility of the permit holder to ensure that their permit is renewed. Alternatively, other parking arrangements should be made. Any driver using an expired permit to park a vehicle may be issued with a Penalty Charge Notice.

## **Fire Service Vehicles (Kent Fire and Rescue Services)**

Fire engines and appliances are exempt from all parking restrictions whilst actively being used in an emergency situation.

## **Flat Battery/Flat Tyre – see Breakdowns**

## **Footway (Pavement/Verge) Parking**

Parking on footways and verges can cause considerable problems, such as

- obstruction of wheelchair and buggy users
- obstruction of road users entering and leaving properties
- access issues for emergency service vehicles
- congestion of narrow streets by vehicles parked half on the footway
- reduced visibility at junctions, bends and narrow roads
- unsightliness and environmental damage
- damage to underlying drainage and utility services networks

Physical measures designed to prevent footway parking require maintenance, impact on grass cutting and add to street clutter.

It is generally accepted that it is legal to park at the side of the road (including a grass verge or footway) unless:

- a Traffic Regulation Order (TRO) or Byelaw is in place – waiting restrictions and loading bans apply to the road, pavement and verge – a Penalty Charge Notice can be issued
- an obstruction is caused – the Police can remove the vehicle and/or issue a Fixed Penalty
- the vehicle is a heavy goods vehicle – a Penalty Charge Notice can be issued

However, it is a criminal offence to drive onto a footway/verge.

## **Funerals and Weddings**

The council recognises that weddings and funerals are important occasions. Visitors to either event should park legally, away from the event. Essential vehicles such as, funeral hearse, limousines or wedding limousine, might need to park quite centrally or near the premises being used for the occasion.

There is no automatic exemption for funeral or wedding vehicles. However, Civil Enforcement Officers should exercise discretion where it is clear that a funeral or wedding is taking place and should be prepared to give advice where necessary on the best parking arrangements.

## **Garages – Vehicles Left for Attention**

An unattended vehicle left in contravention of the parking regulations is likely to be issued with a Penalty Charge Notice.

If the driver is with the vehicle, the driver will be asked to move the vehicle, should the request be ignored a Penalty Charge Notice may be issued.

If the owner provides evidence that the garage left the vehicle improperly parked without his consent or knowledge, the normal presumption that the registered keeper of the vehicle is liable for the penalty still applies. The keeper may wish to pay the charge and seek to recover the costs from the garage.

## **Glaziers**

For the safe transportation of glass, glazier's vehicles will often need to be parked close to where they are working. This may mean the vehicle is parked on a restriction. If the glass is of a size, which would warrant adjacent parking (e.g. shop window), glaziers will be exempt from the parking regulations. Otherwise, the vehicle should be parked legally or display a valid dispensation issued by the council.

## **Government vehicles**

Government vehicles are not exempt from parking restrictions, but some vehicles will have specific exemptions. Common examples are, vehicles being used by the postal and emergency services.

Consideration may be given to cancelling a Penalty Charge Notice issued to a government vehicle, if the driver was engaged in surveillance or enforcement activities, or in exceptional or emergency situations.

## **Grace Periods**

Grace periods are different from observation periods, they serve a different purpose. Primarily one of offering fairness in enforcement activity. A ten-minute grace period applies in the following instances:

- at the start of controlled hours in an on-street bay
- if a paid-for session of parking on-street or in a car park has expired
- if a 'free' period of parking on-street or in a car park has expired

Grace periods do not apply if a vehicle is parked:

- Anywhere outside of a parking bay, for example on yellow lines, loading bans, bus stop clearways etc.
- In a permitted parking bay without permission, without a permit or without having made payment (beyond the first 10 minutes of control).

## **Health Care/Emergency Service Employees**

Emergency and Community First Responders have a dispensation to park on a yellow line no-waiting parking restriction, on street when attending an emergency on behalf of and at the request of SECAMB (South East Coast Ambulance Service).

East Kent Early Intervention in Psychosis Service, Kent and Medway NHS and Social Care Partnership Trust and East Kent NHS Trust midwives working in Ashford Borough Council's area have a dispensation to park free of charge in on-street pay and display parking bays, but are not exempt from any other parking restriction.

