



# Overview & Scrutiny

No Direct Ward Relevance

## Committee

26 November 2008

### 7. CIVIL PARKING ENFORCEMENT – UPDATE

(Report of the Director of Housing, Leisure and Customer Services)

#### 1. Purpose of Report

To update members on progress in implementing Civil (Decriminalised) Parking Enforcement in the Borough.

#### 2. Recommendation

The Committee is asked to **RECOMMEND** that

- 1) **authority be delegated to the Director of Housing, Leisure and Customer Services (Jackie Smith) in consultation with the Head of Legal, Democratic and Property Services (Sue Mullins) and the Corporate Portfolio Holder (Councillor Mike Braley) to negotiate and enter into appropriate agreements on behalf of Redditch Borough Council with Worcestershire County Council, Wychavon District Council and West Mercia Police to enable the provision of civil parking enforcement within the Borough.**
- 2) **a Lead Elected Member and deputy are nominated to the Traffic Penalty Tribunal with effect from February 2009;**
- 3) **the Cancellation Policy at Appendix 1 is adopted and;**
- 4) **the Dispensations and Waivers Policy at Appendix 2 is adopted.**

#### 3. Financial, Legal, Policy and Risk Implications

##### Financial

- 3.1 The start-up costs for the introduction of Civil (Decriminalised) Parking Enforcement (CPE) are estimated to amount to just under £140,000. Redditch Borough Council will be entering into an agreement with Wychavon District Council (WDC) for the provision of a civil parking enforcement service. WDC has agreed to finance 50% (£70,000) of the start-up costs, which it would then recoup from Penalty Charge Notices issued within Redditch. The remaining 50% of the start-up costs have been provided by Worcestershire County Council. The start-up costs include the expected loss on the first

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year's operation. However, it is anticipated that there would be a profit in years 2 - 5.

### Legal

- 3.2 Part 6 of The Traffic Management Act 2004 enables Highway Authorities to take responsibility for Civil (Decriminalised) Parking Enforcement within a specific area from the Police. The Highway Authority in Redditch is Worcestershire County Council. Redditch is working with the County Council to implement Civil (Decriminalised) Parking Enforcement and this responsibility will be delegated to Redditch Borough Council through an Agency Agreement.

### Policy

- 3.3 In April 2004 Redditch Borough Council accepted Worcestershire County Council's Local Transport Plan 2006/2011, which committed the County and District Authorities to installing Civil (Decriminalised) Parking Enforcement across Worcestershire by 2011. The introduction of Civil (Decriminalised) Parking Enforcement in Redditch at this stage would enable the Council to meet that policy commitment early.

### Risk

- 3.4 The members of the Decriminalised Parking Task and Finish Group identified a number of long-term risks associated with the continuation of the current situation for parking enforcement in Redditch. Parking remains largely uncontrolled, traffic regulation orders are not enforced and there are acute parking problems in the immediate vicinity of local schools. In addition, the Police have confirmed that once the part-time Traffic Warden who operates in Redditch has retired they will eliminate the role. Therefore there is a risk that if no action is taken the parking situation in the long-term in Redditch will deteriorate.
- 3.5 There are risks in proceeding with the proposed arrangements. The County Council could decide to withdraw the agency from the Borough Council and the Borough Council would then have to end its agreement with Wychavon, which could have financial implications. There is also a risk that insufficient numbers of Penalty Charge Notices will be issued and/or paid to cover the costs of employing Wychavon DC to carry out the service. In this instance, the Borough Council would have to make up the shortfall, adjust the service to fall within the income received or consider making charges for car parks that it owns.
- 3.6 There is a potential that initially members of the public do not understand the changes and this will result in negative publicity. As

part of the implementation, all opportunities to highlight the changes will be taken by officers.

### **Report**

#### **4. Background**

Full Council on the 17th of September 2007 resolved that:

- a) the conclusions and recommendations contained within the Civil (Decriminalised) Parking enforcement report be endorsed and
- b) the recommendation that Redditch Borough Council should introduce Civil (Decriminalised) Parking Enforcement in partnership with Wychavon District Council be endorsed.

#### **5. Key Issues**

- 5.1 Penalty Charges – Following the introduction of the Traffic Management Act 2004, the level of penalty has been changed from a fixed level of £60 to a penalty linked to the seriousness of the offence, allowing a higher penalty for dangerous parking offences (e.g. parking on double yellow lines) and a lower penalty for a lesser offence (e.g. an expired pay and display ticket). The charge level is discounted by 50% for payment within a minimum period of 14 days. It can also increase by 50% if it is not paid within 28 days of a Notice to Owner and a charge certificate is issued. This is likely to result in a higher level of Penalty Charge income for the Council than was originally estimated because the parking offences which it is anticipated will happen within the Borough attract higher penalties.
- 5.2 The Council is required to adopt a cancellation Policy which sets out the basis on which cancellations will be agreed. A draft Policy is set out in Appendix 1. However, it must be noted that each case is considered on its own individual circumstances, taking into account all the evidence available and the exceptional nature of the circumstances.
- 5.3 Special Category drivers – As part of the application to the Department for Transport, the Council is required to develop a policy which provides operating instructions for the Civil Enforcement Officers to adhere to in instances of disabled drivers, diplomats and exempt vehicles. A draft policy is attached at Appendix 2.
- 5.4 There is a requirement for a Lead Elected Member and a named deputy to be nominated to represent the Council on the Traffic Penalty Tribunal. Appendix 3 details the terms of reference for the Tribunal.

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5.5 Following the update to the Executive on the 9th January 2008, the table of progress against the implementation plan is set out below:

<b>Key Work Area</b>	<b>Details of actions 9th January 2008</b>	<b>Update</b>
Special Parking Area application	To be submitted to the Department for Transport.	Submitted 5th September 2008.
Review of Traffic Regulation Orders (TROs)	Surveyors were on site during December 2007. Worcestershire County Council will need to review all of the TROs and carry out any relevant maintenance works, painting of lines and signage.	Orders placed with contractor for works to be completed by mid-December 2008.
Off Street Consolidation Orders	The consolidated orders need to be published.	Still being worked on, subject to a future report.
Wychavon District Council contract implementation	Including preparation of all appropriate paper work, an enforcement plan and uniform styles. This will be carried out in consultation with Redditch Borough Council.	Officers have been meeting regularly with Wychavon staff to agree works.
Public Consultation	During the implementation at key stages, public consultation/information giving will be taking place.	Information published through Neighbourhood Groups. There will also be a series of notices/adverts in the new year in the lead-up period to implementation.
Police Liaison	Agree handover arrangements.	Negotiating memorandum of understanding at present.
Implementation	All IT preparations, staff procedure manuals, establishment of enforcement team.	Sub group established which has progressed works.

5.6 The project group is working to an implementation date of the 23rd of February 2009.

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- 5.7 It will be necessary in the next few months for Officers to negotiate and finalise the terms of the agency agreement with the County Council, the service agreement with Wychavon District Council and the memorandum of understanding with the police. Officers are requesting delegated authority to the Director of Housing, Leisure and Customer Services (Jackie Smith) in consultation with the Head of Legal, Democratic and Property Services (Sue Mullins) and the Corporate Portfolio Holder (Councillor Mike Braley) to conclude and enter into these agreements on behalf of Redditch Borough Council.
- 5.8 The Council is required to make the following reports annually:
- a) to the Secretary of State on the financial results of decriminalised on-street parking enforcement;
  - b) to the Home Office on collection rates, cancellation rates, numbers of appeals and numbers of write offs.

This information would be presented annually to Council.

- 5.9 The Council will also be required to account to the County Council on an annual basis for the income and expenditure arising from the operation of the civil parking enforcement powers delegated to Redditch Borough Council. There is also a requirement to obtain the County Council's approval to the budget for the service each year.

