



PARKING POLICIES

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1. THE NEED FOR A POLICY

The management of parking is one of the most effective means of tackling congestion and its more serious consequences e.g. increased air pollution, delay and unreliability of public transport services. However, the ease and convenience with which visitors and shoppers can access a location by car can have a major influence on the location's overall success and in particular its economic vitality and viability.

This important role for parking was recognised in the Government's 1998 White Paper "A New Deal for Transport: Better for Everyone" which emphasised the need for the integration of land use and transport policies. Planning Policy Guidance Note 13 on Transport states at section 49 "The availability of car parking has a major influence on the means of transport people choose for their journeys. Some studies suggest that levels of parking can be more significant than levels of public transport provision in determining means of travel (particularly for the journey to work) even for locations very well served by public transport".

2. WHAT WILL THESE POLICIES DO?

This document sets out a overall parking policy for West Berkshire. It is linked to the second Local Transport Plan (LTP2).

It will:

- establish objectives for the effective management of parking in West Berkshire, consistent with Government and Regional policies on travel choice and sustainable development;
- provide advice on the control of the supply of parking in new developments in order to support travel by non-car modes;
- regulate the cost and availability of public spaces to give higher priority to short stay parking in town centres;
- regulate on-street parking through controlled parking zones and, Civil Parking Enforcement;
- enable consistent local area parking management plans to be developed.

The key elements of the policy are set out in the appendices which can be updated and amended as the need arises in the future.

3. THE POLICY OBJECTIVES

The strategy aims to complement policies to reduce traffic growth by controlling the availability of parking spaces, both on and off street, and by managing the overall supply to meet priority uses. In this way, the management of parking can support policies to promote economic development and support town centres by assisting with the reduction in the levels of congestion.

The objectives of the policy are to:

- **Manage travel demand:** by the integration of transport and land use planning at all levels, so that transport and planning work together to support more sustainable travel choices and forms of development;
- **Reduce the need to travel:** by locating major traffic generators in existing centres where they can be reached without needing a car;
- **Introduce restraint-based parking standards:** by avoiding the over-provision of parking spaces through the replacement of minimum with maximum parking standards;
- **Sustain and enhance the vitality and viability of town centres:** by the introduction of transport policies which support the prosperity of town centres and provide a balance of good public transport and short stay parking;
- **Effectively manage the total parking supply:** by developing parking management plans which include all types of parking and consider short stay priorities, regulation, charges and enforcement.

The policy is based upon a number of key principles:

- Parking Management Plans will need to cover all aspects of parking supply;
- Parking Management Plans will need to ensure effective enforcement of both on and off street parking;
- Parking charges may be used in high demand areas to manage the supply of parking spaces;
- Parking Management Plans should ensure that the specific parking needs of local residents are considered;
- In town centres convenient, short stay parking will be given priority;
- Long stay parking spaces will be provided in less convenient locations, generally on the periphery of town centres;
- The quantity and cost of long stay parking should seek to discourage commuting wholly by car.

4 POLICY CONTEXT

4.1 Legislation

4.1.1 Legal Background

In law, highways/roads are provided for the free movement of goods and people, and parking can be an obstruction. However in recognition of the demand to park and the need to control that parking, legislation exists to prohibit parking (waiting) and to provide spaces where vehicles can be legally parked.

The Road Traffic Regulation Act 1984 (RTRA 1984) and Road Traffic Regulation (Parking) Act 1986, empower the County Council to control waiting and loading and to provide parking places where it is necessary for the purpose of relieving or preventing traffic congestion. Parking can be provided free of charge, or a charge may be made.

Traffic Signs and markings need to be used that comply with the Traffic Signs Regulations and General Directions 2002 (TSRGD 2002).

4.1.2 The Traffic Management Act 2004

The Traffic Management Act (TMA) received Royal Assent on the 22nd July 2004. The main objective is to reduce congestion and disruption on the road network. The TMA sets out certain Network Management Duties, to help and encourage local traffic authorities to achieve its traffic aims:

- More effective co-ordination by highway authorities of the various works carried out in the street, whether these are authority road works, utility street works or miscellaneous activities such as the placing of skips, scaffolds and deposits on the highway
- Co-ordination of any operation that may effect the highway network for example refuse collection, deliveries, school transport and events such as carnivals, sporting events etc
- Introducing a range of new powers to allow utility works to be better controlled by the introduction of The Traffic Management Permit Scheme 2007. Allowing certain contraventions of the law, such as parking offences, to be dealt with by civil means by Civil Enforcement Officers, rather than through the criminal process.

The Traffic Management Act is in seven parts:

1. Traffic Officers
2. Network Management by Local Traffic Authorities
3. Permit Schemes, Street works and Fixed Penalty Notices
4. Street Works
5. Highways and Roads

- 6. Civil Enforcement of Traffic Contraventions
- 7. Miscellaneous & General

Part 6 of the Act, which came into force in April 2008, provides a single framework for the civil enforcement by local authorities of parking and waiting restrictions, bus lane restrictions and some moving traffic offences. This Part enables regulations to be made giving authorities outside London civil enforcement powers to cover some moving traffic offences (such as ignoring the rules at box junctions and banned turns) on the basis of camera evidence or the statement of a civil enforcement officer, and giving additional powers in respect of parking enforcement in areas outside London equivalent to those which already exist in London.

4.2 National and Regional Guidance

4.2.1 White Paper: A New Deal for Transport: Better for Everyone

The White Paper addresses a wide range of transport issues from cycle parking to the imposition of congestion charges and workplace parking levies, the power for which was introduced by the Transport Act 2000.

4.2.2 Transport 2010

Published in July 2000 this builds upon the White Paper and sets out the Government's funding intentions for transport initiatives.

4.2.3 Planning Policy Guidance and Statements

Planning Policy Guidance Notes (PPGs) and their replacements **Planning Policy Statements** (PPSs) are prepared by the Government to explain statutory provisions and provide guidance to local authorities and others on planning policy and the operation of the planning system. They also explain the relationship between planning policies and other policies that have an important bearing on issues of development and land use.

Planning Policy Statement 3 (PPS3): Housing states that Local Planning Authorities should, with stakeholders and communities, develop residential parking policies for their areas, taking account of expected levels of car ownership, the importance of promoting good design and the need to use land efficiently.

As a guide to establishing parking policies that support sustainable development, PPG3, the predecessor of PPS3, points to an upper threshold of 1.5 spaces per dwelling on average. It is to be expected that, with a sustainable approach to parking, local authorities will revise their parking standards to allow for significantly lower levels of parking than have been the case recently, particularly for developments:

- in locations where services are readily accessible by walking, cycling or public transport;
- which provide housing where the demand for parking is likely to be less than for family housing;

- which involve conversions where off-street parking is less likely to be successfully designed into the scheme.

Whatever format of parking is chosen, special account needs to be taken of those with restricted mobility, especially in getting in and out of parked cars and approaching the front door of a house.

Planning Policy Guidance Note 13: Transport (PPG13) requires development plans to set maximum levels of car parking provision for broad classes of development. The region exhibits a wide range of social and economic circumstances that necessitates a flexible approach to identifying appropriate levels of car parking. Such an approach should provide a level of accessibility by private car that is consistent with the overall balance of the transport system at the local level. Nevertheless, the constraints that will continue to exist in terms of the capacity of the transport system, when coupled with the need to rebalance the use of the transport system, means that overall local authorities should seek a level of parking provision that is more demanding than that set out in PPG13.

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Planning Policy Statement 6 (PPS6) has replaced PPG6 (Town Centres and Retail Developments). Key areas of policy emerging from this document in relation to parking policy include:

- Local planning authorities should assess the extent to which development proposals have been tailored to meet the Government's objectives as set out in PPG13.
- Developers and operators should consider reduced or reconfigured car parking areas
- New developments should be accessible by multiple forms of transport.

Planning Policy Statement 12: Local Development Frameworks (PPS12) which sets out the government's policy on the preparation of local development documents contains the following policy advice on the integration of transport and land-use policies:

B9. The integration of transport and spatial planning is central to the development and delivery of effective local development frameworks. Local transport policies need to reflect and support the aims of the core strategy development plan document. Land use planning, in turn, needs to take account of the existing transport network and plans for its development.

B10. To deliver integration, local development documents outside London should be consistent with the local transport planning policies of the local transport authority for their area. The local transport plan sets out the local authority's transport policies and

detailed investment priorities over a five year period. The first local transport plans cover the period up to 2005/6 and the second 2006/7 onward. These should be consistent with the regional transport strategy, an integral part of the regional spatial strategy.

B11. Consistency between local development documents and local transport planning policy (as set out in the local transport plan or equivalent) is particularly crucial in shire counties where the district authority prepares local development documents and the county is responsible for transport planning.

The South East Plan is a full revision of Regional Planning Guidance 9 (RPG9 - the current Regional Spatial Strategy for the South East) to cover the period to 2026. It is not considered a minor amendment of RPG9.

The Plan requires that Local Development Documents and Local Transport Plans should seek to achieve a re-balancing of the transport system in favour of non-car modes and should be based upon an integrated package of measures reflecting, inter alia, "the scale of provision and management (including pricing) of car parking both on and off street".

They should also include policies and proposals for the management of the total parking stock.

Policy T7: Parking states:

Local Development Documents and Local Transport Plans should, in combination:

- i adopt restraint-based maximum levels of parking provision for non-residential developments, linked to an integrated programme of public transport and accessibility improvements;
- ii Set maximum parking standards for B1 land uses within the range 1:30 m² and 1:100m²;
- iii Set maximum parking standards for other non-residential land uses in line with PPG13, reducing provision below this in locations with good public transport;
- iv Include policies and proposals for the management of the total parking stock within regional hubs that are consistent with these limits;
- v Apply guidance set out in PPG3 on residential parking standards, reflecting local circumstances;
- vi Support an increase in the provision in parking at rail stations where appropriate;
- vii Ensure the provision of sufficient cycle parking at new developments including secure cycle storage for new flats and houses which lack garages.

The document recognizes that “The health and survival of small retailers and services in towns that are not primary retail destinations is highly dependent on convenient and available parking. Care needs to be taken not to discourage visits whilst at the same time minimising car use and prioritising the needs of pedestrians where possible. It is recognised that minimal car usage does not always mean minimal parking provision.

4.2.4 Berkshire Structure Plan 2001-2016

The Berkshire Structure Plan 2001-2016 was adopted by the Secretary of State on the 15th July 2005. The responsibility for preparing the Structure Plan lay with the six unitary authorities: Bracknell Forest Borough Council, Reading Borough Council, The Royal Borough of Windsor and Maidenhead, Slough Borough Council, West Berkshire Council and Wokingham District Council.

The Plan includes specific parking policies:

Policy T5: Car Parking

1. Car parking will be planned so as to bring about a decrease in the rate of growth of car travel and, particularly in urban areas, achieve a decrease in the proportion of trips undertaken by car. The Councils will set maximum parking standards which:
 - i. avoid the diversion of development from one area to another, by ensuring compatibility of policy between Berkshire Authorities and adjoining areas, including Greater London;
 - ii. avoid creating incentives to peripheral development;
 - iii. reflect the accessibility of the location by means other than the private car, including any known future changes in accessibility.
2. Local Plans will set maximum parking standards for broad classes of development, which seek to achieve the aims of this policy while taking account of the criteria above. Maximum standards for major developments within Use Class B1 will be set within the range of one space per 35 sq.m. to 100 sq.m. Local Plans will show the basis for, and justification for, those standards and will keep them under review.