## **Hearses – see Funerals and Weddings**

## **HGV Enforcement**

Overnight Waiting restrictions prohibits HGV/LGVs (5 tonnes and over) from parking between the hours of 20:00 and 07:00 the following day on the A20 from Drovers roundabout, Ashford to Charing. The restriction is also in force in: Orbital Park, Ashford Business Park, Sevington, Ellingham and Wotton Road industrial estates. Regulatory signs can be seen at all entrances to the restricted areas. Regular reminder signs have been placed along the restricted roads and laybys.

If a vehicle is seen parked in contravention of the regulations, it is likely that a Penalty Charge Notice will be issued. However, if the driver present, he may be asked to move on. If the driver does not move his vehicle for whatever reason, a Penalty Charge Notice will be issued. If the cab curtains are drawn, no attempt will be made to wake the driver, a Penalty Charge Notice will be issued.

We are authorised, by the Department for Transport, to clamp the vehicle on the first and every subsequent occasion. If the vehicle has been clamped, a warning notice will be affixed to the vehicle windscreen. This notice advises the vehicle is immobilised, explains how to pay and the right to appeal.

Release of the vehicle will be arranged upon receipt of payment of both the penalty charge and clamp release fee. We expect release to be completed within one to two hours of payment.

**(January 2021 to June 2021)** For a period of six months KCC have put in place an Experimental Traffic Regulation Order (ETRO) covering all roads in the borough, operating as above but enforceable 24/7. The above TRO has been suspended while the ETRO is in place.

## **Hire and Lease Agreements**

The main difference between a hired vehicle and a leased vehicle is duration. A hire is anything up to 6 months and a lease is 6 months and over. Leasing companies do not have to supply the original agreement and will normally supply:

- name of the person leasing the vehicle
- their address
- duration of the lease

A hire company should adhere to The Road Traffic (Owner Liability Regulations) 2000 that require the recording of both the particulars of the person hiring the vehicle and the particulars of the agreement. These details must be supplied to the council. If any particulars are missing then the document does not comply with the requirements.

In the case of a hired or leased vehicle, the person/company hiring or leasing the vehicle responsibility is responsible for a Penalty Charge Notice not the registered keeper provided the hire agreement contains a statement regarding liability for any Penalty Charge Notices incurred during the hire period.

In all cases, a hire 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 Penalty Charge Notices incurred during the hire period. Should any of the foregoing be unclear, absent or in contradiction of the date / time of issue of the Penalty Charge Notice then the Penalty Charge Notice will be enforced against the Hire Company.

## **Holidays – See Bank Holidays**

## **Hours of Enforcement**

Enforcement will be carried out during the hours when the parking restrictions apply. The times parking restrictions apply vary.

Information regarding the hours parking restrictions apply are shown on the entry plates to controlled parking zones or on separate plates adjacent to the restrictions.

Some restrictions apply at all times and they do not require additional signs or time plates, for example double yellow lines or the requirement to park wholly within a marked bay.

## **Lighting Engineers**

Kent County Council approved Lighting Contractors for on street lighting and off street car parks are exempt from parking restrictions when working at or adjacent to a lighting column. An engineer must be seen to be present and activity must be taking place to prevent a Penalty Charge Notice being issued to the accompanying vehicle. If a Civil Enforcement Officer sees no activity then the restriction will be enforced in the normal way.

### **Limited waiting bays**

There are a number of limited waiting bays in the borough. These bays provide for varied waiting times, as displayed on the signs. They include a no return to the parking place, street or zone depending on the location within the time also displayed on the sign.

No return means, once you have re-joined your vehicle and left the parking place you may not return and re-park your vehicle in that parking area or zone within the time specified.

Penalty Charge Notices may be issued to vehicles parked for longer than the maximum period permitted and for returning within the no return period.

### **Lines and Signs**

If a line on the highway is substantially obscured or missing, a Penalty Charge Notice should not be issued. The Civil Enforcement Officer must report the defect through their handheld device for remedial action to be taken.