## 6. **Other Implications**

### Asset Management

- 6.1 A computer terminal and a rest room for the Civil Enforcement Officers will need to be provided at the Town Hall. This can be accommodated within existing arrangements.

### Community Safety

- 6.2 The introduction of Civil (Decriminalised) Parking Enforcement may also have implications for community safety. In particular, there could be a resulting decrease in anti-social behaviour. However, there could be a dispersing of parking to other areas within the town.

### Human Resources

- 6.3 As part of the service agreement, Wychavon District Council is prepared to operate the Civil (Decriminalised) Parking Enforcement service for Redditch Borough Council almost in its entirety. However, there are some matters that Redditch Borough Council cannot delegate to Wychavon DC and therefore the Council will need to contribute a small number of Officer hours (approximately 5-

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10 hours per week) to deal with matters that cannot be delegated. It is believed to be possible to absorb these duties into existing Officer workloads and an increase in costs is therefore not anticipated.

- 6.4 In addition, arrangements will need to be made to enable members of the public to pay their penalty charge notices at Redditch Borough Council's One-Stop-Shops. This will, in effect, be new business for the One-Stop-Shops as these charges will not have been levied by the Council before. It is anticipated that this can be absorbed within existing workloads.

### Social Inclusion

- 6.3 No Social Inclusion implications have been identified.

### Sustainability

- 6.4 No Sustainability implications have been identified.

## 7. Conclusion

The Committee is asked subject to any comments to note the details of this report.

## 8. Background Papers

Report on Civil (Decriminalised) Parking Enforcement.

## 9. Consultation

There has been no consultation other than with relevant Borough Council Officers and the project group.

## 10. Author of Report

The author of this report is Jackie Smith (Director of Housing, Leisure and Customer Services), who can be contacted on extension 3176 (e-mail: [jackie.smith@redditchbc.gov.uk](mailto:jackie.smith@redditchbc.gov.uk)) for more information.

## 11. Appendices

Appendix 1: Draft Cancellation Policy  
Appendix 2: Draft Dispensations and Waivers Policy  
Appendix 3: Tribunal Terms of Reference



## **CIVIL PARKING ENFORCEMENT**

### **Guidance policies for the enforcement and cancellation of Penalty Charge Notices**

**Policies set out in this document provide  
guidance only.**

**Each case is considered on its own individual  
circumstances, taking into account all the  
evidence available and the exceptionality of the  
circumstances.**

**February 2009**

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**INTRODUCTION**

Redditch Borough Council has prepared the following policy guidance in respect of Civil Parking Enforcement. The policies in this document are intended to inform the public and provide guidance to council employees working in the enforcement of parking regulations.

These policies provide a foundation upon which fairness and discretion can be applied.

It is important to recognise that each case will be considered on its own merits, matters of proportionality, objectivity, fairness and reasonableness should be paramount.

Written evidence will only be considered if deemed acceptable by Redditch Borough Council.

These policies will be subject to ongoing review.

**STANDARD CONTRAVENTION CODES AND PENALTY CHARGES**

**Contravention codes – on street**

Code	Description	Penalty charge	Penalty Charge if paid within 14 days of date of issue
01	Parked in a restricted street during prescribed hours	£70	£35
02	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	£70	£35
15	Parked in a resident's parking space without clearly displaying a valid resident's parking permit	£50	£25
16	Parked in a permit space without clearly displaying a valid permit	£70	£35
18	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited.	£70	£35
21	Parked in a suspended bay/space or part of bay/space	£70	£35
22	Re-parked in the same parking place within one hour* of leaving	£50	£25
23	Parked in a parking place or area not designated for that class of vehicle	£70	£35
24	Not parked correctly within the markings of the bay or space	£50	£25
25	Parked in a loading place during restricted hours without loading	£70	£35
26	Vehicle parked more than 50 centimetres from the edge of the carriageway and not within the designated parking place.	£70	£35
27	Parked adjacent to a dropped footway.	£70	£35
30	Parked for longer than permitted	£50	£25
40	Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge	£70	£35
45	Parked on a taxi rank	£70	£35
47	Restricted bus bay	£70	£35
48	Stopped in a restricted area outside a school	£70	£35
61	A heavy commercial vehicle wholly or partly parked in a footway, verge or land between two carriageways	£70	£35
62	Parked with one or more wheels on any part of an urban road other than a carriageway (footway parking)	£70	£35
99	Stopped on a pedestrian crossing and/or crossing area marked by zig-zags	£70	£35

**Contravention codes – Off Street**

<b>Code</b>	<b>Description</b>	<b>Penalty charge</b>	<b>Penalty Charge if paid within 14 days of date of issue</b>
81	Parked in a restricted area in a car park	£70	£35
82	Parked after the expiry of time paid for in a pay and display car park	£50	£25
83	Parked in a pay and display car park without clearly displaying a valid pay and display ticket	£50	£25
85	Parked in a permit bay without clearly displaying a valid permit	£70	£35
86	Parked beyond the bay markings	£50	£25
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	£70	£35
89	Vehicle parked exceeds maximum weight and/or height permitted in this area	£70	£35
91	Parked in an area not designated for that class of vehicle	£70	£35
92	Parked causing an obstruction	£70	£35
93	Parked in a car park when closed	£50	£25

**STATUTORY GROUNDS TO MAKE REPRESENTATIONS**  
**(Part 6, Traffic Management Act 2004)**

**Important note:**

Although the following are the 8 Statutory Grounds to make representation, in accordance with a directive issued by the Local Government Ombudsman, full consideration will be given and account taken of all representations received, whether or not they fall within the description of "Statutory Grounds".

**THE CONTRAVENTION DID NOT OCCUR**

**Where the motorist claims he/she was loading/unloading**

**MAY ACCEPT REPRESENTATIONS**

In the event that the vehicle is parked on a waiting prohibition:

If evidence is provided to show:

1. Goods being delivered or collected were heavy, bulky or numerous and it would be unreasonable to expect them to be carried from 'legal' parking places.
2. Loading/unloading activity was adjacent to the premises concerned.
3. Loading/unloading activity was timely (includes checking goods and paperwork, but not delayed by unrelated activity)

It is in the course of business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc.

**MAY REJECT REPRESENTATIONS**

On school zig zag markings;

On bus stop clearways;

On Taxi ranks

Where loading is prohibited

In car parks (except when depositing materials in recycling bins)

In a goods vehicle loading bay parked in a non goods vehicle

Parked in a goods vehicle loading bay displaying a disabled badge

<b>Where the motorists claims that a parking pay &amp; display machine was faulty</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If service records confirm a fault or that the machine had been taken out of service at the time of the contravention.</p> <p>If there is reasonable doubt because evidence was not available to confirm that a machine was working at the time (test ticket) and there was not another ticket machine nearby which was operating correctly.</p>	<p>If there was another ticket machine nearby that was working correctly at the time.</p> <p>If there is reasonable doubt because evidence confirms that other visitors had been able to purchase tickets during the relevant period.</p>
<b>Where the motorist claims that the restriction is not clearly signed or marked</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If signs and/or markings are missing or unclear.</p> <p>If signs and markings are inconsistent with each other and/or Traffic Regulation Order.</p>	<p>If site visit records or photographs establish that signs and/or markings are correct and consistent with each other and the Traffic Regulation Order.</p>
<b>Where the motorist was carrying out building works</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If evidence confirms that the motorist was simply loading / unloading.</p> <p>If a valid dispensation to park at the location in question had been issued and was on display in the vehicle or a verbal authorisation is in force.</p> <p>If works are of a statutory nature or are exempted from restrictions by a Traffic Regulation Order or legislation.</p> <p>If it can be proven that works were an emergency.</p>	<p>In all other circumstances including vehicles used by painters, decorators etc whereby the equipment can be unloaded and then parked appropriately for work to take place.</p>