Policy T6: Park and Ride

1. Park and ride, including extensions to existing park and ride sites, will be supported where it forms part of an integrated transport strategy for the area concerned. Schemes will be assessed against the following principles:
 - i. the chosen site should be the most sustainable option and all reasonable steps should have been taken to minimize its environmental impact and (in the case of sites within the Green Belt) demonstrate that no suitable non-Green Belt alternative exists;
 - ii. they should incorporate appropriate measures to provide a standard of public transport service between the site and the town centre that will be attractive to those currently making car journeys to the centre;

- iii. town centre parking should be managed so as to secure a reduction in traffic and congestion;
 - iv. the scheme should not compromise the efficient operation of the primary route network.
2. The determining Authority will ensure that adequate planning controls are applied, to ensure that the site reverts to uses appropriate to its location in the event that its use for park and ride ceases.

4.2.5 West Berkshire District Local Plan

The Car Parking Strategy and Pricing Policy states:

- i. Parking, both on and off-street, will be strictly controlled in town centres and other accessible locations to make the best use of land. The presumption in town centres should be that such parking is allocated to, or favours in its pricing policy, short stay visits rather than long stay. This will encourage more people to walk and cycle and the greater use of public transport and help to protect and enhance the visual qualities of these historic areas. In Newbury town centre, the Local Transport Plan's car parking strategy is to transfer long stay parking primarily for commuters to the fringes of the town centre, to revise car parking charges/permissible length of stay in public car parks to favour short-term rather than long term parking and to remove on-street parking in the town centre as part of the pedestrianisation scheme.
- ii. Within the Town Centre Commercial Area (TCCA), the Council will seek to ensure that all new parking provision for commercial or retail development is made available for public use as shared provision at appropriate times. The design and security of such parking areas should reflect this requirement.

4.2.6 West Berkshire Local Transport Plan (LTP2) 2006/07-2010/11

West Berkshire's vision for transport is "to develop effective sustainable transport solutions for all". This means delivering a transport system which supports the economic vitality of West Berkshire as well as providing opportunities for people to get to the services they need, in a way that does not harm the environment of the district and beyond. It also means that this has to be done in a way that makes best use of the resources available.

Five key objectives have been identified in consultation with stakeholders as the basis for taking forward LTP2. These are:

- To improve travel choice and encourage sustainable travel;
- To maintain and make the best use of West Berkshire's transport assets for all modes;
- To improve access to employment, education, healthcare, retail and leisure opportunities;
- To improve and promote opportunities for healthy and safe travel;
- To minimise the impact of all forms of travel on the environment.

A long term transport strategy to guide the delivery of work driven by the objectives has been established based on the principles of “reduce, manage and invest”. The first assessment will be to **reduce** the issue demanding attention such as, in road safety terms, measures to prevent collisions from occurring. If reduction measures are inappropriate, efforts will be made to **manage** the matter. For example, better information on car parking would allow best use to be made of existing spaces. Only if these two assessments are inappropriate will the action be to **invest**, most commonly via addition to travel capacity either by more buses or a new section of road. Once the decision has been taken to invest, a two-stage approach is outlined. This determines which schemes go forward for implementation based on a number of key criteria including maximising value for money and the objectives of LTP2.

With regard to the development of a Parking Strategy, LTP2 states:

“Another piece of detailed work that will further inform LTP2 is around the Parking Strategy. This element of work is on-going and will impact directly upon decisions made when the strategy is concluded. The emerging Parking Strategy links directly to accessibility in respect of car parking numbers and to congestion and air quality in respect of the potential for a coherent and co-ordinated strategy for the Newbury / Thatcham area. Currently investigations are taking place around linking parking requirements with the accessibility of the location to key facilities and transport networks (via Accession modelling). The traditional method of calculating car parking, based on a ratio relating to the amount of space or units created, does not clearly take account of the location of the development and related transport opportunities.

In relation to parking specifically in Newbury, work is progressing toward a strategy based on an outer ring of long stay spaces with shorter term parking nearer the centre. Pricing and information systems are being investigated to ensure choices can be made in light of available information.”

5 MANAGING PARKING

5.1 Civil Parking Enforcement (formerly Decriminalised Parking Enforcement)

The process which is now generally referred to as "decriminalisation" is a consequence of the opportunity included as an aspect of the Road Traffic Act 1991 that local authorities can apply to the DfT to transfer the responsibility for parking enforcement from the local Police to themselves. These powers were decided upon as a consequence of increasing dissatisfaction with the criminal system of justice as applied to parking enforcement, particularly in London. The Police priorities for enforcement, their ability to meet the growing and changing needs for enforcement, and the ability of the court system to cope with the consequences of non-payment of parking tickets all contributed to the pressure to introduce fundamental change to the system.

The position now is that all of the London Boroughs have implemented the powers, and there is a steady growth in interest outside of London at the adoption of the powers. A

significant number of non-London authorities (c.200), including most neighbouring Councils, have introduced DPE.

A summary of the CPE procedures and the effect of the Traffic Management Act are provided in Appendix 6.1.

As required in the Government Guidance, when the Civil Enforcement Areas cover the whole of the region, it will be important to ensure that Civil Parking Enforcement is managed and operated in a consistent, uniform and appropriate manner in all areas. Issues which will need to be considered include:

- Public Consultations
- Staff Training and Qualifications
- Enforcement Policies
 - Staff deployment
 - Identification of contraventions
 - Observation rules
 - Civil Enforcement Officers' discretionary powers
- Permit management
 - Processing
 - Cancellation policy
 - Debt recovery
- Annual Reports
 - Data collection
 - Publicity
- Policy review

These issues are considered in appendix D.

5.2 Co-ordination with the Police

Whilst the primary duty of parking enforcement will be transferred to the Council, the enforcement of most moving traffic offences will remain with the Police. It is important that there is a good working relationship between the Police and the Council. There are opportunities for mutually beneficial information sharing and support which should not be lost by the transfer of powers. In order to achieve a continuing good working relationship between the parties, the Council will seek to agree Memoranda of Understanding. A pro-forma draft is included at appendix 5.

6 PUBLIC CAR PARKING

The different categories of public parking are long and short stay, regulated and unregulated, free and charged, on and off street. These need to be addressed in the preparation of parking plans. Parking management policies on maximum duration of stay, charges and enforcement levels can all be used to influence travel demand.

The controls, which an authority has available to it, or chooses to use, will depend upon the type of area and its level of ownership of off-street spaces. At one extreme,

on-street controls and charging will be minimal where parking densities are low and do not affect highway operations. Elsewhere, probably in larger centres, parking demands will create on-street pressures and congestion, which may require greater control to satisfy priority demands.

Parking demands place pressure on the control and management of spaces through the competition for spaces. This is most evident on street around major attractors, such as railway stations where commuters and residents compete for limited spaces. In town centres the parking supply must accommodate a range of short and long stay uses, which may result in queues at car parks or excessive circulation in search of spaces.

6.1 Off Street Parking

Wherever possible the Council will seek to influence charging regimes, specifically in the urban areas, to influence demand and balance the needs of commuters or employees (i.e. long stay parking) and the requirements of local businesses and shoppers (i.e. short stay parking).

During the period of the LTP2 the Council will encourage the development of strategies for car park charges that benefit short stay over long stay parking. Not only will this approach encourage shopping and support economic activity, it will also incentivise more sustainable and congestion friendly travel to work. The Council will continue to work with local businesses and employees to encourage the use of long stay car parks, Park & Ride, car sharing, public transport, cycling and walking for the work journey.

This approach also needs to reflect the rural nature of much of the Council area, which means that for many people the car remains the most suitable means of transport. It is important, therefore, to ensure that parking rates for employees are set at levels that do not prevent local businesses recruiting staff.

6.2 Prioritising the supply of parking

Controlling the type, availability and location of parking can also influence travel demand. Locating public transport and sustainable transport facilities (e.g. cycle parking) closer to the main attractions rather than car parking in a town centre can make these modes more attractive; whilst prioritising parking spaces in car parks, such as locating car share spaces closest to the exit, can also influence modal choice.

6.3 Privately Operated Public Car Parks

In some town centres there are privately operated public car parks. The Council believes that it is essential to the effectiveness of car park management that the

operation and tariff structures of these car parks is compatible with that applying at car parks managed by the Council.

Accordingly, the Council will seek to enter into management agreements with private car park operators. The management agreements will seek to achieve:

- Co-ordinated tariff structures which support the Council's policy of giving preference to short stay parking in town centres;
- Co-ordinated signage and information boards;
- Adequate provision for those with special needs.

6.4 On-Street Parking

The main issue concerning designated areas of regulated parking is how controls are managed, charged and enforced. In many parts of the Council area there will be little or no need for on-street controls apart from selective waiting restrictions applied for safety or capacity reasons. More stringent controls are more likely to be required in town centres, commercial areas or around railway stations where competition for spaces will be greater.

Where competition for spaces occurs, priority will normally be given to short stay parking. Longer stay commuter parking will be discouraged in town centres as it will reduce the opportunity for shorter stay parking which is vital to local economy. Subject to the needs of residents being safeguarded, long stay parking will be directed towards the periphery of town centres. Short stay parking should be conveniently situated for shoppers and visitors. Long stay parking should preferably be located in areas within walking distance of centres.

Parking controls will be applied selectively in order to address specific problems and will not be used unnecessarily. Limited waiting pay and display spaces close to neighbourhood shopping centres may be introduced in order to provide adequate short stay spaces without the need for more extensive controls. In larger areas where conflicts are likely to be more widespread, the introduction of controlled parking zones will be introduced to manage area-wide parking issues.

6.5 Objectives of On-Street Parking Control

- To remove the danger to other road users caused by obstructive parking;
- To ensure adequate road space is available for the free movement of all road users;
- To regulate and control the parking of vehicles, as far as is possible, to such places and times as are convenient to all road users and the needs of the community.
- To ensure a fair distribution of suitable on-street parking space, within competing demands and resources available.

- To reduce the need to travel by private car and encourage the use of alternative means
- To minimise the adverse effects of motorised transport on the environment and health
- To improve accessibility, particularly for non-car owners and people with mobility or sensory impairment.
- To maximise parking in off-street car parks.
- To enable the safe servicing of industrial and commercial premises.
- To reduce personal injury accidents.
- To provide a level of enforcement commensurate with the scale of contravention and the finances available

6.6 RESIDENTS PARKING

In recent years there has sometimes been intense competition for on-street parking in the residential roads around Newbury, Hungerford, Pangbourne and Theale. Investigation has shown that increased levels of car ownership in each household has reduced the amount of parking available and that on weekdays the parking spaces in these roads are being taken by commuters who do not want to pay parking fees.

To alleviate the problem for the benefit of residents' the Council has introduced a number of Resident Parking Schemes. Residents within these schemes may buy permits that allow them to park in sections of the road dedicated to resident's parking, or which exempt them from the parking restrictions in place. Both the parking spaces available to non-residents and the length of time they may park are restricted. There are exemptions within the schemes for visits by family and friends.

The overall aim of the scheme is to:

- Give residents priority over others for the available parking space;
- Improve access to and reduce congestion in the residential streets.

Permits are limited to a maximum of two per property; although this may need to vary in some zones.

Charges will be made for residents and visitor parking permits. Blue Badge Holders are exempt from payment.

Arrangements are available for carers, builders, removals and funerals.

The Council has developed Residents Parking Policy and more detail is provided in Appendix 3.

6.7 PARKING PROVISION FOR THOSE WITH SPECIAL NEEDS

6.7.1 The Disabled (Blue Badge Holders)

Off Street

The Council will follow the general advice included in *'Parking for Disabled People'* and *'PPG13 Good Practice Guide'*, both published by the former Department for the Environment, Transport and the Regions (DETR).