Where the lines can be clearly seen, even though they may be partially worn or if there are small lengths of yellow lines missing (less than the length of half a small car), the Civil Enforcement Officer should issue a Penalty Charge Notice, and report the defective section.

Where a restriction should be signed, and the sign is missing, a Penalty Charge Notice should not be issued. The Civil Enforcement Officer must report the defects to the office for remedial action to be taken.

Regulatory signs must be clearly visible at all times. If it is claimed that a sign was obscured and could not be read (e.g. graffiti or overhanging vegetation) the sign will be inspected as soon as practicable and, if necessary, remedial action taken. If the claim is proved correct, the Penalty Charge Notice may be cancelled. Alternatively, if the sign can be easily read then the Penalty Charge Notice will not be cancelled.

If a restriction has been marked after the vehicle was parked, a Penalty Charge Notice may be cancelled, provided records confirm that signing/lining/placement of cones or suspension notices were likely to have been put in place after the vehicle was parked.

### **Loading/Unloading Guidelines**

Any vehicle can load or unload continuously in places where such activity is permitted.

Loading and unloading is permitted –

- in loading bays

- on single or double yellow lines
- in on street pay and display bays
- in limited waiting bays
- permit holder bays

Loading and unloading is not permitted –

- in bus stop clearways, taxi ranks, doctor/hospital/ambulance bays or on clearways where stopping is prohibited
- where kerb markings indicate no stopping or loading restrictions
- on school zigzag markings
- in suspended bays

Loading/unloading may be allowed for commercial purposes or if the items being loaded or unloaded are not easily portable. Vehicles must be parked near to the premises being serviced (but not necessarily directly adjacent) and it must be reasonably necessary to park there in order for the activity to be carried out.

Loading and unloading activity should be continuous and vehicles should not be left unattended other than for the purpose of loading/unloading.

Civil Enforcement Officers will observe vehicles to ascertain if loading/unloading is taking place. If during the observation time no activity is noted, the officer will assume the vehicle is not involved in any loading/unloading activity and a Penalty Charge Notice may be issued.

## **Lost Keys**

If lost or stolen car keys prevent the removal of the vehicle from a parking place, a Penalty Charge Notice may be issued. Consideration may be given to its cancellation if, a representation is accompanied by any supporting evidence from the police, a motoring organisation, garages or relatives.

## **Maximum Size of Vehicle**

There is no maximum height or length of vehicle which may park on-street, although residents parking permits are issued to vehicles with a maximum kerb-side weight of up to 3.5 tonnes. There are height and weight restrictions in car parks. All vehicles parked on-street or in a car park must park wholly within the limits of a parking space.

## **Mitigating Circumstances**

Mitigation is when a motorist believes that they have circumstances, other than legal ones, that would mean a Penalty Charge Notice should be cancelled. The council will consider any circumstances a motorist brings to the council's attention.

Each case is treated on its own individual merits and particular circumstances. However, here are a few guidelines:

Delays:

Delays due to queues at shops/banks etc., meetings, dental or medical appointments taking longer than expected etc., are not considered as valid reasons to cancel a Penalty Charge Notice. Motorists must consider the possibility of delays and allow time for any delays when purchasing parking time, as they are a regular occurrence and part of normal life.

Emergencies:

An emergency is an unforeseen situation that prevented the driver from moving his/her vehicle. They are generally of a medical nature. Leniency may be exercised where it can be seen that the driver could not have foreseen the situation. Wherever possible proof will need to be provided.

Proof of mitigating circumstances can include:

- medical Proof
- witness Statement
- letter from a school/GP practice/ Hospital
- funeral details

## **Mobile Phones**

Answering a phone is not a reasonable excuse for parking on yellow lines or for parking without payment where payment is required. A Penalty Charge Notice may be issued and it is unlikely to be cancelled.

## **Motorcycle Parking**

Motorcycle parking bays provided by Ashford Borough Council are for solo motorcycles only (having less than four wheels).