<b>Where the motorist claims that their vehicle was not parked in the location at the time and on the date alleged on the PCN which was issued</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>Following consideration of all available evidence:</p> <p>If the motorist provides a copy of their vehicle excise license which was valid at the time of the contravention and the serial number of which differs from the number noted by the Civil Enforcement Officer.</p>	<p>If the motorist does not provide a copy of their tax disc, after being given a further opportunity to submit such a copy.</p> <p>Or</p> <p>If the serial number on the copy tax disc provided by a motorist is identical to the serial number noted by the Civil Enforcement Officer.</p> <p>Or</p> <p>If there is no evidence or if the evidence presented does not support the claim or is inconclusive.</p> <p>Or</p> <p>There is photo evidence that was taken by the Civil Enforcement Officer to the contrary</p>
<b>Where the motorist claims that a pay &amp; display ticket was purchased and displayed</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If the motorist produces a pay &amp; display ticket parking ticket that was valid at the time of the contravention and the Civil Enforcement Officer confirms that a face down ticket or a ticket that was displayed but concealed in some other way was seen and it is the first contravention of this kind.</p>	<p>If the motorist is unable to produce a valid pay &amp; display ticket.</p> <p>The Civil Enforcement Officer was unable to confirm that a face down ticket or a ticket that was displayed but concealed in some other way was seen.</p> <p>The motorist has made a similar representation before and had a previous PCN cancelled.</p> <p>The Civil Enforcement Officer noted that the motorist obtained their ticket from another motorist in the car park.</p> <p>Where digits have been entered on the face of the ticket and do not match those of the motorist's vehicle registration number.</p> <p>Where a pay and display ticket was purchased in another car park and is non transferable in accordance with the terms of the Car Park</p> <p>Where the ticket has been amended in some way</p>

**THE PENALTY CHARGE EXCEEDED THE RELEVANT AMOUNT**

<b>MAY ACCEPT REPRESENTATION</b>	<b>MAY REJECT REPRESENTATION</b>
If the PCN and/or Notice to Owner showed the incorrect amount of penalty charge i.e. the wrong penalty charge band.	If the PCN or Notice to Owner showed the correct amount of penalty charge.

**THE TRAFFIC ORDER WAS INVALID**

<b>MAY ACCEPT REPRESENTATION</b>	<b>MAY REJECT REPRESENTATION</b>
If the Traffic Regulation Order which prescribes the restrictions that the vehicle was parked in contravention of was not constructed correctly.	If the Traffic Regulation Order which prescribes the restrictions that the vehicle was parked in contravention of was constructed correctly.  If the motorist merely considers the restrictions to be unfair.



<b>THE MOTORIST WAS NOT THE OWNER/KEEPER OF THE VEHICLE AT THE TIME OF THE CONTRAVENTION</b>	
<b>Where the current registered keeper claims that the vehicle was disposed of before the contravention occurred</b>	
<b>MAY ACCEPT REPRESENTATION</b>	<b>MAY REJECT REPRESENTATION</b>
<p>If the current registered keeper 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</p> <p>If the current registered keeper is able to provide the full name and address of the person to whom they disposed of the vehicle</p> <p>ACTION – send a new Notice to Owner to the person named by the current registered keeper.</p>	<p>If the current registered keeper is unable to prove that they disposed of the vehicle before the contravention or provide the name and address of the person to whom they disposed of the vehicle.</p> <p>If the person named the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide.</p> <p>DVLA confirm owner details</p>
<b>Where the current registered keeper claims that the vehicle was purchased after the contravention occurred.</b>	
<b>MAY ACCEPT REPRESENTATION</b>	<b>MAY REJECT REPRESENTATION</b>
<p>If the current registered keeper 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</p> <p>If the current registered keeper is able to provide the full name and address of the person from whom they purchased the vehicle.</p>	<p>If the current registered keeper is unable to prove that they purchased the vehicle after the contravention nor provide the name and address of the person from whom they bought the vehicle.</p> <p>If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide.</p>

Where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
Only when a signed hire agreement exists	In all other circumstances because the registered keeper is always liable, including where the vehicle was left in the care of a garage.
Where the motorist claims that they never owned the vehicle	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If the DVLA confirm that the motorist was not the registered keeper at the time of the contravention.	<p>If the DVLA confirms that the motorist was the registered keeper of the vehicle at the time of the contravention.</p> <p>If the previous registered keeper provides proof that the motorist bought the vehicle before the contravention, or the subsequent registered keeper provides proof that the motorist sold the vehicle after the contravention.</p> <p>If the motorist is proven to have hired the vehicle for the day on which the contravention occurred and signed an agreement to take responsibility for the PCNs incurred, subject to the time of hire.</p>

**THE VEHICLE HAD BEEN TAKEN WITHOUT OWNER'S CONSENT**

**Where the current registered keeper claims that the vehicle has been stolen**

**MAY ACCEPT REPRESENTATION**

**MAY REJECT REPRESENTATION**

If the registered keeper provides a valid police crime report reference number.

If the current registered keeper is unable to provide any proof of theft.

If the police crime report reference number provided by the current registered keeper does not exist or it does not match the theft or date of the theft alleged.

**Where the current registered keeper claims that the vehicle was driven by a third party (i.e. a friend, relative or estranged partner)**

**MAY ACCEPT REPRESENTATION**

**MAY REJECT REPRESENTATION**

In no circumstances

In all circumstances, the registered keeper is always liable for the PCN, except when a hire agreement exists.

<b>THE OWNER IS A HIRE COMPANY AND HAVE SUPPLIED THE NAME OF THE HIRER</b>	
<b>MAY ACCEPT REPRESENTATION</b>	<b>MAY REJECT REPRESENTATION</b>
<p>If the hire company are able to provide proof that the vehicle was hired at the time of the contravention, i.e. a signed agreement.</p> <p>If the hire company are able to provide the full name and address of the person to whom they hired the vehicle</p> <p>ACTION – send a new Notice to Owner to the person named by the hire company</p>	<p>If the hire company are unable to prove that they hired out the vehicle on the date of the contravention nor provide the name and address of the person to whom they hired the vehicle.</p> <p>If the person named by the hire company as the person to whom they hired the vehicle, without proof, either does not exist, cannot be traced or denies responsibility for the contravention.</p> <p>If the vehicle was being as a courtesy car without an agreement signed to accept responsibility for Penalty Charge Notice issued.</p>
<b>Any other information that the motorist/vehicle owner want the Council to take into consideration</b>	
<b>MAY ACCEPT REPRESENTATION</b>	<b>MAY REJECT REPRESENTATION</b>
<p>The decision whether or not a Penalty Charge Notice should be cancelled will only be taken following very careful consideration taking into account all of the evidence available.</p>	

**PROCEDURAL IMPROPRIETY**

**MAY ACCEPT REPRESENTATIONS**

If the Council has proven not to observe any requirement imposed on it by the Traffic Management Act 2004 in relation to the imposition or recovery of a PCN or other sum.

**MAY REJECT REPRESENTATIONS**

If the Council has observed and adhered to the requirement imposed by the Traffic Management Act 2004.

**THE PCN HAS BEEN PAID IN FULL**

**MAY ACCEPT REPRESENTATIONS**

The Penalty Charge Notice can be proven to have been paid.

**MAY REJECT REPRESENTATIONS**

No evidence of payment or receipt of payment has been received by the council.