For non-residential developments, 6% of parking spaces should be allocated for disabled persons. In areas of high parking restraint this may not give sufficient spaces, and additional provision may be required. Car parking spaces for people with disabilities should be larger than usual to enable a wheelchair user to transfer easily to and from a car, and thus should have minimum dimensions of 5.0m x 3.6m. Spaces for those with disabilities should be located close the pedestrian entrance/exit of the car park and an at-grade route provided to the shopping area.

The Council currently has 65 off-street disabled parking spaces within a total parking stock of 2,500 (2.6%) The Council will work towards increasing the provision to 6% of the total stock, ensuring that the spaces provided are in the most suitable locations.

Special arrangements for access by the disabled have been made at the Council's two multi-storey car parks – Kennet Centre and Northbrook in Newbury.

Entry to the car parks is obtained by taking the ticket dispensed at the entry barrier which causes the entry barrier arm to rise. Some mobility impaired motorists have insufficient arm mobility to take their ticket and to assist these customers the Council has recently installed a transponder system. The palm-sized transponder sits in the windscreen and when activated by pressing the centre of the disc it sends a signal to raise the entry and exit barriers. It is envisaged that transponders will be of most benefit to those mobility impaired persons who do not own a vehicle and rely on friends and family for transport. Initially, the transponders will be supplied free of charge, but they will not be replaced if damaged or lost.

Currently there is a separate transponder issued for each car park and the transponder issued is for dedicated use in the car park chosen. When applying for a transponder Blue Badge holders must select the car park they wish to use the transponder in and they cannot apply for a separate transponder to use in each car park. The Council hopes to overcome this problem in the near future and to make the transponders work in both car parks.

A Licence Plate Recognition System has been installed in both the multi storey car parks. This enables the licence plates of blue badge holders who are regular users of the car parks to be programmed into an operating system which then automatically raises the entry and exit barriers whenever the system reads and recognises the registration. The registration process is free of charge and it is considered this feature will benefit those blue badge holders who own a vehicle.

There is currently no charge for parking for Blue Badge Holders in any of the Council's pay to park car parks.

On Street

Specific on-street parking spaces for the disabled should be conveniently located and suitable routes provided to the shopping area.

In residential areas where on street parking is at a premium consideration will be given to the provision of special parking spaces for disabled residents. These will be marked in accordance with the regulations and will not be person specific and may be used by any disabled badge holder. The requirements for eligibility are:

1. Applicants must hold a current valid blue badge.
2. There should be no existing waiting restrictions.
3. There should be no suitable off-street parking available (e.g. drive or garage).
4. The vehicle used should be registered to the badge holder's address.
5. Safety - the vehicle parked is not likely to cause obstruction i.e. there is sufficient road width for emergency vehicles to pass, the location is not less than 10m from a junction, road space intended as turning space should not be used for marked bays (even if this practice currently occurs) etc.

Initially an advisory Disabled bay would be provided. These are generally respected but if non-disabled parking persists within the marked bay a formal traffic regulation order will be considered.

6.7.2 Doctors

Consideration will be given to the provision of specific on-street parking spaces for a legally qualified medical practitioner where there is no off street parking available at the surgery and who may be called to medical emergencies away from the surgery. This will not apply at a doctor's residential property. Any spaces so provided will be marked in accordance with the regulations.

6.7.3 Carers

Numerous care organisations are now operating in the area 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 the 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 withdraw.

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.

6.8 SPECIALIST PARKING

6.8.1 Parking for Heavy Goods Vehicles

The on-street parking of heavy goods vehicles in residential areas will be discouraged and where necessary controlling traffic regulation orders will be introduced.

The Council will work to ensure that adequate overnight off street parking facilities are provided for heavy goods vehicles.

6.8.2 Loading Bays

In town centres and business areas consideration will be given to the provision of specific bays reserved for vehicles loading/unloading and nearby premises. Each individual site will be considered on its merits.

6.8.3 Taxis

The Council will work to ensure that adequate provision is made for ranks for the standing of licensed Hackney Carriages. These will be provided for access to town centres in locations where parked vehicles will not hinder normal traffic flows.

Additionally, part-time evening and overnight ranks will be considered in locations which serve the night time economy.

6.8.4 Coach Parking

The Council will work to ensure that adequate levels of off street coach parking are provided in town centres and at tourist attractions.

On street set down and pick up facilities for coach passengers will be provided where a specific need is identified and justified.

6.8.5 Parking for Powered Two Wheelers

The number of motor cycles is increasing nationally and with it the demand for parking facilities in town centres. The Council will consider requests for on street

parking bays for motor cycles and work to ensure the provision of conveniently located, secure off street provision in public car parks.

6.8.6 Cycle Parking

Nationally one third of all car trips are for less than two miles and cycling is an ideal way to make many of these local journeys and assist with the reduction of congestion and CO² emissions. In common with car journeys cycle trips end with a need for a parking facility. The Council will work to provide suitably located, safe and secure parking facilities both on and off street in town centres and at other locations where demand justifies.

6.9 Footway and Verge Parking

The Council's policy on parking on footways and verges is reproduced at Appendix 6.6.

The Highway Code says: "Do not park partially or wholly on the pavement unless signs permit it".

Under section 19 of the Road Traffic Act 1988, Heavy Goods Vehicles are banned from parking on the footway, although the section is subject to a number of exemptions; in particular an HGV may be parked on the footway when loading/unloading is in progress.

Some urban Local Authorities have adopted powers (through Local Acts) to prohibit parking on footways and verges throughout their areas. This prohibition is usually indicated by signs at the boundaries of the urban area. However, there is no national legislation prohibiting the parking of all vehicles on footways and verges, due to the wide range of circumstances where footway and verge parking occurs; in many cases because drivers have little option but to park on the footway or verge in order to avoid causing disruption to moving traffic.

Part 6 of the Traffic Management Act 2004 due to come into force in 2008 will enable action to be taken when a vehicle is parked alongside a dropped kerb in a Special Enforcement Area.

7 PUBLICITY AND INFORMATION

The Council will ensure that details of the location of all public parking facilities, the regulations applicable and the current costs of parking are made available to customers through:

- car park leaflets;
- pages on the Council's website.

These will be reviewed on a regular basis and where necessary updated/republished.

Information boards will be provided at all car parks. These will be kept to a simple and unambiguous format and will provide the following information:

- The controlled hours
- Any fees and charges and the times of day or days when fees and charges apply, (including specific references to the situation on Bank Holidays and public holidays);
- Information on how to pay, if fees and charges are in place (e.g. pay and display, mobile phone, etc. with essential and relevant instructions);
- Exemptions (Blue Badge, permit holders, etc);
- Any maximum stay periods / non return periods;
- What type of vehicles may or may not use the parking place;
- That a penalty charge might be incurred if the regulations are contravened;
- Whether or not vehicle immobilisation /removal is used for enforcement purposes (and what to do in the event);
- Who operates the parking place (the name of the council);
- Contact information;
- Where additional information about the Parking Places Orders and related matters can be obtained.

The Council will produce an annual report containing the following information:

i. Introduction/background

- Explanation of CPE, Council's responsibilities;
- Brief explanation of process;
- Policy context, reference back to Council's transport/parking policy documents and any previous reports.

ii. Summary of significant changes in previous 12 months. Examples:

- Introduction of CPE;
- Changes to Councils' parking and enforcement policies;
- Change/renewal of enforcement deployment;
- Significant changes to patterns and scale of enforcement operation;
- Changes to types of enforcement (e.g. bus lanes, moving orders, clamping/removal).

iii. Operational information

- Income/expenditure;
- Number of PCNs issued on/off street and by town or significant geographic area;
- Number of PCNs issued by higher or lower charge;
- PCNs paid at various rates;
- Number of and outcome of appeals;
- Any other financial and statistical data required by the Guidance.

- iv. Effectiveness of operation
 - Sample area compliance surveys;
 - Changes in accident statistics;
 - Changes in traffic flow;
 - Success in meeting policy objectives;
 - Comparison with previous years;
 - Customer feedback including interviews (residents/visitors/businesses).
- v. Future plans
 - Likely use of any surplus;
 - Changes to enforcement policies;
 - Likely changes to operation in next 12 months (and beyond).

8 SUPPORTING THE LOCAL ECONOMY

8.1 The Question

“How can parking in smaller towns be managed to best support the local economy and the needs of the local residents?”

8.2 The Parking Service

Parking is a service which has to be managed properly. A “free for all” (no restrictions, no charges, no enforcement) approach is not an option.

A good quality service will meet the needs of all of its customers – shoppers, visitors, workers and residents. The parking stock needs to be allocated to meet their differing needs. A correct allocation will ensure that the stock is used efficiently – reducing underused locations and reducing the pressure on the more popular sites. Effective enforcement will be a key element.

8.3 Economic Links

It is important to recognise the linkage between parking and the economic vitality and viability of a centre. However, parking is only one factor that will affect whether or not people visit a town. The town’s competitiveness will depend, rather more than business communities usually perceive, upon factors like the quality of the shopping experience; the proximity of competing centres; and the quality of other attractions.

8.4 Integrated Approach

Parking should be a properly integrated element of the key strategic objectives of the Council. This will ensure that appropriate measures are introduced to improve access to the centre by other modes of transport; so that as many people as possible are encouraged to use those alternatives. This will free up parking spaces for the many that do not and may never have alternative modes available to them.

8.5 Key Town Centre Objectives

Typical town centre objectives to which a parking strategy can contribute include:

- A strong economy;
- Improved accessibility;
- Quality environment;
- Improved land use.

8.6 Parking Operational Objectives

The operational objectives of a parking service should include:

- Providing a high quality service for all customers;
- Improving access to the town for all key users – shoppers, visitors, workers, residents;
- A high quality enforcement regime controlling illegal parking and reducing its impact on traffic movement;
- The creation of a revenue income for the Councils for use on projects, some of which should be designed to stimulate the use of alternative modes of travel.

8.7 The Customers' requirements

The customer, whether a shopper, visitor, worker or resident, will have certain expectations:

- That a high quality, well signed car park will be available in a location convenient to his/her requirements;
- That a parking space will be available and that he/she will be able to park for as long as they require;
- That the car park will be well laid out, well lit, safe and secure (for both the vehicle and the occupants); and
- That the cost will be fair; reflecting the quality of the facility.

It is important to note that for many car park users the last "requirement" – the cost of parking – is actually the least important consideration. This is particularly the case with visitors who are usually more concerned about locating a convenient parking space than the cost of parking. This is also true, but to a lesser extent, with shoppers. However, workers, visiting every day, will usually seek a cheaper, albeit more remote, car park.

8.8 Meeting the Customers Requirements

Shoppers

- Needs will depend on the shopping experience available in the town;
- The larger the shopping centre, the longer the shopping stay;

- The shorter the stay, the closer to the shops the shopper will expect to park.

Visitors

- Needs will vary from location to location;
- Day visitors to a tourist destination may require 3-5 hours parking;
- Will need clear direction signing to the car parks and the visitor attractions.

Workers

- Either full time needing all day parking; or
- Part time needing, perhaps 4 hours parking;
- Parking fees may be a significant cost for low paid workers, who may be tempted to try to locate “free” parking away from the car parks.

Town Centre Residents

- Will seek to park close to home;
- Main needs likely to be late afternoon, evenings and weekends;
- Will not wish “their” street to be full of other peoples’ vehicles;
- May seek low cost permit parking even where it is not justified.

Local Businesses

- Require access for servicing and deliveries;
- Require convenient, low cost parking for their customers as close to the premises as possible.