On Street

Dedicated motorcycle parking bays are provided on street marked on the road and by signs with the motorcycle symbol. In these bays motorcycles may park free of charge. Elsewhere, motorcycles must follow the same terms and conditions as other motor vehicles.

In Car Parks

Parking for motorcycles is free in council run car parks, provided it is within the designated area marked as motorcycles only.

It is a contravention for other vehicles (including quad bikes) to park in these bays.

Please refer to the section on quad bikes for information regarding enforcement of this vehicle type.

## **Obscured/incorrectly validated Permits**

Parking permits must be clearly displayed in the vehicle so that the permit can be read from outside of the vehicle. If a permit cannot be seen or read, a Penalty Charge Notice may be issued.

Where a visitors day permit has been incorrectly validated, for example: more than one day/date/month field has been scratched off, no date has been entered, it is without today's date or the vehicle number has been altered or entered incorrectly a Penalty Charge Notice will be issued.

If the alteration or error is minor (e.g. one digit or letter of the vehicle is shown incorrectly or has been altered), or where only part of a day/date or month has been scratched off, a Penalty Charge Notice is unlikely to be issued.

If the permit, on display, is not valid where the vehicle has been parked, a Penalty Charge Notice may be issued.

## **Observation Periods**

When a vehicle is parked in contravention of the regulations, and depending upon the type of restriction, the Civil Enforcement Officer may observe the vehicle for a time before issuing a Penalty Charge Notice.

An observation period is primarily designed to ensure that the vehicle is not engaged in an exempt activity, for example, loading/unloading.

Observation periods are not a statutory requirement. If a Civil Enforcement Officer is satisfied a contravention has occurred a Penalty Charge Notices can be issued immediately. Many types of restrictions do not carry any observation periods, for example: Bus Stops, Pedestrian Crossings, School Keep Clear markings Loading Bans, Taxi Ranks etc.

## **Overheating – see Breakdowns**

## **Overseas Registered Vehicles**

When a Penalty Charge Notice has been issued to an overseas registered vehicle, and the Penalty Charge Notice remains unpaid, a foreign debt collection company is employed to collect the debt.

## **Parking Charges – Changes**

When the council proposes to make a change to the parking charges notices are displayed at the car park or parking place before the change is made. A driver must always consult the tariff board before buying parking time. If a Penalty Charge Notice issued for non-payment of the correct charge it is unlikely to be cancelled.

## **Parking Dispensations**

A dispensation may be issued to allow drivers easy access to their tools and equipment or if the vehicle itself is necessary for the works to take place (i.e. as a mobile power source for other equipment).

A parking dispensation can be issued at the council's discretion. All applications are carefully considered on an individual basis. The council will charge an administration fee for the issue of a parking dispensation. See the Parking Dispensation Policy at <https://www.ashford.gov.uk/the-environment/parking/parking-dispensations-and-parking-bay-suspensions/>

The parking dispensation must be displayed in the vehicle windscreen. Any vehicle not parked in accordance with the terms of the dispensation (e.g. in the wrong location) or parked without clearly displaying the dispensation may be issued with a Penalty Charge Notice.

### **Parking Outside Bay markings**

A Penalty Charge Notice may be issued if a motorist has parked a vehicle with one or more wheels outside of a marked parking bay.

Hatched markings or KEEP CLEAR markings in car parks indicate where parking is not allowed. Parking in these areas will be treated in the same way as parking outside of a marked bay.

### **Pay & Display Ticket Machine – Did not see or realise payment required or went for change**

Drivers must be aware of the parking conditions. This includes respecting the restrictions indicated by lines and signs.

A 'P' on a blue background on the street signs will indicate that payment is due. Information boards within car parks indicate when payment is required. No allowance is made for an excuse of not knowing payment was due. Motorists are not allowed time to go and get change to pay for their parking time.

### **Pay and Display Ticket Machine - Faults**

If a pay and display ticket machine is found to be faulty it is the driver's responsibility to look (within a reasonable distance) for an alternative machine from which to purchase a pay and display ticket, providing that the alternative machine is situated in the same road or car park.