**MITIGATING CIRCUMSTANCES**

<b>WHERE THE MOTORIST CLAIMS TO HAVE BECOME UNWELL WHILE DRIVING</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If the motorist provides proof of a medical condition, temporary or permanent, that is consistent with the conditions explained.</p> <p>When the notes made by the Civil Enforcement Officer support the motorist's representations.</p>	<p>If the motorist cannot provide some proof of a medical condition, temporary or permanent, consistent with the conditions explained.</p> <p>Or</p> <p>Where other evidence contradicts the motorists claim</p>
<b>WHERE THE MOTORIST CLAIMS TO BE A DOCTOR, NURSE, HEALTH VISITOR ATTENDING A PATIENT</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If the motorist produces evidence that they were responding to an urgent medical call and there was no nearby legal parking place.</p>	<p>If the motorist was not attending a patient in urgent circumstances or if there were legal parking spaces nearby.</p> <p>If motorist was parked outside their practice or other place of work for any reason other than to collect supplies for an urgent call.</p> <p>If the motorist was parked in an area which does not correspond with claims made in representations, i.e. far from patients property.</p> <p>All other cases</p>
<b>WHERE THE MOTORIST HAS STOPPED TO USE THE TOILET</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>On production of medical evidence confirming a relevant medical condition and in support of the circumstances described in a representation.</p>	<p>In all other circumstances.</p>

<b>WHERE THE MOTORIST HAS STOPPED TO COLLECT (PRESCRIBED) MEDICATION FROM A CHEMIST</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
Only in the most serious, urgent and exceptional of circumstances and the use of a 'legal' parking place would have caused an unacceptable delay.	In any lesser circumstances.
<b>WHERE THE MOTORIST WAS A PATIENT VISITING A DOCTOR'S SURGERY</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
If the motorist can provide a letter from a doctor to confirm that the visit was very urgent and that they were unable to walk from the nearest legal parking space.	<p>If the motorist was not the patient but only driving the vehicle carrying the patient.</p> <p>If the motorist was attending a pre-arranged, non-urgent appointment.</p> <p>If the motorist could reasonably have been expected to have parked legally elsewhere.</p>
<b>WHERE THE MOTORIST CLAIMS TO HAVE BEEN RECENTLY BEREAVED</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If no evidence exists to the contrary, taking into account the sensitivity of this issue on first occasion.</p> <p>Only in respect of immediate family</p>	Only if there is a significant reason to doubt the sincerity of representations, i.e. the Civil Enforcement Officer's notes indicating that the motorist was going about a normal day, say, shopping or working, or the bereavement considered to be a long time ago.

<b>WHERE THE MOTORIST WAS DELAYED IN RETURNING TO THEIR VEHICLE AND PARKING TIME PURCHASED HAD EXPIRED</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If supported by appropriate evidence, the motorist's representations claims that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseen, unavoidable and exceptional.</p> <p>If the motorist's vehicle had broken down, evidence should be provided of recovery.</p> <p>If the motorist was unable to drive since parking the vehicle.</p>	<p>If the delay described by the motorist was entirely avoidable, i.e. queuing in a shop, waiting for doctor/dentist appointment etc.</p> <p>If the motorist simply underestimated the time needed and could have reasonably purchased more time, i.e. when conducting business, shopping or commuting.</p> <p>If the motorist was unable to drive since parking due to excess alcohol in the body or had been detained and charged by the police.</p>
<b>WHERE THE MOTORIST LEFT THE VEHICLE PARKED WITHOUT A VALID TICKET ON DISPLAY TO OBTAIN CHANGE</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If the motorist had not left the car park while obtaining a ticket within 5 minutes or parking the vehicle</p>	<p>If the Civil Enforcement Officer's notes indicate that the motorist returned to their vehicle, having completed their purpose for parking, while the PCN was being issued, i.e. carrying shopping, or had left the vehicle while obtaining change.</p>
<b>WHERE THE MOTORIST CLAIMS TO HAVE BEEN UNAWARE OF THE RECENT RISE IN TARIFF</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If statutory notices were not erected in accordance with procedural regulations</p> <p>If revised tariff is not on tariff board (s).</p>	<p>If the tariff boards were correct.</p>



<b>WHERE THE MOTORIST HAD PARKED WITH ONE OR MORE WHEELS OUTSIDE OF A MARKED BAY IN A CAR PARK</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>Only in the most exceptional of circumstances that were outside the motorists control are supported by incontrovertible evidence</p> <p>Otherwise</p> <p>In no circumstances</p>	<p>When clear and incontrovertible supporting evidence (photographs/Sketch plan) is available.</p>
<b>WHERE THE MOTORIST IS A BLUE BADGE HOLDER/TRANSPORTING A BLUE BADGE HOLDER AND THEY DID NOT HAVE THEIR BLUE BADGE AND/OR CLOCK ON DISPLAY OR COULD NOT BE READ</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If it can be established that this is the motorist's first contravention of this type and they can provide evidence that they are a Blue Badge holder or were transporting a Blue Badge holder.</p>	<p>If the motorist has previously had a PCN cancelled for the same contravention and has been warned to display a valid badge and clock correctly in the future.</p> <p>If the motorist was parked on a waiting restriction beyond the 3 hour time limit permitted by the Blue Badge Scheme, or on another restriction which does not provide an exemption for Blue Badge holders.</p> <p>The incorrect use of the clock</p>
<b>WHERE THE MOTORIST WAS DISPLAYING AN EXPIRED AUTHORISATION TO PARK, I.E. DISPENSATION, SEASON TICKET, RESIDENTS PERMIT, BLUE BADGE OR VISITORS PERMIT.</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If the renewal of the authorisation was delayed by the Council's administrative processes.</p> <p>If it can be established that other reasonably unforeseen circumstances delayed the renewal of an authorisation to park, e.g. sickness on the part of the applicant or a postal dispute (supported by appropriate evidence)</p>	<p>In all other circumstances.</p>

WHERE THE MOTORIST IS PARKED IN CONTRAVENTION OF A WAITING/PARKING PROHIBITION WHILST DISPLAYING A RESIDENT'S PERMIT	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
In no circumstances	On all occasions
WHERE THE MOTORIST IS A NEW RESIDENT AND HAD PARKED IN A RESIDENTS BAY WITHOUT DISPLAYING A VALID RESIDENTS PERMIT	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
In no circumstances	On all occasions
WHERE THE MOTORIST ASSUMED THAT THEY WERE ENTITLED TO "A PERIOD OF GRACE" BEFORE THE PCN WAS ISSUED	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
In no circumstances	On all occasions
WHERE THE MOTORIST CLAIMS THAT SNOW, FOLIAGE, FALLEN LEAVES OR FLOODING COVERED THE SIGNS OR MARKINGS	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
If it can be established that such conditions prevailed and it is likely that signs and markings were obscured as claimed and there was no alternative indication of the restriction.	<p>If it can be established that such conditions did not cause lines and signs to be obscured as claimed.</p> <p>If the Civil Enforcement Officer's notes photographic evidence etc. directly contradict the motorist's version of events.</p> <p>If any reasonable alternative indication of the restriction was available to the motorist.</p> <p>If the location of the contravention was unlikely to be subject to the natural conditions described by the motorist, i.e. it was under cover.</p>

**WHERE THE MOTORIST CLAIMS THAT THEIR VEHICLE HAD BROKEN DOWN**

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If the motorist is able to provide evidence of a breakdown, i.e. proof of vehicle recovery or a bill of sale for repair or parts</p>	<p>If the motorist is unable to provide evidence of any kind that their vehicle had broken down.</p> <p>If the cause of the vehicle “breaking down” was due to negligence on the part of the motorist, i.e. the vehicle had not been properly maintained, had run out of fuel or water or a similar reason.</p> <p>If the Civil Enforcement Officer’s notes contradict the motorist’s version of events.</p>