Meeting all the Various Requirements

This can be achieved as far as possible by the provision of:

- Integrated management of on and off street parking;
- A well structured charging regime for both on and off street parking;
- A charging structure that reflects the needs of the individual towns;
- A charging structure that reflects the varying needs of all of the users of the service.

To achieve this, a parking service would need to provide:

- Some on street short duration parking with charges at least as high as the nearest off street parking; charging in small time increments (20-30 minutes);
- Short stay, higher cost off street parking closest to central shopping areas; maximum stay say 2 hours;
- Short and medium stay parking further from the centre for longer trips and in tourist centres conveniently located for the attractions;
- Long stay parking at a greater distance with tariffs set to suit both full and part time workers;
- Where circumstances demand permit parking arrangements in residential areas.

In all cases the tariffs would need to be set at a level which reflects the nature of the town; at a level which will ensure proper management of the parking service whilst not having an adverse effect on the local economy. Tariffs should be set in line with the perceived attractiveness of individual urban areas, with the assumption that the more attractive areas can sustain higher charges. It is also important to remember that in the more rural areas of the county there are few, if any, suitable alternative modes of transport available to residents.

The application of a structured charging regime should seek to maintain and, if possible, enhance the economic vitality and viability of the individual towns without increasing unnecessary competition between centres and the consequent increase in travel.

8.9 Seven Day Charging

The nature of retailing has changed in recent years and the shops in many town centres are now open every day of the week. Traditionally council's have charged for parking from Monday to Saturday and made no charge on Sundays. However, it is now considered to be reasonable to charge the Sunday shopper and the Council has implemented seven day charging in Newbury.

9.0 BUS LANE CAMERA ENFORCEMENT

Passage over the Parkway Bridge in Newbury is restricted to buses, taxis and two-wheel vehicles only. All other vehicles crossing the bridge at any time will incur a penalty charge notice. Through powers given by the Department for Transport the Council has made a Traffic Order to restrict access over the bridge to buses and taxis only. A bus lane is defined in S144 of the Transport Act 2000 and the Traffic Management Act 2004 gives approved local authorities the power to undertake the civil enforcement of traffic contraventions.

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Appendix 1

West Berkshire Map

Appendix 2

Charging Policy

2.0 PARKING CHARGING POLICY

Introduction

The Council's charges for both on-street and off-street parking throughout the district are regularly reviewed to ensure that they are competitive when compared to neighbouring and competing Town Centres; to ensure that they are set at a level that optimises parking income without impairing the viability of the local economy they serve; to ensure that there is a turnover of parking spaces; and to achieve good quality traffic management and road safety. All off-street parking charges in Newbury apply 24 hours per day from Monday to Sunday, with day time charges that vary with the length of stay operating from 8.00 am to 6.00 pm, Monday to Saturday and a flat rate charge on Sunday. From 6.00 pm to 8.00 am there is a flat-rate evening parking charge. There is currently no evening charge on-street

Parking charges apply on public holidays in Newbury, with the parking charge applying to the day of the week on which the Bank Holiday occurs.

Parking income is Newbury-centric with Newbury's parking generating some 80% of all parking income. This is why Sunday, public holiday and evening charges only apply in Newbury at this time. Setting the correct level of parking charges in Newbury is important to provide for optimum use of the off-street car parks in order to promote retail activity; to provide for the diverse needs of shoppers, traders, commuters and residents; and to ensure there is an adequate turnover of parking spaces to meet continuous demand. This applies to both the on-street and off-street parking charges.

A payment by mobile phone facility is available at all of the on-street and off-street parking locations.

Newbury

Within Newbury the car parks are grouped into four distinct groups and these are:

- (a) The two multi-storey car parks. These cater for both long-stay and short-stay parking within a linear tariff structure;
- (b) Short-stay car parks. These car parks are nearest to the shops and other major amenities and attractions and the charges in these car parks are skewed to favour short-stay parking in order to encourage an ongoing turnover of parking spaces. Longer stay parking is available, but at a premium price;
- (c) Longer stay car parks. These are in car parks just slightly further from the Town Centre, where the charges are set at levels that do not discriminate against short-stay parking, but where long-stay parking is made available at less than the linear per hour rate over a ten hour charging day;
- (d) Outer car parks. These car parks are about a ten-minute walk from the Town Centre and charges are set at a rate to promote all-day use. These car parks are popular with Town Centre workers seeking low-cost parking.

Season Tickets in Newbury

A limited number of season tickets are available in the Newbury car parks for either quarterly or annual tickets. The number of season tickets available will fluctuate with the demand for parking and the priority is given to shopper parking. There are three categories of season tickets and these may be purchased for either of the multi-storey car parks; and for the surface car parks. There are separate prices for each of the categories. In general terms the Council intends to set annual season tickets prices based upon a 220 day equivalent of the comparable all-day parking charge for each category of car park which equates to about 60% of the all-day parking charge. Annual season tickets will continue to offer more of a discount than quarterly season tickets, which will in general terms be set at some 65% of the all-day parking charge.

Other Areas of the District

Elsewhere in the district, it is essential that parking charges continue to keep urban centres economically vibrant while providing for the needs of those who travel in from outer areas to shop or those who may commute to use railheads serving London and other large cities. This is particularly relevant to the centres of Hungerford, Pangbourne, Theale and Thatcham that are urban centres which, while having their own identities and economies, see a large influx of weekday commuters who either park and travel from the rail-head or who commute into the area to work. While each of these centres has a car park operated by the railway company many commuters choose to use the Council's car parks. The Council does not see itself as being in competition with these rail-operated car parks and the prices in both are very similar.

In each of these centres the Council has set the parking charges to reflect the lower key shopper demand, while providing reasonably priced all-day parking for commuters working there. A limited number of season tickets are available in Hungerford, Pangbourne and Theale, and in general terms the Council is seeking to set the prices at around 50% of the equivalent 220 all-day parking charge.

Appendix 3

Residents Parking Policy

Traffic Management Policies:
Residents Parking Policy and Guidance

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Section 1

Criteria for the Introduction of Residents Parking Schemes

1. That at least 85% of the available kerb space is occupied for more than six hours on any given day in the week.
2. That the reasonable demand for residents' spaces can be met.
3. That the police are satisfied that a reasonable level of enforcement of the proposals can be maintained.
4. That the proposals are acceptable to the greater proportion of the residents.
5. Wherever possible the operation of the scheme should be self-financing.
6. It must be shown that the introduction of the scheme will not cause unacceptable problems in adjacent roads.
7. That the majority of residents have no vehicular accommodation within their property boundary.
8. That there is no private off-street parking facility available to residents within reasonable proximity.

Section 2

Evidence of Residency

Primary Evidence

1. Council Tax records will identify the main occupants of the property. *(If not paying Council Tax then one of the following plus number 9 of the Secondary Evidence will be required. In the event that a new vehicle has recently been purchased and the V5 registration document has not been returned from the DVLA then an invoice showing the vehicle and name and address will be required. On production of this a temporary permit will be given for a maximum period of two weeks. A full permit will only be produced on production of the DVLA V5 showing the pertinent detail).*
2. Utility Bill from BT/Electricity/Gas/Water showing 3 months occupancy giving the person's name and address.
3. Legal tenancy agreement (at least 6 months).
4. Proof of ownership of the property (i.e. a copy of land registry title from a search inquiry).
5. In the case where the applicant is living with a relative a birth certificate showing relationship to the Council Tax payer (plus number 9 of the Secondary Evidence).

Secondary Evidence

In the situation that there is no primary evidence that will support their statement of residence then at least 3 of the following items plus item number 9 will be required.

6. Bank statements for the last 3 months in the resident's name at the stated address.
7. Credit Card statements for the last 3 months in the resident's name at the stated address.
8. Driving licence in the resident's name at the stated address.
9. V5 registration document showing the vehicle for which the permit is required in the name of the applicant at that address.
10. Motor insurance renewal notice and schedule of insurance for that vehicle in the name of the applicant at that address.
11. In the event that a person who moves in with a resident who is paying a mortgage requires a permit, they can provide a signed statement from the mortgage payer confirming that they are also residing at the premises in support of their application.

12. An Inland Revenue demand for the person at that address.
13. A rent book, showing the conditions of residence, in the applicant's name for that address.
14. A Council Tax demand for that person at that address.
15. A Passport in the person's name at the stated address.
16. Persons on short term tenancy agreements, whose documentation has an address other than where they reside locally, must produce written confirmation from an appropriate referee that they are residing at an address that qualifies for a permit for a minimum period of 3 months and also produce their Tenancy Agreement.

Section 3

Operational Guidelines

1. Where a scheme is intended to address multiple needs (i.e. in town centre areas where it is desirable to provide on street parking), the parking areas may take the form of exclusive Residents Parking, or limited waiting with shared Residents Parking that allows permit holders to park for any length of time without incurring a penalty.
2. Areas to be avoided in setting out reserved spaces are:-
 - i) Outside commercial premises.
 - ii) Outside vehicular access points to properties.
 - iii) Where Orders, such as yellow lines, are in force.
 - iv) In close proximity to junctions.
 - v) In locations on the highway where they may pose a problem to road safety.
3. Only persons displaying a valid permit are allowed to park without restriction in the controlled areas. The times of the Order can be varied according to local needs, following consultation with local stakeholders.

Section 4

Permit Types and Issues

1. Residents Parking Permit
 - a) To be eligible for a parking permit the resident has to meet the criteria detailed in Section 2.
 - b) To obtain a permit, a resident must provide proof that they own and drive a vehicle and reside in the street/zone for which the permit will apply.
 - c) This proof has to be a current V5 registration document and a driving licence, both of which have the resident's name, with the address being that of the street/zone in which the scheme operates. Or, in the case of a lease hire vehicle, in lieu of the V5 document, written confirmation from the leasing company that the permit applicant is the keeper of the vehicle for which the permit is required.
 - d) A permit can only be used in the street or zone and for the vehicle for which it is issued.
 - e) A permit is valid for 12 months (renewable), but must be surrendered if the vehicle is changed, when a new permit will be issued.
 - f) A maximum of 2 residents parking permits may be issued per household. This figure is discretionary, depending on whether the applicant has an alternative off highway parking facility available or has special difficulties.

- g) A resident's parking permit will be charged at the rate indicated in Section 5. In the event that the original permit is lost, destroyed, stolen or otherwise disposed of, a replacement permit can be issued for a duration up to the renewal date of the original permit, at the charge indicated in Section 5.

2. Visitor Parking Permits

- a) Visitor permits will be in the form of a 'scratch card'. Each card when used will be valid for 1 day. The cards will be produced in booklets of 5.
- b) Visitor permits will be charged at the rate indicated in Section 5.

3. Care Attendant Permit

This permit is issued to various authorised Social and Health Care providers including Nurses and Midwives attending to residents in the particular street.

4. Family Visitor Permit

A maximum of 2 permits can be issued for a 12 month period (renewable) to enable a family member to visit, on a frequent basis, an elderly or infirm relative who is not in possession of a Resident's Parking Permit. This Permit is only issued when such visits are confirmed as necessary by the resident's own doctor.

5. Care Organisation Permit

If a 'Special Needs' dwelling exists in streets or zones where a Residents Parking Scheme is in operation, a permit can be issued to a registered Care Organisation to enable a Support Officer to park in the reserved area whilst visiting the dwelling in pursuit of their duties.

6. Exclusions

Permits are only issued to commercial vehicles at the discretion of the local authority, subject to individual circumstances.

The local authority can revoke permits.