In the event that the Pay and Display ticket machine is marked as 'out of order' and there are no alternative payment points, a vehicle will be allowed to park for the maximum parking duration of the bay or car park.

Where a motorist leaves a note in his vehicle stating that the machine is faulty, or reports it personally to a Civil Enforcement Officer or the council directly, the Civil Enforcement Officer will check the machine. A Penalty Charge Notice will be issued, unless the Civil Enforcement Officer can confirm that the machine is faulty and there is no alternative machine in the same road or car park.

### **Pay and Display Tickets**

Most council car parks and some on street parking places operate as pay and display. Pay and 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 ticket machine number printed on them. In car parks

the charges are clearly displayed on boards adjacent to each ticket machine. On street 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
- valid on the day the ticket is displayed
- cover the whole time the vehicle is parked
- for the car park or parking place indicated

Penalty Charge Notices are because:

- a valid ticket is not correctly displayed
- the ticket displayed has expired

Representations made because a valid ticket was incorrectly or not displayed will be considered but might not be allowed as it is incumbent upon the driver to ensure their ticket is clearly displayed throughout the time that the vehicle is parked.

## **Pay by Phone**

Motorists are able to pay for parking using a mobile phone instead of buying a ticket from a ticket machine. Civil Enforcement Officers handheld equipment will show that payment has been made. If you extend your time by a further payment by phone, the information available to the Civil Enforcement Officers is updated.

Payment must be made for the whole of the time a vehicle is parked.

## **Pedestrian Crossings**

These are official crossing points such as Pelican or Zebra crossings marked by white zigzags on the road. It is an offence for a vehicle to stop on zigzags. Therefore a Penalty Charge Notice will be issued in these circumstances.

## **Picking Up/Dropping off Passengers**

Motorists may stop to pick up or drop off passengers on any parking restriction, with the exception of bus stops, school keep clear markings, pedestrian crossing and taxi ranks, provided they do not cause an undue obstruction to traffic flow. Unless a Civil Enforcement Officer, sees dropping off or picking up activities a Penalty Charge Notice will be issued. After an observed period of inactivity, a Penalty Charge Notice will be issued. (Taxis can pick up and drop off on bus stop clearways but only Ashford Borough Council Hackney Carriages)

## **Photographs and Body Worn Camera footage**

Taking photographs and film is a part of the enforcement process and Civil Enforcement Officers will take photos of the vehicle in contravention, the windscreen, parking restriction signs and lines. They will always endeavour to avoid taking photographs of children if they are inside the vehicle when the

enforcement takes place. Photos and film footage can improve the speed and quality of judgements made on receipt of a representation.

## **Police Vehicles**

Kent Police response vehicles are exempt from all parking restrictions whilst actively being used in an emergency. Non-liveried Kent Police vehicles are not exempt from on street parking restrictions.

If a Police Officer approaches a Civil Enforcement Officer presenting their warrant card/ID requesting a vehicle not to be enforced the request will be complied with.

If a Police Officer requests enforcement of a vehicle and the Civil Enforcement Officer is also satisfied that a contravention has occurred the Civil Enforcement Officer may issue a Penalty Charge Notice.

## **Property moves**

Residents moving property from one location to another can apply for a dispensation for the vehicles involved. A dispensation must be applied for in advance. There is a charge for this service.

## **Quad bikes**

In off street car parks quad bikes are not classed as a motorcycle. The same restrictions and rules apply to a quad bike as apply to any other vehicle with four wheels (due to their size). Therefore, they cannot use the motor cycle bays and should pay the parking charge.

In on street pay and display parking bays the normal charges apply.

## **Requests for enforcement**

From time to time, members of the public requesting enforcement of a particular restriction may approach the council or individual Civil Enforcement Officers.

If a Civil Enforcement Officer is approached whilst he is patrolling an area, providing that the request relates to a neighbouring road or the same road and will not involve them leaving their allocated beat, the Civil Enforcement Officer will investigate. If the request will mean that the Civil Enforcement Officer will have to travel a considerable distance or leave their beat, then they should relay the request to base, for further instruction. The council aims to respond to all requests for enforcement within normal working hours.