**WHERE THE MOTORIST CLAIMS THAT THEY WERE ATTENDING AN EMERGENCY OR ANOTHER VEHICLE THAT HAD BROKEN DOWN**

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If the motorist is able to provide reasonable proof of the emergency, i.e. a credible report of an accident or incident, or that they were attending to another vehicle that had broken down.</p>	<p>If the motorist is unable to provide evidence of any kind that they were attending an emergency or another vehicle which had broken down.</p> <p>If the Civil Enforcement Officer’s notes contradict the motorist’s version of events, i.e. the motorist was not seen attending an emergency or another vehicle which was broken down.</p>

**WHERE THE VEHICLE IN QUESTION WAS ON POLICE, FIRE BRIGADE OR AMBULANCE DUTIES**

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If a senior officer of the service concerned supports the representations and there is no reason to doubt that the vehicle was engaged on operational guidelines.</p>	<p>In all other circumstances.</p>

<b>WHERE THE MOTORIST CLAIMS TO HAVE BEEN COLLECTING OR DEPOSITING MONIES AT A BANK</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
If the procedure explained in the motorist's representations is consistent with the allowance for loading and unloading.  Or  If specific arrangements have been agreed.	In all other circumstances
<b>WHERE THE REGISTERED KEEPER LIABLE FOR PAYMENT OF THE PCN IS EXPECTED TO BE ABSENT FOR A LONG PERIOD OF TIME, E.G. IS LIVING ABROAD OR IS IN PRISON</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
In no circumstances	On all occasions
<b>WHERE THE REGISTERED KEEPER LIABLE FOR PAYMENT OF THE PCN IS SAID TO HAVE DIED</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
Where the circumstances can be confirmed	Only if there is a significant evidence to doubt the sincerity of the representations.

<b>WHERE THE MOTORIST RECEIVED A FIXED PENALTY NOTICE (FPN) FROM A POLICE OFFICER OR TRAFFIC WARDEN WHEN PARKED IN THE SAME LOCATION</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
If confirmation is provided by the police that proceedings for a criminal offence in connection with the same parking/waiting incident.	In all other circumstances
<b>WHERE A COUNCIL OFFICER OR MEMBER PARKED IN CONTRAVENTION AND CLAIMS TO HAVE BEEN ON COUNCIL BUSINESS</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
If the officer was carrying out emergency work and provides evidence/confirmation from a senior officer	If it can be established that the officer/member could have reasonably parked elsewhere.
<b>WHERE THE MOTORIST STOPPED TO DROP OFF SOMEONE</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If the circumstances are seen by the Civil Enforcement Officer.</p> <p>If, in exceptional circumstances and subject to observations times, the motorist had to escort a passenger (child, elderly or disabled person) to home, or school.</p>	If motorist was parked/stopped on school keep clear markings, pedestrian crossing, bus stop clearway, goods vehicle loading bay or other restricted or reserved parking places
<b>WHERE THE MOTORIST STATES THAT THEY WERE IN POLICE CUSTODY WHEN PCN ISSUED</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
If proof (from the Police) has been provided that the police had instructed the motorist to leave the vehicle.	In most circumstances

<b>WHERE THE MOTORIST STATES THEY WERE VISITING A FRIEND OR RELATIVE IN URGENT CIRCUMSTANCES</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
If due to an emergency, the parking contravention could not be avoided due to the urgent nature of the incident.	If the motorist has already received a PCN, which has been cancelled for the same reason.  If the Civil Enforcement Officer's pocket book notes provides significant reason to doubt sincerity of representation.
<b>WHERE THE MOTORIST CLAIMS THEY WERE PARKED ON PRIVATE PROPERTY</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
If land search maps confirm location is private property and not subject of the relevant Traffic Regulation Order.  If there is insufficient evidence to establish location of vehicle.	In all other circumstances.
<b>WHERE THE MOTORIST WAS DELAYED IN RETURNING TO THEIR VEHICLE PARKED IN A LIMITED WAITING PARKING PLACE</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
If supported by appropriate evidence, the motorist's representations claim that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseen, unavoidable and exceptional.  If the motorist's vehicle had broken down, subject to evidence provided.  If the motorist was unable to drive, since parking the vehicle.	If the delay described by the motorist was not exceptional, i.e. queuing in a shop.  If the motorist simply underestimated the time needed.  If the motorist was unable to drive since parking due to excess alcohol in the body or had been detained by the police for any reason, unless subsequently released without charge or proven innocent.

<b>WHERE THE MOTORIST HAS STOPPED TO ANSWER MOBILE PHONE</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
In no circumstances	On all occasions
<b>WHERE THE MOTORIST STATES THAT THE DETAILS ON THE PCN ARE INCORRECT, E.G. LOCATION</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
If there is reason to doubt that the PCN was issued correctly, taking into account evidence provided by the Civil Enforcement Officer.	If the PCN was fully and correctly completed.
<b>WHERE THE MOTORIST STATES THAT THEY WERE UNAWARE OF ENFORCEMENT ON BANK/PUBLIC HOLIDAYS</b>	
<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
In no circumstances	On all occasions
<b>WHERE THE MOTORIST HAS STOPPED TO ASSIST WITH AN ACCIDENT OR EMERGENCY SITUATION</b>	
Where sufficient written evidence has been provided to confirm the situation	If the motorist was able to park safely and appropriately nearby  If no evidence can be provided to support the incident

**RECORD OF AMENDMENTS**

<b>Date</b>	<b>Section</b>	<b>Amendment</b>	<b>Notes</b>



**Redditch Borough Council CPE Policy for Suspensions, dispensations and waivers**

The Council, in certain defined circumstances, will allow a vehicle or vehicles, by the issue of a dispensation, to park lawfully in what otherwise would be a contravention of a TRO. It may issue dispensations to businesses and / or RBC Parking Services to permit parking at specified locations for specified durations.

Where agreed by Parking Services and in accordance with Council policies, parking places may be suspended either in total or for the purpose of reserving those places for particular vehicles and/or applicants.

All applications for dispensations, suspensions, permits and season tickets will, in the first place, be referred to RBC Parking Services. RBC Parking Services will seek immediate advice from senior management if they have any doubts in regard to an application.

The Council is authorised by The Local Authorities (Transport Charges) Regulations 1998 [S.I. 1998 No. 948] to make charges for these services but it is appreciated that these are limited to the cost of dealing with the matters and cannot include any profit element or any potential loss of income.

**Definitions**

A suspension is defined as “a parking bay that has had the traffic regulation order suspended for an agreed time period.” For example a “pay and display” or disabled bay.

A dispensation refers to a driver been given dispensation to park at a specific location on a length of road where there is a traffic regulation order, for example, a waiting restriction.

RBC Parking Services will be required to issue permits for suspensions and dispensations. The applicant will be required to complete and submit forms for each request, which will then be passed to Parking Services together with the appropriate fee for processing.

Each request will be for one space or the length of one vehicle. The cost of each suspension or dispensation will be agreed locally. If a request is received for more than one day the cost will be per day.

RBC Parking Services will ensure that each CEO is notified daily of dispensations and suspensions within their patrol areas. The CEO will check each location and enforce contraventions seen.

Dispensations will not be agreed where there is possible danger to pedestrian or highway safety. Instances where dispensations will not be agreed are:

- On bends
- On brow of hills
- On clearways or fast flowing roads
- Adjacent to pedestrian crossing points
- Adjacent to school entrances
- Where pedestrian or driver sight line visibility is impaired

RBC Parking Services will be responsible for the following:

- Prior to the commencement of the suspension, RBC Parking Services will erect suitable advanced warning plates on each available post or column within the restricted area to provide notice of suspensions or dispensations.
- Prior to the commencement of the suspension, RBC Parking Services will, where appropriate, cone or barrier off the area concerned.
- Ensuring that the advanced warning plate is in place throughout the period.
- Removal of advanced warning plate, cones and or barriers at the end of the period of suspension.