Section 5

Charging Structure

Residents parking permit

£25 per permit per annum

Replacement permit - £5

Visitor parking permit

Visitor permits may be purchased in booklets of 5 at a cost of £2.50 per booklet.

Care Attendant Permit

No charge

Family Visitor Permit

£25 per permit per annum

Replacement permit - £5

Care Organisation Permit

No charge

Appendix 4

Traffic Regulation Orders

Traffic Regulation Orders

- 4.1 Creation
- 4.2 Maintenance
- 4.3 Management

Procedures for staff to prepare new Traffic Regulation Orders, and to amend and maintain, view and use Traffic Regulation Orders for waiting and other restrictions enforceable under the 2004 Traffic Management Act.

This draft has not included a lot of detail in each section. We recommend that just enough detail should be added to allow correct processes to be followed, but this is not intended to be a step by step guide to specific tasks. For example it will not include how to use ArcGIS, how to populate or interrogate TRO File Manager or how to collect information for appeals.

1. Introduction

This document has been written as a guide to the amendment, maintenance and use of your Traffic Regulation Orders enforceable under the 2004 Traffic Management Act. These are the procedures that West Berkshire District Council will have to follow for all TRO-making after CPE is introduced, and consolidated Orders are introduced using map-based schedules. WBC will shortly be operating Civil Parking Enforcement and will have mapped schedules on an ArcGIS database and will use TRO File Manager software. These procedures reflect that and have been written and agreed with representatives of all the users of TROs within the Council.

It covers the following topics:

Section 2 What are mapped schedules?

Section 3 Drafting a new order or amendments to an existing order

Section 4 Public and press notices

Section 5 Making the amendment order

Section 6 Maintaining your database of mapped schedules

Section 7 Using your database for enquiries and appeals

2. What are mapped schedules?

A Traffic Regulation Order consists of a number of parts, usually the written citation, preambles, definitions and articles, plus schedules defining the locations where restrictions apply. The Council will have an ArcGIS database showing the locations of the restrictions and a printed set of map tiles will form the schedules instead of text descriptions. These mapped schedules replace the previous text schedules element of your Traffic Orders.

You have an ArcGIS database of all enforceable restrictions covering the whole Council area. This database forms the basis of your schedules and replaces previous text schedules. There is no requirement to keep written descriptions of your restrictions and the database is not populated with

this information. However, for new TROs, the original advertised schedule has to be in text format. This only changes to mapped schedules when sealed.

The database covers the whole of the WBC area and has been divided into a series of A3 tiles each covering a 500m by 250m area, each with a unique reference number. These tiles should be regarded as the unit items of your Order rather than each individual restriction being an item. You would if necessary be able to print a tile for every part of the council area but in practice only those tiles which contain restrictions need to be printed to include in an Order.

Also, in practice, you will not now print schedules until you need them, or they are required by your procedures to go to Legal. The ArcGIS database will be used and maintained as the primary information source.

3. Drafting a new order or amendments to an existing order

Proposed amendments will need to be drawn, advertised, consulted upon, agreed and then an amendment or new order made, as defined in the formal order making procedures. The best point to start is from your ArcGIS database, using the ArcGIS tools throughout, and the following procedure is to be followed.

- *Print a blank map of the area to be changed (or one showing the current restrictions) at a suitable scale. This can cut across more than one tile. Although you will need to keep the tile numbering system and area covered consistent for the Order, the ArcGIS database is seamless and you can print any area you choose at any scale.*
- *On site, record the terminal points and measurements of your proposed changes from points that are clearly identifiable both on the ground and on the map.*
- *On a new ArcGIS layer, create polygons (or lines) with labels of each proposed restriction, again using the same reference points and the ArcGIS measuring tools.*
- *If a new restriction type is required a colour and pattern should be created.*
- *Annotate the plan as required for clarity.*
- *Produce PDFs (using Adobe Acrobat software) of a relevant plan area for the public and press information.*
- *Prepare any changes to the written elements of the order.*
- *Prepare written descriptions of the proposed changes using Word. (ArcGIS, as set up for mapped based schedules, is not able to do this but once the amendments are approved the text will not be required for the new Order).*

4. Public and press notices and consultation

On-site notices should be produced in the normal way, giving a written description of the changes and attaching a plan (the relevant section of ArcGIS) if necessary. The on-site notice, where it relates to a road, will need to include the name or a brief description of the road and, where appropriate, a description of the length of it to which the order relates.

Prepare a press notice using the same written descriptions. This will also refer to plans of the changes (the PDFs you produced earlier) being available in Council offices, libraries, and possibly, on a website.

The consultation and committee process for the making of TROs does not change as a consequence of using map-based schedules.

5. Making the amendment order and changing the live database

Once the changes have been agreed and the new restrictions are known, the following procedure is to be followed:

- *Take a backup copy of the ArcGIS database applicable immediately before the change.*
- *In the live current layer, update the restrictions that have changed using the ArcGIS drawing tools and consistent colours and patterns.*
- *Update any map labelling.*
- *For any restriction that has changed, print the relevant tile or tiles on which it appears, giving that print a “next version” number and date of implementation.*

Combine the tile prints with the other written elements of the order (citation, preambles, definitions and articles) which may or may not have changed. Publish this combined set of documents as the new order in your normal manner.

6. Maintaining the database of mapped schedules

You will need to maintain a database of map tiles, so that you know which tiles are applicable at any given date. You will also need to keep a database of changes to the written elements of your order, the citation, the definitions and the preambles. This is important so that colleagues can provide the correct restriction information for any given historical date to the Traffic Penalty Tribunal (TPT) and the public. This procedure assumes you use the Access database “TRO File Manager” as provided and populated by RTA Associates Ltd.

The following procedure is required:

- 6.1 *Keep a set of one printed copy of each tile, clearly marked with its reference number, version number and its date of implementation.*
- 6.2 *Make a PDF of each changed tile and save it. Add each PDF to TRO File Manager, giving it a reference location and implementation date. This is effectively your log of all of the map tiles, their version numbers, and the date of implementation of each one.*
- 6.3 *When you make an amendment, print three copies of the revised version of the tile or tiles each marked with the same reference number, its next version number and an implementation date.*
- 6.4 *Insert the new version into the live set of maps, and move the old version to an archive set.*
- 6.5 *Update TRO File Manager with the PDFs, version numbers and dates.*
- 6.6 *Provide the revised ArcGIS database and TRO File Manager to Legal and Parking.*

7. Using the database for enquiries and appeals

You have two sources of reference, your ArcGIS database and TRO File Manager. Typically, you should use the ArcGIS database for the current restrictions and TRO File Manager to check historical data.

Those users with view access to ArcGIS will be able to view the restrictions layer and use the “find” tools to navigate to the required location and the “information” tools to find out about the attributes of any polygon. Users should always have access to the live version of the database to answer questions about current restrictions.

Those users with view access to TRO File Manager will be able to look up the set of restrictions that applied on a given street on a given date, and view the PDF of each tile. These PDFs, together with the same process to find the relevant written parts of the TRO, can be compiled into evidence case required for TPT appeals.

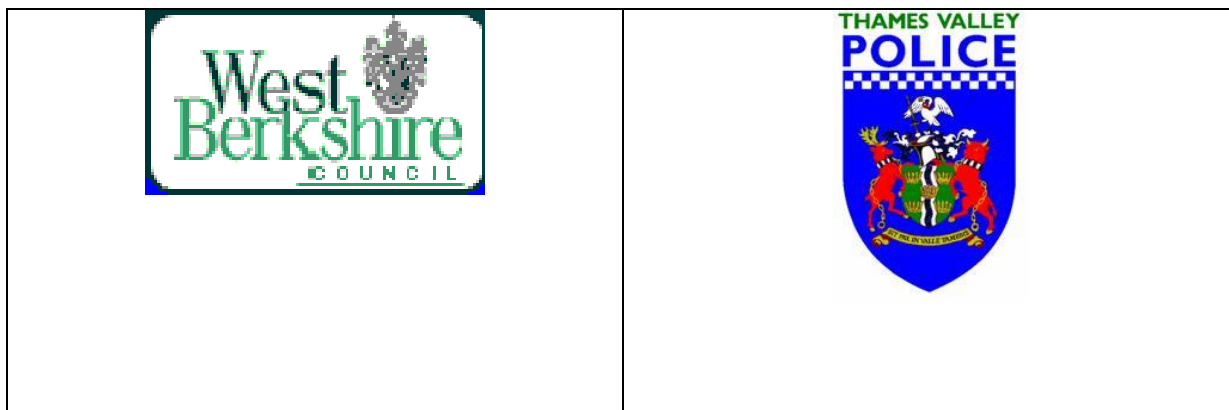
END

Appendix 5

Memorandum of understanding with the Police

Memorandum of Understanding

Between



West Berkshire Council

and

Thames Valley Police,

following the adoption of Civil Parking Enforcement

April 1st 2009

A. AIM OF MEMORANDUM OF UNDERSTANDING

This memorandum of understanding is to promote mutual understanding of responsibilities between the West Berkshire Council (WBC), Parking Services Section and Thames Valley Police (TVP), following the adoption of Civil Parking Enforcement (CPE) in the Borough.

B. RATIONALE/LEGAL BASIS

Road Traffic Regulation Act (1984), as amended

Road Traffic Act 1991 (RTA 1991), as amended

Traffic Management Act 2004, as amended

Department for Transport – West Berkshire Council CEA/SEA Designation Order

C. HUMAN RIGHTS CONSIDERATIONS

This Memorandum of Understanding has been drafted taking into account the Human Rights Act 1998.

D. IMPLEMENTATION DATE

1st April 2009

E. MONITORING/EVALUATION/ REVIEW PROCEDURE

Meetings will be held between relevant officers of both organisations on a regular basis, as and when the need arises. There will be a minimum of a meeting annually each April.

Meetings will aim to discuss and agree upon matters of common interest, where either organisation will aim to assist the other in pursuit of their respective statutory responsibilities.

F. MEMORANDUM OF UNDERSTANDING TEXT**Background**

WBC will implement Civil Parking Enforcement (CPE) taking effect on April 1st 2009. The decision to do so was taken following consultation and agreement with TVP.

There is one TVP traffic warden (who is employed part-time) who will transfer to WBC as a consequence of this implementation.

RESPONSIBILITIES OF EACH ORGANISATION**WBC – Parking Services Section**

From the date of commencement, the WBC Parking Services Section shall be responsible for the monitoring and enforcement of parking restrictions within the WBC area except for

those lengths of road excluded from the Civil Enforcement Area / Special Enforcement Area (CEA/SEA). The excluded roads have been the subject of agreement with TVP. Apart from the excluded roads, all non – endorsable parking offences in these areas will become the responsibility of WBC to enforce from the commencement date.

The hours of duty of parking enforcement staff will be generally:

Monday – Sunday **07.00 to 00.30**

Parking Attendant staff will on demand from WBC elected Members or senior officers, also carry out enforcement on occasional night patrols between 20.30 and 07.00, and special duties relating to the placing and removal of signs, cones and other markings in relation to the enforcement of the Special Events TROs.

Deployment of Parking Attendants in time, numbers and location will be the responsibility of WBC.

On occasions, WBC will work jointly with TVP to carry out enforcement of parked vehicles in areas and at times when it is agreed that it is not safe for Parking Attendants to patrol on their own. Either organisation may request such involvement.

WBC will retain a capability to remove vehicles which are in contravention of the TROs; the use of the removal vehicles will be at the discretion of WBC officers, and such operations will be solely directed by these officers.

The area of responsibility and the excluded Roads are shown at Appendix 1.

All correspondence and public enquiries in relation to decriminalised parking enforcement within these areas shall be addressed to and dealt with by the Parking Services Section.