## **Royal Mail Vehicles**

Vehicles belonging to the Royal Mail engaged in the collecting or delivering postal packets have an exemption allowing them to load or unload where others are not permitted. This does not include School Keep Clear markings and disabled parking bays.

Parcelforce is operates as a separate company from the Royal Mail consequently Parcelforce vehicles are treated like any other courier company.

Civil Enforcement Officers can issue Penalty Charge Notices to Royal Mail vehicles if the vehicle is not being used for the purpose of collecting or delivering mail.

## **Scaffolders**

Scaffolders are exempt from the parking restrictions whilst scaffolding is being constructed, i.e. loading and unloading equipment from the vehicle and erecting/dismantling the scaffold. Once the activity is complete, the scaffold truck must be moved to a legal parking place.

Scaffolders may need to apply to Kent County Council for a license if the scaffolding is likely to encroach onto the public highway.

Licenses are available from Kent County Council:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-highways-permit-or-licence>

Scaffolders are required to obtain a dispensation if they require their vehicle to remain in situ after the loading/unloading has taken place: <https://www.ashford.gov.uk/the-environment/parking/parking-dispensations-and-parking-bay-suspensions/>

## **Schools**

Illegal parking near schools is dangerous and the council actively patrols schools and moves on such vehicles on a regular basis. Generally, this will be parents waiting on parking restrictions for children to finish school or dropping off children where stopping is not permitted i.e. School Keep Clear markings. The council works in partnership with Kent Police and the Kent County Council Road Safety Team to try to minimise illegal parking.

Parents are not exempt from parking restrictions when dropping off and picking up children from school. School Keep Clear markings including the zigzags are placed outside schools for the safety of children. It is an offence to stop on a School Keep Clear. A Penalty Charge Notice can be issued immediately.

## **Skip Licences**

A skip licence is required to place a skip on the public highway. Licenses are available from Kent County Council:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-highways-permit-or-licence>

## **Special Events**

Special events sometimes affect the parking situation, when this happens the council, and/or the Police may make special arrangements.

If you are planning any special events please contact the council as early as possible at <https://www.ashford.gov.uk/licensing/events/>

## Statutory Undertakers

Vehicles being used in the service of gas, electricity, telecommunications or water companies have an exemption from some parking regulations. Vehicles will not be issued with a Penalty Charge Notice in the following circumstances –

- **If the vehicle is being used in direct connection with works on the highway and appropriate signage is in place. See chapter 8** of the Traffic Signs Manual (Traffic Safety Measures and Signs for Road Works and Temporary Situations)
- Whilst carrying out statutory undertakings such as laying, erecting or repair of sewers, pipes, or apparatus for the supply of water, gas, electricity or telecommunications, if the vehicle cannot be conveniently used for such a purpose if parked in another road/place

If the vehicle is being used in connection with an emergency situation (water leak, gas escape etc. generally on private premises) and the council is unaware of the emergency then a Penalty Charge Notice may be issued. A Penalty Charge Notice can be challenged and the council will consider any supporting evidence.

A Penalty Charge Notice will be issued, if it is obvious that the vehicle is not being used in connection with work taking place.

Statutory undertakers' vehicles often display signs stating that emergency works are being in progress. This is not in itself an indication that the vehicle is exempt. If a Civil Enforcement Officer is not satisfied that the vehicle is exempt from the parking regulations, a Penalty Charge Notice may be issued.

## Stolen Vehicle

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

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

## Suspension of Parking Places

The council may suspend the use of all or any part of a parking place whenever it considers such suspension 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 crowded or obstructed;
- for such other purpose as the council may consider being reasonable necessary to ensure public safety.

The council may vary or revoke such suspension at any time.

Either the suspension will be signed or the area will be physically closed by the use of cones.

Suspensions may be arranged for several purposes, see information about the suspension of parking bays go to <https://www.ashford.gov.uk/the-environment/parking/parking-dispensations-and-parking-bay-suspensions/>

Applications for bay suspensions are handled by the council's parking officers who will also determine what proof is to be submitted. The applicant should request a suspension at least ten days in advance providing the exact location within the parking bay. House numbers, if relevant, should be included.