Each request for a suspension and dispensation will be noted and logged by RBC Parking Services.

### Dispensations

A dispensation authorises a vehicle (or vehicles) to park in contravention of a TRO. It allows parking where alternative arrangements cannot be made for the following principal reasons:

- Loading / unloading where this activity is either normally prohibited or the permitted period is insufficient; or
- Situations where alternative arrangements would be unsatisfactory.

A dispensation does not permit general 'parking'. It does not allow the vehicle to remain in the restricted / prohibited area once the dispensation purpose has been fulfilled. At that time the motorist is required to park elsewhere and lawfully.

Based on the above qualification and subject to Council policy, dispensations can be issued in the following circumstances:

- Furniture removals;
- Building/ maintenance/ repair works where close proximity to the site is essential;
- Goods deliveries in respect of which it is reasonable to allow longer than that normally permitted by the regulations;
- The hearse and chief mourners' vehicles at funerals;
- The bridal and attendants' vehicles at weddings;
- Vehicles essential to filming operations;
- Other circumstances in which Parking Services may reasonably regard the requirement to be essential;

Dispensations will not be issued for:

- Applications where parking may adversely affect disabled/ doctors/ business bays, taxi ranks, bus stops or tram movement;
- Applications where loading restrictions are in place if the dispensation is requested during the restricted period(s);
- Locations within 50 metres of a signal controlled junction, the entry/ exit pedestrian crossing

marking, on a footway and/or other locations where parking may cause danger to pedestrians and road users, and / or serious obstruction / traffic flow impediment;

- Requests where there are doubts concerning the validity of the application;
- Applications in respect of vehicles where dispensations have been issued more than twice within the four weeks before the date of the application. The Parking Section has discretion to vary this ban if it is considered that it is otherwise reasonable to approve the application.

Applications may be made by post, e-mail, telephone or in person but are to be in writing; a (draft) form is shown in Appendix 1 to this Section. Faxed application forms are acceptable. Applications should be received at least 2 working days before the required date to enable Parking Services to inspect the site if felt necessary before approval is given. However, Parking Services has discretion to deal with more urgent applications if it is reasonable to do so.

Except in extenuating circumstances dispensations should not be issued for continuous periods in excess of five days and should not authorise parking for more than two vehicles at any one location unless Parking Services is satisfied that the road width and length and precise location permit this safely.

Dispensations are uniquely numbered and are issued from the Council's IT system. A copy is given to the applicant, a second copy to the PA supervisor, a third is filed with the application.

The conditions of use, which are stated on the back of the dispensation, must be brought to the applicant's attention who must also be advised to display the document clearly on the lower near side of the vehicle's windscreen.

### Suspensions

It will be necessary from time to time to suspend parking places including residents' and other permit bays. The authority to do this is provided under Sections 14 and 46 of RTRA 84.

The action is taken when it is considered necessary to suspend the parking places for:

- traffic movement and safety;
- essential building / maintenance works;
- furniture removals;
- filming;
- special events;
- weddings or funerals.
- the suspension may be in concert with the reservation of the place(s) in connection with the activities listed above.

The suspension procedure embraces:

- Receiving notice of the requirement;
- Considering and, if appropriate, investigating the need for the suspension;
- Approving or rejecting the application;
- Obtaining payment if applicable;
- Recording the suspension;

- Warning local residents;
- Implementing the suspension on street;
- Removing the suspension equipment on street on completion.

The suspension does not permanently remove the legal status of the parking place. Its only affect is to remove it (or the designated part of it) from use during the suspension period.

Public suspension applications must be received no later than 10 working days before the required date in respect of resident and other permit places including disabled badge holders places.

10 days notice is not mandatory in regard to emergencies or in respect of statutory undertakings under Section 14 of RTRA 84 although in the normal course of events, Parking Services will be notified in advance.

Emergencies may embrace action taken by the police to suspend parking places immediately and without notice for matters of security and public safety. A contravention of a police suspension would normally be dealt with by the police as a criminal matter.

The application must be in writing. Each application will be given a unique identification number and Parking Services will consider applications on their merits. This may require the location to be visited.

It will be seen that the vehicle(s) details box (i.e. 'parking' approval) section of the application requires the applicant to nominate specific vehicles. However, it will be appreciated that for building works there may be deliveries from suppliers or other services and, clearly, the applicant will not know in advance the vehicles involved. Officers accordingly have discretion to allow such activities provided they are directly connected to the works. The suspension plates must make this abundantly clear.

If the application is approved any appropriate charge must be paid before the suspension is implemented.

Each day, as applicable, Parking Services will prepare a daily suspensions plan containing:

- Details of advance warning notices to be placed;
- Details in regard to required leafleting;
- Details of suspensions to be implemented the next parking control day;
- Details of suspensions to be lifted before the next parking control day.

The list will be passed to the appropriate supervisor for on and off street action. On street procedures in regard to suspensions are contained in Section 2. This list will be incorporated into the monthly report from RBC Parking Services.

A suspension may be extended provided Parking Services receives at least 2 working days notice. This is clearly necessary in order that appropriate on street action may be taken to indicate the continuance and to advise normal users of what is happening. If notice is not received within time Parking Services will refuse the request and will advise the applicant to re-apply. The standard notice periods stated above will apply.

A suspension may be lifted earlier than originally requested. Notice must be received no later than one working day before the new date. Parking Services will amend the records accordingly in order that the new date appears on the appropriate day's suspension plan.

No charges are made in respect of:

- Requests from the emergency services in regard to emergency situations;
- Funerals;
- Charity event vehicles
- Armed forces vehicles
- Suspensions needed to accommodate traffic or parking requirements during agreed major events. However, the Council may wish to consider that charges should be made for regular suspensions [e.g. football matches) bearing in mind the ongoing cost of work carried out for these.

Please refer to policy regarding skip licenses for suspensions/dispensations made in respect of such.

Parking Services will maintain monthly statistics with regard to:

- Numbers and locations of dispensations, suspensions, season tickets and exemptions both implemented and lifted;
- Numbers and precise times and locations in regard to advance warnings and leafleting.
- Parking Services will provide in their monthly report:
- Numbers of approved and refused applications sorted by area;
- Numbers of bays, meters / P& D machines suspended sorted by type and area;
- Charges made and total revenue;
- Reconciliation between revenue and numbers;
- Numbers and value of refunds;
- Total days suspended per month;
- Numbers of suspensions in force in excess of three months;

### **Redditch Borough Council CPE Policy for dealing with Carers**

Numerous care organisations are now operating on the Borough as a result of contract arrangements with Social Services and the Local Health Authority as well as privately arranged care. Each will often display badges issued by the various organisations but, due to the variety of badges in circulation, none are recognised by Worcestershire County Council as valid authorities to park in contravention of prohibition of waiting orders.

**Parking in Residential Parking Zones:** The Council will issue its own permits allowing genuine carers to park within residential areas to enable them to care for residents. Permits are issued upon application, which must be supported by an official letter from the care organisation or, in the case of a private carer (relative etc) confirmation from the resident's GP that he/she is in need of regular, permanent care within their home. Any abuse of such permits may result in them being withdrawn. A small charge is made for such permits.

**Parking in Council Car Parks:** It is not felt that there is a need for carers to park within Council car parks free of charge. However this is a matter which is kept under review by the Council.

**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 a yellow line except in a medical emergency in which case they must be covered by any Health Emergency Badge Scheme.