WBC is a statutory partner under Section 17 of the Crime and Disorder Act 1998 and will seek to work in partnership with TVP to reduce Crime and Disorder. The Parking Attendants may record in their pocket notebooks or hand held computers, information of a crime and disorder relevance. They will also record photographic evidence of contravention and enforcement. The Parking Office will pass relevant information to TVP on request and where necessary, on a daily basis.

Contact Details:

TVP:

Sgt Darren Brown

Thames Valley Police

Police Station

Castle Hill

Reading

Berkshire

Tel: 0118 953 6456

e-Mail: Darren.Brown@thamesvalley.pnn.police.uk

WBC:

Parking Manager

West Berkshire Council

Council Offices

Market Street

Newbury

Berkshire

RG14 5LD

Tel: 01635 519213 (after 5 pm and weekends 01635 521905)

Fax: 01635 519637 (after 5 pm and weekends 01635 551982)

e-mail: mebaker@westberks.gov.uk

The WBC/TVP Abandoned Vehicle Protocol shall continue to apply. Parking Attendants and Police officers will fulfil their agreed specified actions in respect thereof, and report abandoned vehicles to the Parking Services Section of the WBC.

A copy of this memorandum of understanding and details of the Local Authority Nominated Officer will be submitted to the TVP Data Protection Office for retention.

Information relating to any issue which in a Parking Attendant's opinion requires attention from TVP, will be passed by radio to the Parking Section radio controller, who will pass on the information to the Police control. Police control will determine the reaction of TVP to such issues.

WBC will make available information to TVP, if it is held, about specific vehicles, upon request. Parking Attendants will also provide any information or assistance to the TVP where appropriate.

Thames Valley Police responsibilities

The Police will retain the responsibility for enforcement of endorsable parking offences, and responsibility for intervention specifically in cases of Dangerous Parking, obstruction of the highway including residential drives on the highway, parking on 'zebra' /'pelican' crossing and the approaches there to;

AND

All parking on the excluded routes, as defined in Appendix 1.

TVP retains responsibility for the enforcement of moving traffic offences, the directing of moving traffic, and the placement / enforcement of no waiting cones in accordance with Section 67 Road Traffic regulation Act 1984 (IE in exceptional circumstances etc)

TVP will remove vehicles where in their opinion, an obstruction is being caused, or parking is considered dangerous. WBC will undertake removals for any acts enforceable under CPE.

For the purpose of this MEMORANDUM OF UNDERSTANDING, information exchange under Section 115 Crime and Disorder Act 1998, and in accordance with force policy will be between the nominated officer(s) of WBC, and with the nominated officer of TVP. In the case of TVP, this will be the **Senior Partnership Manger BEBCU**. Nominated officers shall be responsible for ensuring compliance with this protocol and that a record of exchange is kept.

Thames Valley Police will ensure that all of their officers are briefed on the changes to be brought about by CPE to their responsibilities, and on the responsibilities and powers available to the WBC Parking Attendants.

TVP will recognise the likelihood of Parking Attendants being subjected to abuse and threats and undertake (subject to the availability of resources) to respond to all reasonable requests for assistance.

TVP will respond to any requests for assistance from Parking Attendants in the same manner as they have responded prior to CPE, to requests from traffic wardens. Help can be requested by the general number 0845 8 505 505 or in extremis 999.

TVP will provide, by telephone call to the Parking Office, information about specific vehicles for inclusion in the lists of vehicles of special interest, which will be held in the Parking Attendants' hand held computers. If such a vehicle is observed, the Parking Attendants will radio such information to their control immediately, for passing to the Police control. At no time will a Parking Attendant place himself or herself in a position of danger in pursuit of their duties.

'Sanitised' intelligence may, where appropriate, for the purpose of reducing crime and disorder be circulated from the 'Disseminator' of the Information Management Unit to the nominated officer(s) of the Parking Attendants for their attention. This may be via the WBC Control Room.

TVP will hold copies of the relevant traffic orders provided by WBC for the CPE powers, or have access to electronic records of TROs held by WBC, by on-line methods.

The nominated officers for the Police and the WBC shall be recorded and comply with the Data Protection Act 1998. The nominated officer(s) shall complete the indemnity at Appendix 2.

Draft 1

June 2008

Appendix 1

AREA OF DECRIMINALISED PARKING IDENTIFYING EXCLUDED ROADS

Area: the entire Council area;

Excluded roads:

- The M4 Motorway and its on and off-slip roads within the Council area;
- The A34 and its on and off- slip roads for its entire length within the District;
- The A339 from the A34 to the Robin Hood roundabout
- The A4 from Pinsents Lane roundabout on the A4 to the junction of the A340 and the A4, including all slip roads and roundabouts;

Appendix 2

CONTACTS

Signatories: -

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For:

Thames Valley Police

For:

WBC

8.9.1 REVISIONS/VERSION CONTROL

Version	Date	Amended by	Reason

Appendix 6

Enforcement Policy

6.1 Parking Enforcement Policy

1 Introduction

The West Berkshire Parking Enforcement Policy is a policy statement, designed to help to manage parking by providing a clear framework for effective parking management activities throughout West Berkshire.

Parking enforcement throughout the Council area is the responsibility primarily of the Council. To achieve effective implementation of our policy, the powers for enforcement include the responsibility for both on-street and off-street areas.

The policy is based upon prioritising clearly identified needs, such as the needs of people with disabilities, residents, visitors and businesses and will help to manage parking in West Berkshire on a fair and consistent basis.

The policy helps support a better and safer environment and will generally improve parking conditions in West Berkshire by:

- meeting the needs of all road users;
- supporting effective parking management;
- seeking to improve sustainable access;
- meeting environmental objectives;
- focussing on customer needs;
- being comprehensive, including consideration of on- and off-street parking enforcement regimes, on-street controls and parking standards;
- co-ordinating and being compatible with neighbouring civil authorities;
- providing a clear strategy for effective enforcement; and
- ensuring that the needs of disabled people, motorcycles, buses, coaches, business and freight are taken into account, along with loading and signing issues in relation to parking.

The policy aims to support the Council's wider objectives, e.g.

- **to improve traffic management,**
- **to assist public transport,**
- **to assist the passage of emergency vehicles,**
- **to improve road safety,**
- **to enhance the general street scene, and**
- **to improve air quality.**

The policy seeks to meet the needs of all road users and to clearly prioritise different parking enforcement needs in West Berkshire. The aim is to manage parking in West Berkshire on a fair and consistent basis.

- Parking Management

Parking management includes the enforcement of on- and off-street parking regulations.

Illegal parking is inconsiderate, and it can be dangerous. Under civil enforcement, the Council is directly responsible for all parking enforcement in West Berkshire, with the exception of high speed roads where the police remain responsible.

The policy supports effective parking management by:

- Coordinating on- and off-street parking enforcement management to ensure a comprehensive and complementary approach;
- Allocating parking permits/waivers with clear conditions of use based on transparent and consistent principles, which give priority in accordance with the defined hierarchy of parking enforcement; and
- Maximising the potential of the Council's information technology system to support an effective and efficient parking management operation.

The aim of civil enforcement is to maximise compliance with regulations, to make our streets safer for all road users, particularly vulnerable road users; to prevent obstruction and delays (especially for buses and emergency vehicles); to ensure that parking bays are available for their intended use and to improve the general street scene.

The objectives of civil enforcement can be summarised as:

- Making it safer for drivers and pedestrians with better enforcement leading to clearer roads and pavements;
- Reducing accidents through fewer illegally parked cars
- Improving traffic flow and accessibility, resulting from the focus of enforcement being on lessening inconsiderate and dangerous illegal parking in order to improve safety and minimise congestion;
- Assisting emergency and service vehicles
- Helping public transport such as buses;
- Improving the general environment
- Encouraging the use of other modes of transport such as walking and cycling;

Sensible and safe parking within West Berkshire will be encouraged, as will greater compliance with the Off-street Regulations and Traffic Regulations as regards parking. These regulations will not change as a consequence of the introduction of CPE, but they will have greater significance.

Parking provision is becoming more responsive to the public's needs because the local Council will control both the provision and management of parking; a single responsibility for parking means greater clarity to the public. The Council's integrated transport strategy can be linked to local issues in enforcement. Since income will come to the Council, any surpluses after reasonable running costs can be spent on transport projects in the local area;

Police resources must be able to concentrate on other priorities. The basis for this is a fair, consistent, transparent, policy-driven and quality-led operational enforcement. Enforcement will be targeted to tackle problem areas. The policy specification provides a schedule and prescribes the frequency of patrol visits, dependent upon the location type. This will ensure a good parking enforcement regime that is both consistent and transparent.

The policy focuses on customer needs by:

- Ensuring an efficient, robust and customer-friendly parking system.
- Effective tackling of parking fraud, and abuse of the Blue Badge Scheme.
- Ensuring an effective, fair and consistent enforcement operation to maximise compliance with West Berkshire's parking regulations.
- Consulting and communicating with both internal and external stakeholders to inform parking management issues.

- **Enforcement Priorities**

As competing parking demands intensify and conflict, the need for skilled and effective on-street parking management based on clearly defined priorities increases. The parking enforcement priorities shall be generally guided by the following issues:

- Highway Safety
- Preventing dangers due to parking:
 - Near Accident locations such as junctions
 - Near Pedestrian Crossings
- Dangerous or double parking
- Parking on Pedestrian Footways
- Parking which restricts movement
- Preventing obstruction and congestion on:
 - Main access roads into West Berkshire (Principal Roads)
 - Town Centre shopping streets
 - Public Transport routes
 - Main traffic routes within West Berkshire
 - Other busy streets e.g. access roads to residential areas or local shopping parades
- Obstruction & Nuisance
- Preventing hindrance to road users at:
 - Bus stops
 - Vehicle accesses

- Pedestrian access routes
- Taxi Ranks
- Grass verges
- Special entertainment events
- Areas for deliveries & servicing
- Control and enable the conveyance of goods at:
 - Servicing yards
 - Permitted loading areas
 - Parking Bays
- Control of effective use of permitted parking areas in:
 - Council Car parks
 - Disabled Badge Holder Bays
 - On-street Pay & Display bays;
 - Residents parking bays;
 - Limited waiting areas.

The parking enforcement priorities are set out in greater detail in Appendix B. Other enforcement requirements that follow will be balanced and prioritised on an as required basis depending upon resources available.

- the needs of disabled people and effective enforcement of parking regulations to enable easy access to activities and facilities.
- road safety initiatives (especially for pedestrians, cyclists and other vulnerable road users), and emergency access requirements.
- managing local parking problem areas, e.g. for child safety near schools caused by the school run (including Safer Routes to School initiatives) and associated short-stay on-street parking activity.
- legitimate parking and loading requirements of businesses, taking into account commercial needs for delivery and servicing movements and the opportunity for changing delivery schedules and vehicle sizes.
- supporting the safe and efficient operation of the public transport network in West Berkshire.
- enforcement against observed parking patterns of demand to allow targeting of known problem areas.

Inconsiderate parking contravenes the Highway Code, which requires drivers to show consideration for all road users. Certain parking contraventions remain the responsibility of the Police (obstruction and restriction of access where there are no yellow lines), some are joint responsibilities with the Police (zig-zag pedestrian crossings) and the Council will work in partnership with Thames Valley Police in order to communicate relevant information between both stakeholders.