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

Vehicles, which park on the notified suspensions, may be issued with a Penalty Charge Notice.

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

There is a difference between taxis and private hire vehicles. Taxis licensed by the Local Authority are permitted to ply for hire in the street. They may be black cabs (Hackney carriages) or saloon cars or people carriers. Private hire vehicles are also licensed, but they are not allowed to ply for hire or to display a 'taxi' sign. They can only handle pre-arranged pick-ups.

Taxis and private hire vehicles may stop to allow passengers to board or alight for as long as necessary for the purpose. This should be obvious to the Civil Enforcement Officer. Taxis cannot wait to collect fares on areas with parking restrictions.

Taxi drivers, like any other driver, must not leave their vehicle parked illegally to visit toilets, shops, cafes etc. even if the vehicle has been left on a taxi rank. Taxi drivers are only permitted to 'wait' on a taxi rank if they remain with their vehicle. If a vehicle is left unattended, a Penalty Charge Notice may be issued.

### **Traffic Regulation Order – Invalid**

The council will carefully consider any representation made against the issue of a Penalty Charge Notice 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 Penalty Charge Notice will only be cancelled if it is proved that there is a discrepancy in the traffic regulation order.

### **Traffic Signal Engineers**

When traffic signals fail to operate, it is necessary that the Kent County Council employs a contractor to service and repair the signals. As a result it is necessary for the engineer to park adjacent to the traffic signals, often in areas where there are Traffic Regulation Orders in place. In these circumstances the engineers will display an approved sign and be exempt from enforcement only at these locations and only when on duty.

## **Travellers**

It is possible that there will be unauthorised encampments by travellers in car parks or in some on street locations from time to time. The council will actively ensure such unauthorised encampments are moved on using the correct legislation and national guidelines. During this process, the council will reserve its right to enforce traveller vehicles based on the individual circumstances at the time.

## **Unauthorised Use of a Vehicle**

A claim that the vehicle had been used in an unauthorised way by another family member or a friend is difficult to substantiate. A Penalty Charge Notice will be enforced unless it is demonstrated that the matter was reported to the police prior to or just after the issue of the Penalty Charge Notice and the taking of the vehicle has been classed as a crime.

## **Virtual Permits**

The council will be introducing virtual permits in the near future. Customers will be able to open a parking account and buy a permit on-line. There will be no need to display a permit in a vehicle. Our Civil Enforcement Officers will know if a vehicle has a valid permit. Paper permits will be phased out over the next year as they full due for renewal or expire.

## **Visitor Permits**

These are one-day permits issued to residents in controlled parking zones for their visitors. A permit is only valid if it is fully completed, validated for the day and for the vehicle in which it is seen.

## **Weddings**

The same enforcement principles as for funerals will apply. See appropriate section.

## **Window Cleaners**

The council recognises that window cleaners are carrying out an essential service for businesses in the area. However, they must not park in contravention to the restrictions in situ. There is also no concession for window cleaners cleaning residential properties although they (like any visitor) may display a visitor permit provided by the resident or pay to park.

Where a window cleaner needs constant access to their vehicle where pumping of water occurs from the vehicle, this is to be classed as loading/unloading and the normal restrictions related to this activity are to apply. Where a window cleaner does not operate this system then their vehicles will be enforced in the normal way.

## Glossary

### Primary Legislation and Regulations:

**The Act - The Road Traffic Regulation Act 1984** - is an Act of Parliament, which provides powers to regulate or restrict traffic on UK roads, in the interest of safety.

**2004 Act - The Traffic Management Act 2004** - is an Act of Parliament that allows councils in England (outside London) and Wales to enforce parking contraventions.

**TSRGD 2002 - The Traffic Signs Regulations and General Directions 2002** - Prescribes the designs and conditions of use for traffic signs to be lawfully placed on or near roads in England, Scotland and Wales.