**PATROL ADJUDICATION JOINT COMMITTEE (PATROLAJC)  
BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE (BLADJC)**

**Briefing Pack for New Council Representatives**

**Background to the PATROLAJC and BLASJC**

The PATROLAJC, formerly the National Parking Adjudication Service Joint Committee, has been established to enable Councils having Civil Enforcement Area Orders to exercise their functions under Section 81 of the Traffic Management Act 2004 and the Traffic Management Act 2004 and Regulations 17 and 18 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007. These functions are exercised jointly with the other PATROLAJC councils in accordance with the requirements of Regulation 16 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

The functions exercised by the PATROLAJC on behalf of its constituent councils are appointing independent adjudicators to the Traffic Penalty Tribunal, providing these adjudicators with administrative staff and accommodation and providing hearing venues. Its remit in relation to the Tribunal is limited to these matters. The PATROLAJC also undertakes such other associated functions as the Participating Authorities may lawfully arrange for the PATROLAJC to perform as they from time to time consider appropriate.

The Agreement that regulates the setting up of the Joint Committee provides for one Representative for each constituent Council. Members of the Joint Committee need not be an "Executive Member" of their Council but this is a matter for each Council to decide. If the nominated Representative cannot attend the meeting, provision is made for a named substitute to attend in his/her place.

In 2006 with the introduction of civil bus lane enforcement, it was agreed that there would be an integrated tribunal for parking and bus lane enforcement. However, there must be a separate Joint Committee, the Bus Lane Adjudication Service Joint Committee (BLASJC) until such time as the both areas of enforcement are governed by same legislation i.e. the Traffic Management Act 2004.

**Introduction to the Traffic Penalty Tribunal**

**The Traffic Penalty Tribunal is an independent tribunal where impartial lawyers consider appeals by motorists and vehicle owners whose vehicles have been issued with:**

- a) Penalty Charge Notices (or have been removed or clamped) by councils in England and Wales enforcing parking under the Road Traffic Act and the Traffic Management Act 2004.
- b) Penalty Charge Notices by councils in England undertaking civil bus lane enforcement under The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations (2005 SI No 2757).

The Traffic Penalty Tribunal has its headquarters in Manchester but operates across England (outside London) and Wales with its Adjudicators and Hearing Centre Supervisors working remotely and from hearing venues in over 70 locations. The Traffic Penalty Tribunal deals with some 10,000 plus appeals per annum and has 32 Adjudicators including a Chief Adjudicator, 15 Hearing Centre Supervisors and twenty staff. Appellants and Councils are given a named Appeals Coordinator who will handle the administration of their appeal from the Notice of Appeal through to the Decision being issued. The Adjudicator's function is to decide the appeals and issue any directions required for the management of appeals.

The Traffic Penalty Tribunal comes under the supervision Administrative Justice and Tribunals Council which has established a Framework of Standards for Tribunals which states that tribunals should:

- Be independent
- Provide open, fair and impartial hearings
- Be accessible to users
- Focus on the needs of users
- Offer cost effective procedures
- Be properly resourced and organised
- Work with first tier decision makers to improve the "end to end" experience for the user.

A principal objective of the Traffic Penalty Tribunal is to provide independent, impartial, and well considered decisions based on fact and law in a way that is user-focused, efficient, timely, helpful and readily accessible.

Both parties, Councils and Appellants, have a right to a personal hearing but alternatively may agree to have a postal hearing and, more recently, a hearing by telephone. The Traffic Penalty Tribunal is also actively encouraging councils to provide the facility for appellants to appeal on line.

Technology is central to the whole operation. A new case management system introduced in 2006 has enabled the tribunal to handle cases and communicate with all parties in a more effective way. The Traffic Penalty Tribunal is actively working with councils and IT suppliers to promote electronic transfer of evidence which will provide efficiency savings for both councils and the tribunal.

For more information about The Traffic Penalty Tribunal, members may wish to visit the tribunal's web site at [www.trafficpenaltytribunal.gov.uk](http://www.trafficpenaltytribunal.gov.uk).

### Joint Committee Primary Objectives

The agreed primary objectives of the Joint Committees are the provision of:

- a) A fair adjudication service for Appellants including visible independence of adjudicators from the authorities in whose areas they are working
- b) Consistency of adjudication across the service
- c) A cost effective and equitable adjudication service for all Parking Authorities and Bus Lane authorities in England and Wales
- d) Flexibility to deal with a wide range of local authorities with varying levels of demand for adjudication.



### Role of Joint Committee Members

**The role of Joint Committee Members of the Joint Committee is to oversee the functions The Traffic Penalty Tribunal as an Independent Tribunal. There is not a role as such in respect of the parking/bus lane enforcement activities of the Local Authority they represent on the Joint Committee. In addition, the role is to oversee any agreed PATROL initiatives e.g. commissioning Independent Reviews and the provision of public information.**

Typically agenda items will include:

- Appointment of adjudicators
- New member councils
- Budgets
- Budget monitoring
- Service Charges to user councils
- General progress and service standards
- Other relevant items of interest to the Joint Committee in exercising its duties

Members elect a Chair, Vice Chair and in the case of the PATROLAJC, an Assistant Chair. Meetings are attended by the Chair of the Advisory Board, the Chief Adjudicator and Head of Service.

### Joint Committee Meetings

The Joint Committees are scheduled to meet at least twice a year, usually in the Midlands. The PATROLAJC has established an Executive Sub-Committee. This means that under normal circumstances the full Joint Committees need only meet annually in June, with the Executive Sub-Committees meeting in January. Where possible, parking, and bus lane Joint Committee meetings are held on the same day. Papers for the meetings are posted on the Manchester City Council's web site under Council Meetings and Minutes or through the following link

[http://www.manchester.gov.uk/site/scripts/meetings\\_committees.php?headerID=52](http://www.manchester.gov.uk/site/scripts/meetings_committees.php?headerID=52)

### Lead Authority and Lead Officer Role

Because the Joint Committees have no corporate status and cannot therefore contract, one of the constituent Councils has been appointed Lead Authority to enable goods and services to be provided on behalf of the Joint Committees. Initially Manchester has been appointed the Lead Authority.

The Joint Committees have delegated decision making in relation to the majority of day to day matters to a "Lead Officer" (initially the Lead Officer is the Chief Executive of Manchester) or to the Chief Parking Adjudicator/Bus Lane Adjudicator, depending on the subject matter. For the most part the Head of Service of Joint Committee Services acts on behalf of the "Lead Officer".

Except in the case of urgent business, the Lead Officer, in exercising the functions delegated to him, is required to consult with an officer working party (the Advisory Board) comprising the Lead Officer plus up to eleven people, including: seven representatives of local authorities with at least

one representing: an English Authority; a Welsh Authority; a District Council; a County Council; a Unitary or Metropolitan Council and a bus lane enforcement council. Representatives of the Department for Transport and National Assembly for Wales have been appointed members of the Advisory Board. There are also two other representatives, a lay member who is a member of the Lord Chancellor's judiciary appointments panel and a representative from a motoring organisation.

### **Joint Committee Agreement**

The form of the PATROLAJC and BLASJC Agreements has been the subject of detailed negotiations the initial parties. Their final form has been approved by leading Counsel. For this reason it is requested that joining councils do not seek to make changes to the terms of the Agreements.

Whilst the Agreements provide for the terms on which the Joint Committees are to operate, including making provision for the joining of new members and for the appointment of a Lead Authority, they do not set out in detail the amount of contributions required from member councils. These contributions are decided by the Joint Committee and are set at a level which should not be prohibitive to any council wishing to join the Joint Committee. These charges will be reviewed annually by the Joint Committees at their January meetings.

### **Feedback**

I trust that this briefing pack has been useful. If you have any comments on how this might be improved, please do not hesitate to contact me.