In parts of West Berkshire, footway parking currently takes place. In these areas, parked vehicles dominate the street scene and can cause dangerous obstruction to other road users, such as parents with pushchairs and visually/mobility impaired people and wheelchair users. Footway parking also results in higher maintenance costs for the Council, since footways are not designed to take the weight of motor vehicles and, as such, damage to the pavement can occur. The Council will seek to minimise inappropriate footway parking in West Berkshire (where enforceable) to ensure that local pedestrian access and amenity is not adversely affected.

Abandoned vehicles are an environmental nuisance and can be associated with anti-social behaviour. Abandoned vehicles not only cause an unnecessary hazard wherever they are dumped, they also have a serious impact on residents' quality of life and fear of crime in the local area; Parking Attendants will report potential abandoned and untaxed vehicles on West Berkshire's streets.

The Council's enforcement operation will target persistent evaders in West Berkshire and reduce the level of evasion.

Residents' Parking permits are issued by the Councils' Parking Services for the use of designated parking places in resident parking zones. The Council's Social Services administers parking permits for disabled people under the Blue Badge Scheme, which allows disabled badge holders considerable flexibility in where they can park on street. Badge holders can park free of charge without time limit in many areas, provided a valid Blue Badge is displayed, the bay has not been suspended and the vehicle is being used to transport the Blue Badge holder. Blue Badge holders are also allowed to park for a maximum of 3 hours on single and double yellow lines, except where there is a loading ban or where a bus or cycle lane is in operation where it is safe to do so. The general hours of operation will be 08.00 to 20.00 Mondays to Sundays with additional hours as and when required.

Appendix A – Glossary

CPE	Civil Parking enforcement
DPE	Decriminalised Parking Enforcement
PA	Parking Attendant
POLICY	West Berkshire Parking Enforcement Policy
RTA 1991	Road Traffic Act 1991
TMA 04	Traffic Management Act 2004

Appendix B – Hierarchy of Parking Enforcement

Highway Safety			
Preventing dangers due to parking:	Near Accident locations such as junctions.	PRIORITY HIGH	Mainly enforcement of single and double yellow line restrictions and loading restrictions at or close to junctions and bends particularly where visibility is poor to minimise dangers to moving traffic, pedestrians and other road users.
	Near Pedestrian Crossings	PRIORITY HIGH	Mainly preventing danger to pedestrians at crossing places. (This includes the offence of stopping on white zigzag markings, which now also remains a police enforcement function.)
	Dangerous or double parking	PRIORITY HIGH	Mainly where drivers are parked on the carriageway but in a manner that is likely to cause a hazard to other drivers and road users.
	On Pedestrian Footways	PRIORITY MEDIUM	Mainly enforcement of single and double yellow line restrictions and loading restrictions where drivers are using the footway causing obstruction and hazard to pedestrians, wheelchair and pushchair users. This also applies where there are no yellow line restrictions in the Traffic Regulation Orders.
Aid to Movement			
Preventing obstruction and congestion on:	Main access roads into West Berkshire (Principal Roads).	PRIORITY HIGH	Mainly enforcement of single and double yellow line restrictions and loading restrictions to enable traffic to flow freely and not be hindered by parked vehicles.
	Town Centre shopping streets	PRIORITY HIGH	Mainly enforcement of double yellow line restrictions and loading restrictions to enable essential traffic to access the town centre and not be hindered by illegally parked vehicles.

	Public Transport routes	PRIORITY MEDIUM	Mainly enforcement of single and double yellow line restrictions and loading restrictions to enable bus traffic to flow freely and not be hindered by illegally parked vehicles.
	Main traffic routes within West Berkshire (Non-principal Roads)	PRIORITY MEDIUM	Mainly enforcement of single and double yellow line restrictions and loading restrictions to enable traffic to flow freely and not be hindered by illegally parked vehicles.
	Other busy streets (Access Roads to Residential Areas/Local Shopping Parades)	PRIORITY LOW	Mainly enforcement of single and double yellow line restrictions to enable traffic to flow freely and not be hindered by illegally parked vehicles.
Obstruction & Nuisance			
Preventing hindrance to road users at:	Bus stops	PRIORITY HIGH	Enforcement of No Stopping Except Buses restriction in marked Bus Stop locations (where there is a wide yellow line marking) to prevent obstruction of bus stops.
	Vehicle accesses	PRIORITY HIGH	Mainly prevention of obstruction to private driveways that have yellow line restrictions. This is particularly important where residents are in the process of trying to enter or exit their premises. Dealing with obstruction of driveways without yellow line restrictions will be still be a police function.
	Pedestrian access routes	PRIORITY MEDIUM	Mainly enforcement of single and double yellow line restrictions where numbers of pedestrians are walking, such as shopping areas and pedestrian prioritised streets.
	Taxi Ranks	PRIORITY MEDIUM	Mainly enforcement of single and double yellow line restrictions at Taxi Ranks to prevent obstruction.

	Grass verges	PRIORITY LOW	Mainly enforcement of single and double yellow line restrictions where drivers are using the grass verge and causing damage. This does not apply where there are no yellow lines.
	Special entertainment events	PRIORITY LOW	This is primarily where large events such as football or firework displays cause short term visitors to park vehicles in side/residential streets contravention of waiting restrictions, excluding temporary No Waiting cones placed at such events, which is still a police function.
Deliveries & Servicing			
Control and enable the conveyance of goods at:	Servicing yards	PRIORITY MEDIUM	Enforcement of single and double yellow line restrictions to enable effective use and access to service yards.
	Permitted loading areas	PRIORITY MEDIUM	Enforcement of single and double yellow line restrictions to enable effective use and access to loading bays.
Parking Bays			
Control effective use of permitted parking areas in:	Council Car parks	PRIORITY MEDIUM	Issue PCN for infringement of car park Orders
	On-street Pay & Display	PRIORITY MEDIUM	Issue PCN for infringement of on street parking Orders
	Disabled Badge Holder Bays	PRIORITY MEDIUM	Enforce infringement of on street disabled only parking places where there is time a restriction and where vehicle is not displaying a blue Disabled Driver Badge
	Residents parking	PRIORITY MEDIUM	Enforce infringement of on street residents parking places where a vehicle is not displaying a current residents parking or visitor badge for the appropriate Zone.

	Limited waiting	PRIORITY LOW	Enforce infringement of on street parking Orders where there is no fee but parking is time restricted.
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Hours of Operation and Enforcement Staff Numbers are given in the Council’s Parking Operational Plan.

6.2 CEO Discretion

West Berkshire Council

Parking Policies - a policy for the exercise of discretion by the Civil Enforcement Officers

Introduction

The Council intention is that we will operate the civil enforcement parking operation as a partnership with the residents, businesses and visitors. This has the dual aims of providing a better service and of developing a flow of information for the public.

It will also concentrate on learning from the bottom up, by ensuring that local activity and feedback will be continually reflected in the parking restrictions and the quality and services within the car parks.

The key channel of continual feedback will be from the Civil Enforcement Officers (CEOs) and the parking related correspondence from the public.

This requires that we have a policy of the exercise of discretion by the CEOs and not a culture of just issuing tickets.

Our experience, and that of other Councils, has shown that the Council should approach the exercise of discretion objectively and publish policies on the exercise of discretion. This document is the key one relating to the exercise of discretion by our staff when operating on-site. Another section within our overall policies concerns the exercise of discretion *after* a penalty charge notice has been issued, and should be read in conjunction with the content of this document.

The CEO and their role

The Council has established criteria for the use of traffic management controls which are represented on the ground by signs and lines made through the mechanism of traffic regulation orders (TROs). It is important for all of the public that these are enforced; that will reduce accidents, improve traffic flow, help residents and create better facilities for both shoppers and business. Similar situations exist in the off street car parks.

The role of the CEO is defined by the Council and they have all attended recognised training courses. It is important that there is a public understanding that they are not there to “just issue tickets”, but are trying to ensure consistent compliance in respect of the parking controls. They have no targets, and in fact our ideal solution would be total compliance with the parking regulations and no parking tickets being issued.

What is it that they cannot do?

The CEOs cannot comment on

- the parking regulations on street
- the off street regulations in the car parks
- whether other motorists have found the signing difficult to understand

- whether a penalty charge notice which has been issued, may be cancelled
- the Council's declared policies

What can the CEOs do?

- listen to the motorist
- write down their concerns
- take a name and address for correspondence to answer the questions
- point out that the restrictions are now enforced whereas in the past in on street areas, they were only lightly enforced
- use their common sense in deciding on a course of action

Most importantly, the key elements of the operation are observation and the relevance of current parking restrictions. Many of the current controls were introduced a long time ago, and the Council's policy will be one of continual change to meet local needs.

What that means for example, is that may now be a requirement for limited waiting parking spaces to help local shops that have been developed and have outside, a no waiting restriction all day. It will also involve identifying unnecessary waiting restrictions which could be limited to fewer days or specific days depending on the local activity and culture.

This development will be continual and requires discretion by CEO's; they have been provided with this authority that relies on continual feedback and an interface with the public over related problems.

The Council's policy on changing the TROs is set out elsewhere in the Parking Policy, but it has to be recognised that such changes are costly, required detailed public consultation, and have to follow a defined legal process

What do we mean by the exercise of discretion?

The Council, having agreed that CEO's should be alert to local situations and environment, and should not be over zealous in ticket issuing, have developed evidential and observational criteria and special considerations in respect of penalty charge notice issue. Details of these policies are contained in the attached appendix.

It is important to identify that there are certain contraventions of regulations that will not be tolerated, except under exceptional circumstances; for example, we will always enforce against dangerous or particularly selfish acts such as:

- parking in a bus stand
- parking in bays for Blue Badge holders with no badge displayed
- parked on pedestrian crossings, school crossings, zig-zags and similar inconsiderate parking, unless the vehicle is awaiting recovery following a breakdown or road traffic accident.

The policy on discretion follows on from the above and the detail contained in the appendix to this section. The list below is not exhaustive but indicative, and relies on the individual CEO to exercise his or her discretion in particular circumstances. Should a penalty charge notice still be issued in a particular circumstance, the parking office staff will provide a detailed explanation of why it was issued, as well as options for paying the charge, or appealing against its issue..

The CEO will always be wearing a uniform that promotes his or her visibility. This will normally include high visibility outer garments and a hat, so that they are seen to be in the vicinity, and operating overtly.

They will be alert to a range of issues to assist the exercise of their discretion relating to the issue of penalty charge notices. The following list is not exhaustive but demonstrates what the Council have agreed as base lines, and from this the CEO will make their decision about the possible issue of a PCN. It should be noted that they will always be gathering evidence of a possible contravention, including the taking of digital photos (but only vehicles and location) as well as notes in their pocket book. This is to demonstrate fairness and equality to their managers and not any bias or favouritism which may lead to suspicion of bribery.

They will be aware of:

- an adult struggling with shopping
- difficulty being experienced with a number of children
- a person with a disability or a passenger with a disability
- religious festivals and prayer days where the TRO is not appropriate
- parking outside a shop with flats above, and loading or unloading to a dwelling
- marginal time overstays at limited waiting
- marginal time lapse in obtaining a pay and display ticket
- non functional pay and display equipment
- breakdowns waiting for assistance
- changing use of properties that are not recognised in parking controls

This CEO discretion policy is based on these basic rules:

- The CEOs will show a duty of care to the public overall when carrying out enforcement,
- They will enforce in a sensible manner,
- They will recognise that they are operating within a democratic process,
- They will recognise that they are allowed to show discretion,
- They will report matters back to officers so that elected Members can take considered decisions from information gathered on the ground.

6.3 Policy for the use of Bailiffs

Policy on the use of Bailiffs for Road Traffic Debt

The Council will manage PCN debt recovery through an arrangement with one or more firms of bailiffs for the recovery of debt. The arrangement will be reviewed regularly, and market tested at least every 5 years.