**General Regulations 2007 - The Civil Enforcement of Parking Contraventions (England) General Regulations 2007** - Statutory instruments designed to implement Part 6 of the Traffic Management Act 2004 in relation to the civil enforcement of parking controls by civil enforcement officers acting on behalf of local authorities

### Meanings:

**Enforcement Agents (Bailiffs)** - Certified enforcement agents, 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.

**Bus** – A passenger motor vehicles constructed or adapted to carry passengers; and local buses not so constructed or adapted in regulation 22 (2) of the “TSRGD 2002”.

**Bus Stop/Clearway** - Any markings placed on the carriageway, as specified under regulation 29 (1) of the “TSRGD 2002” conveying the existence of a ‘bus stop/clearway’ as defined by Part 1 of schedule 19 of the “TSRGD 2002”.

**Carriageway** – A way (other than a cycle track), being a highway or part of a highway, over which the public have a right of way for the passage of vehicles.

**Civil enforcement** - Control of parking and moving-traffic (bus-lane) contraventions by an enforcement authority under the “2004 Act”.

**Civil Enforcement Officer** - A uniformed officer employed by or on behalf of a council to issue penalty charge notices for parking contraventions under a civil enforcement scheme.

**Coach** – means any motor vehicle which is constructed or adapted to carry nine or more passengers in addition to the driver and is not being used for the provision of a local service as defined by Section 2 of the Transport Act 1985.

**Contravention** - A motorist's failure to comply with parking or bus lane regulations.

**Cycle Track** - A path or road for bicycles and not motor vehicles.

**Disabled Person's Blue Badge** – a Blue Badge is a card that entitles people with certain disabilities to a range of parking concessions. In order to be eligible for a Blue Badge, it is necessary to satisfy criteria laid down in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (SI 2000/682).

**Driver** - in relation to a vehicle, means the person driving or having control or charge of a vehicle, or the person having driven or having had control of a vehicle.

**Footway/Pavement** - a hard-surfaced path for pedestrians alongside generally a little higher than a road

**Highway** – any length of road to which the public has access, including any adjacent footway, verge or bridge over which a road passes.

**Highways Agency** - The Highways Agency is an Executive Agency of the Department for Transport, and is responsible for operating, maintaining and improving the strategic road network in England on behalf of the Secretary of State for Transport.

**Motor Vehicle (Motor Car, Motorcycle and Invalid Carriage)** - have the same meaning as in section 136 of "the Act".

In this Act "motor car" means a mechanically propelled vehicle, not being a motor cycle or an invalid carriage, which is constructed itself to carry a load or passengers and of which the weight unladen—

(a) if it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than 7 passengers exclusive of the driver, and is fitted with tyres of such type as may be specified in regulations made by the Secretary of State, does not exceed 3050 kilograms;

(b) if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed 3050 kilograms (or 3500 kilograms if the vehicle carries a container or containers for holding, for the purposes of its propulsion, any fuel which is wholly gaseous at 17.5 degrees Celsius under a pressure of 1.013 bar or plant and materials for producing such fuel); or

(c) in a case falling within neither of the foregoing paragraphs, does not exceed 2540 kilograms.

In this Act (except for the purposes of [F1sections 57 and 63]) “motor cycle” means a mechanically propelled vehicle (not being an invalid carriage) with fewer than four wheels, of which the weight unladen does not exceed 410 kilograms.

(5) in this Act “invalid carriage” means a mechanically propelled vehicle of which the weight unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical default or disability and is used solely by such a person.

**Penalty Charge** - The amount of money set by law as a penalty. Penalty Charge has the same meaning as in section 2 of the “General Regulations 2007”.

**Penalty Charge Notice** - A notice issued by a council to a motorist appearing to be in charge of a vehicle that the council believe was contravening its traffic regulation order. The notice must include a description of the alleged contravention. Penalty Charge Notice has the same meaning as in section 8 of the “General Regulations 2007”.

**Traffic Regulation Order** (a bylaw regulation) - An official order made by a council under “the Act” that details the nature and extent of parking controls in its area. A contravention of these controls as detailed in a Traffic Regulation Order may lead to a penalty charge notice being issued.

**Verge** - means any part of a road which is not a carriageway