Louise Hutchinson  
Head of Service  
Joint Committee Services  
PATROL  
Barlow House  
Minshull Street  
Manchester  
M1 3DZ

Direct Line: 0161 242 5270  
Email: [lhutchinson@patrol-uk.info](mailto:lhutchinson@patrol-uk.info)

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**Outside London Joint Committee**

**Review of Parking Documentation and Notices in relation  
to the Traffic Management Act 2004**

**Terms of Reference**

**Background**

There has been a history of poor parking documentation on the part of some local authorities giving rise to critical decisions from Adjudicators and findings that the deficiencies have rendered the Penalty Charge Notice (PCN) unenforceable.

There has been a significant increase in appellants relying on defective documentation as their ground of appeal, even though the facts support a finding that a parking contravention occurred. Adjudicators do not find these submissions attractive but nevertheless must have regard to the integrity of the statutory process.

The content of a PCN issued under the Road Traffic Act 1991 (RTA) was considered by the High Court in *R v the Parking Adjudicator ex parte Barnet Local authority* where it was found that a PCN that did not comply with the statutory requirements was void and unenforceable

The Local Government Ombudsman issued a Special Report that was critical of some authorities' parking documentation, particularly Notices to Owner (NTO) that erroneously express the law so as to deter representations and Notices of Rejection (NOR) that expressly fetter the local authority's discretion.

**The Regulations**

The Traffic Management Act 2004 (TMA) has resulted in two sets of Regulations, both of which need to be read with reference to the Act itself and with reference to each other. The draft Regulations are more long-winded and obtusely worded than the equivalent RTA provisions and are complex to interpret.

- 1) The General Regulations
- 2) The Representation and Appeals Regulations (R & A Regulations)

The R & A Regulations are affirmative and it is anticipated that they will have completed their passage through the Houses of Parliament in the next two weeks. Thereafter the non-affirmative Regulations, in particular the General Regulations, will be laid and passed 28 days thereafter. However there are assurances from the Department for Transport (DfT) that they have no proposals to amend the drafts and the affirmative Regulations were welcomed by the opposition and the liberals, therefore it is not anticipated that there will be significant amendments.

Following the *Barnet* judgment Local authority lawyers are naturally cautious of producing plain English documents which might be subject to criticism.

Draft documents have been mocked up using the language of the draft Regulations and, as a result, unacceptably lengthy and incomprehensible documents have emerged. If these were used,

the purpose of the scheme and the administrative justice values of openness and transparency would be frustrated. On a practical level, incomprehensible documents will result in more queries and telephone calls from the recipients to the enforcement authority and a reluctance to settle the penalty charge.

There is a need for information and documents to be prepared specifically for Outside London because

- Parking and Traffic Regulations outside London stem from different sections of the Road Traffic 1984 Act resulting in parking contraventions being expressed in different terminology from London contraventions.
- the TMA enforcement powers are predicated on these sections and differ from London
- Differential charges apply at different levels outside London

Vehicle owners will find it helpful to immediately differentiate between London documentation and outside London documentation.

Taking these points into consideration the inevitable conclusion is that there needs to be a set of standard, plain English documents and notices for use by the enforcement authorities outside London in performing their functions under the TMA.

### **The Review Committee**

The Outside London Joint Committee (OLJC) has commissioned an independent Review into documents, notices and forms required by the TMA and associated Regulations. Stephen Sauvain Q.C., editor of the Highways Encyclopaedia who has particular experience in this field has agreed to chair the Review panel.

The composition of the Review Committee reflects the independence, impartiality and legal expertise required for such a review. Members of the Review Commission will be:

**Anne Seex**, Local Government Ombudsman

**Professor John Raine**, Institute of Local Government Studies, University of Birmingham

**Sheila Rainger**, Head of Campaigns, RAC

**John Rushton**, Managing Director, Small Back Room with expertise in design and accessibility issues

**Chris Bramham**, Solicitor, Leeds City Local authority

**Ian Martin**, Parking Manager, Sandwell Metropolitan Borough Local authority and representing all the outside London Local authorities in the Local Authority Special Interest Group of the British Parking Association and

**Graham Marsh**, Parking Manager, Manchester City Local authority

**Andrew Pulham**, Parking Manager. East Herts District Local authority

**John Satchwell**, (Bournemouth Borough Local authority) Chair of Joint Committee's Advisory Board

**Derek McEwen**, Parking, Manager, Denbighshire County Local authority

It is a matter for the Chairman as to how many meetings he wishes to hold, although he may feel that most of the liaison can be done through email. It is understood that the proposed members of the Committee are prepared to attend at least one meeting, in Manchester or London, at the Chairman's convenience.

A paper will be prepared in advance of the Review Committee considering each specimen document on a piece meal basis and samples will be provided. The suggested timetable for consideration of documents is:

- |                                      |                |
|--------------------------------------|----------------|
| a) Regulation 9 PCN                  | Early January  |
| b) Regulation 10 PCN                 | By 14 January  |
| c) Notice to Owner                   | By 31 January  |
| d) Notice of Rejection               | By 14 February |
| e) Charge Certificate & Final Report | By 29 February |

The secretariat will be provided by the Joint Committee with liaison through Jackie Gloag who may be contacted on 0161 242 5277. The Secretariat will coordinate any submission of documents to the Review Committee and convene meetings as required.

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**Terms of Reference**

**The Review Committee is requested to:**

- 1 Review the parking documentation used by local authorities outside London in the course of enforcement of parking and traffic regulation.
- 2 Provide a brief overview of issues that have arisen under the RTA scheme in terms of local authority notices and documents.
- 3 Make recommendations, for specimen documents to be used by local authorities outside London for civil enforcement of parking in compliance with the requirements of the TMA and associated regulations.
- 4 Recommend sample standard notices and letters required by The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (Appendix1) and The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (Appendix2) in accordance with the following priority list:
  - (a) the Regulation 9 PCN having regard to the provisions of the Schedule of the General Regulations and Regulation 3 of the R&A Regulations
  - (b) the Notice to Owner
  - (c) the General Regulations PCN to comply with the three circumstances set out in Regulation 10(c) of the General Regulations
  - (d) the Notice of Rejection
  - (e) the Charge Certificate
5. Provide more general recommendations regarding local authority correspondence. (The Local Government Ombudsman special report on parking documentation dealt with some of the issues that have arisen under the RTA scheme and over the years the Adjudicators have commented upon local authority correspondence both in the form and the expressions used, particularly where it conveys the impression of fettering the local authority discretion).
6. Undertake a staged approach to the documentation and produce recommendations as each stage of the review is completed, in accordance with the priority order set out above.
7. Produce a final report for consideration by Joint Committee by 29th February for consideration at a special meeting of the Joint Committee in March 2007 (date to be confirmed).

**In making their recommendations, the Review Committee is requested to:**

1. Have regard to legal requirements of the Act and the importance of documentation being easily understood by the public with communication which aims to improve people's knowledge and understanding of their rights and responsibilities in relation to parking enforcement
2. Consider draft specimen documents, Parking Adjudicators Decisions which involve documents that have been subject to challenge or criticism and other relevant documentation including reports from the Local Government Ombudsman
3. Take into consideration technical implications for software and print suppliers to the parking industry

December2007

**Glossary of Terms**

<b>DfT</b>	Department for Transport
<b>RTA</b>	Road Traffic Act 1991
<b>TMA</b>	Traffic Management Act 2004
<b>R&amp;A Regulations</b>	The Representation and Appeals Regulations
<b>PCN</b>	Penalty Charge Notice
<b>NTO</b>	Notice to Owner
<b>NOR</b>	Notice of Rejection
<b>OLJC</b>	Outside London Joint Committee