Before registering any debt the case will have been vetted by a member of the Council's staff to approve its issue to bailiff.

Each bailiff arrangement will be based on a strict Code of Practice, agreed between the Council and the bailiff.

When the Council wishes to instruct a bailiff it will register the debt electronically with the Traffic Enforcement Centre (TEC) at Northampton County Court. TEC automatically authorises the Council, and seven days later the Council may issue to the bailiff a warrant of execution, again electronically.

The recovery procedure will adhere to the prevailing legislation that governs such actions.

When a bailiff visits a debtor:-

- Enforcement agents must always produce relevant identification on request, such as a badge or ID card, together with a written authorisation to act on behalf of the Council.
- Enforcement agents must act within the law at all times, including all defined legislation and observe all health and safety requirements in carrying out enforcement. They must maintain strict client confidentiality and comply with Data Protection legislation and, where appropriate the Freedom of Information Act.
- Enforcement agents, for the purpose of distress or execution shall, without the use of unlawful force, gain access to the goods. The enforcement agent will produce an inventory of the goods seized and leave it with the debtor, or at the premises, with any other documents that are required by regulations or statute.
- Enforcement agents must carry out their duties in a professional, calm and dignified manner. They must dress appropriately and act with discretion and fairness.
- Enforcement agents must not misrepresent their powers, qualifications, capacities, experience or abilities.
- Enforcement agents must not discriminate unfairly on any grounds including those of age, disability, ethnicity, gender, race, religion or sexual orientation.
- In circumstances where the enforcement agency requires it, and always where there have been previous acts of, or threats of violence by a debtor, a risk assessment should be undertaken prior to the enforcement agent attending a debtor's premises.

If the bailiff is refused entry to the premises, the bailiff will advise the debtor of the details of the debt and seek payment; the bailiff will also advise the debtor that permission will be sought to gain entry unless the debt is settled. Bailiffs do not have the power to make forcible entry to a debtor's

premises, but if a bailiff has gained lawful and peaceful entry (e.g. invited in by the occupier) he has the right to use reasonable force to (a) inspect any part of the premises if refused access, and/or (b) resist being ousted from the premises. In order to gain entry otherwise, a bailiff has to apply to a court for a warrant to force entry.

Service Provisions

The bailiff company must keep detailed records of all activities undertaken on behalf of a Council and this record should be electronic and available to be inspected on-line by the Council at any time. All records will be kept up to date with any relevant changes, within 24 hours of the change occurring.

If the Council decides it is appropriate and prior to any enforcement action being undertaken, the bailiff will subject each case to a DVLA verification of details of vehicle ownership.

Visits will be conducted at different times during the day to ensure the maximum possibility of contacting the debtor. At least one visit will occur outside of normal working hours (9.00 am to 5.00 pm), but without the express consent of the Council no visit will be made on any case before 0700 or after 2200. Recovery action will not be undertaken on Sundays, on Bank Holidays, on Good Friday or on Christmas Day.

Enforcement staff will be respectful of the religion and culture of others at all times. They will be made aware of the dates for religious festivals and will carefully consider the appropriateness of undertaking any recovery action on any day of religious or cultural observance or during any major religious or cultural festival.

There will be an agreed list of the types of goods which bailiffs may not seize.

The Council will specify personal circumstances of a debtor when reference back to the Council will be made prior to further action.

The bailiff will provide a telephone service during normal office hours to deal with enquiries and payments from debtors.

The bailiff will accept payments in cash, credit or debit card, postal orders, giro bank, bankers draft and by internet payment, and will always issue receipts.

6.4 Consultation and Reporting Policy

CONSULTATION AND REPORTING POLICY

WBC recognises its responsibility to monitor our parking policies, the Civil Parking Enforcement (CPE) regime we are putting into place, and associated regulatory framework (including penalty charge levels). We will appraise them when reviewing our Local Transport Plans (LTP) and make recommendations for improvements to Members.

Appraisals will take account of any relevant information that has been collected as part of the parking enforcement process, in particular about the practical effectiveness of the scheme. This information will include feedback from interviews with our Civil Enforcement Officers (CEOs), who are in a unique position to identify changes to parking patterns, and with our back office staff, who deal with challenges and representations and the reasons for them.

We will consult locally on our parking policies when we appraise them. We will seek the views of people and businesses with a range of different parking needs as well as taking into account the views of the police.

Our regular appraisal will take account of:

- existing and predicted levels of demand for parking;
- the availability and pricing of on- and off-street parking places;
- the justification for, and accuracy of, existing traffic orders;
- the adequacy, accuracy and quality of traffic signing and road markings which restrict or permit parking;
- the level of enforcement necessary to achieve the Council's wishes for compliance;
- the levels of penalty charges;
- the need to resource the operation effectively and ensure that all parking staff are appropriately trained; and
- impact on traffic flow.

As a part of this appraisal, we will ensure that detailed operational policies remain appropriate. We will tell the public about any changes to them.

WBC recognises that we can improve the efficiency and effectiveness of our CPE regime by maintaining a regular dialogue with the police, neighbouring authorities, the Driver and Vehicle Licensing Agency (DVLA), the Traffic Enforcement Centre (TEC) and representatives of road user groups.

In particular, we will maintain good relations with the police. The police will continue to have responsibility for enforcing endorsable and most types of moving traffic offences, and for taking action against vehicles where security or other traffic policing issues are involved. Regular liaison with the police will help to ensure that civil and criminal enforcement operate effectively, as well as ensuring that our staff are protected.

As an enforcement authority, we will keep abreast of developments in neighbouring authorities' CPE operations and look into the benefits of consistent, and possibly collaborative, approaches to enforcement.

We will develop good working relations with the DVLA, in particular with regards receiving keeper information promptly.

As far as possible, the performance of our CPE parking operations will be judged according to how far our desired transport objectives have been achieved. We will base our performance measures, wherever possible, on outcomes rather than outputs. Performance will not be based on the number of PCNs, or such issues. Our outcome statistics will include issues such as compliance statistics, the number of appeals, the number and length of contraventions and the localised impact they appear to have had on road safety and congestion.

WBC considers that reporting is an important part of accountability. The transparency given by reporting will help the public to understand and accept better parking enforcement. Monitoring also provides us with management information for performance evaluation and helps to identify where we need to improve our CPE regime. Reports will include the benefits that parking income has helped to pay for.

WBC will produce an annual report about our enforcement activities. The report will be a public document, and as a minimum, it will cover the financial, statistical and other data set out in this policy statement. This report will form our annual return to the Government about the enforcement operation. We will also advise the Traffic Penalty Tribunal the details about PCNs they request.

WBC will publish a code of practice that our CEOs must follow. This will include the following points:

- the authority is committed to delivering good quality public services;
- the code of practice is to ensure that high quality parking enforcement is delivered fairly and in accordance with the law;
- parking restrictions are there for good reasons – to improve safety, prevent congestion, ensure a fair distribution of parking spaces, and help reduce pollution; and
- parking restrictions will be enforced efficiently, fairly and with proper regard to the needs of motorists in general.

We will monitor our parking enforcement performance to show that it is for traffic management purposes. They will include management information such as:

- measuring the numbers of vehicles that contravene restrictions and how long they contravene them for;
- measuring public transport journey times across the CEA;
- measuring the number and severity of road traffic casualties in the area of enforcement;
- measuring congestion in the area of enforcement;
- frequency of CEO patrols, especially where contraventions are high;
- percentage of PCNs against which appeals are received;
- percentage of successful appeals;

We will assess performance against these targets in our annual report which we will publicise on our website as a downloadable document. Where possible, we will make comparisons to similar authorities.

Consultation

WBC is required, when considering major changes to our parking policies, to consult with stakeholders. As a minimum, we will consult the following groups:

- those involved in the implementation and operation of parking, including the police, neighbouring local authorities, the DVLA and the Traffic Enforcement Centre;
- wider stakeholders with an interest in parking, including businesses, motoring groups and representative organisations; and
- those who will be affected, including residents, motorists and the general public. We will always include socially excluded groups in such consultation.

We will in due course, consider setting up our own user group for wider stakeholders such as businesses, representative organisations and the public. This will comprise representatives of motoring organisations, local residents and traders, socially excluded groups and others with an interest in parking policies. This group will be used to test proposals to ensure they meet the needs of road users.

Loading and unloading can be a recurrent and difficult problem. We will work with delivery companies, local businesses and residents to tackle problems at sites where problems exist.

We will publicise our consultation documents and make it available in hard copy and on the web. We will set a deadline for feedback in accordance with Council policies on consultative exercises.

After the consultation has closed, we will provide a public response which outlines the feedback we received and what we have done to take this feedback on board.

6.5 Dropped kerbs Policy

Dropped kerbs and footway crossings

In order to ensure that vehicle crossings are properly constructed, all domestic vehicle crossings are constructed by the Council. A charge is made for the construction of a footway crossing and a cost for the work can be obtained on request. The work can only be carried out by contractors approved by the Council. Residents are not permitted to undertake the work. Concessions are available for registered disabled applicants and details of this scheme can be obtained from the Council.

Legal considerations

Planning permission is not usually required for such work, but will be if:

- the property involved has the frontage directly on to a classified road.
- the property involved is a listed building.
- the property involved is other than a house for a single family, e.g. Flat, Maisonette, Commercial or Industrial Premises.

If it appears that a property comes within one of the above classifications and planning permission is required residents are required to contact the Council's Development Control service. For information regarding the basic principles of parking provision at residential properties residents may refer to the Council's Planning Guidance information document. The advice in this document represent the Council's views as to best practice and is the main criteria used to assess whether planning permission should be granted are set out within the document.

The construction of a vehicle crossing does not give the occupier of the premises any particular rights, except to drive across the footway to gain access to his/her property with a private or light goods motor car, the crossing itself is part of the public highway. From the date that the Council accepts the completed crossing, the Council will assume responsibility for its maintenance at no cost to the occupier, apart from any damage caused by illegal use by heavy vehicles, etc.

If a resident decides to go ahead with the construction the resident must remove the fence, wall or hedge within the property at the place where the crossing will be located before construction can take place.

Council tenants will require the permission of their local housing office before an application for a footway crossing can be made.

Conditions

The following is a list of conditions relevant to the construction and the use of a domestic vehicle crossing after it has been completed.

8.10 Permitted types of vehicles

A domestic vehicle crossing may only be used by a private light goods or similar vehicle. It may not be used by heavy goods vehicles or mechanical equipment. If a delivery, such as a skip, is made into the property, and in doing so the delivery damages the crossing, any repairs will be the responsibility of the occupier.

8.11 Size of the crossing

The width of an average crossing is 3 metres at the back of the public footway. This increases to about 4.6 metres at the kerb line. Crossings up to twice that width or two separate crossings may be built where there is sufficient space to leave a continuous length of two metres of unused space at the kerb-line. A crossing, which covers the full frontage, may not be permitted.

8.12 Shared access

Where the occupiers of two adjoining properties share a driveway, and wish to build a double width crossing to serve the two sites, one occupier should act on behalf of both parties.

8.13 Two crossings at the same property

Where a request is made for two crossings to serve the property and the space available means that the area between them is at or close to the minimum limits, i.e. two metres in width, a decision will have to be made as to the shape of the crossing. Where there is an existing crossing it may mean that this also will have to be modified.

8.14 Parking within the property

An application will not be approved unless the resident is able to provide a suitable parking area within the property. There must be enough space around this area for pedestrian access.

There may be instances where the above criteria are not met. In such cases approval may be given, subject to a site inspection by a Highway Inspector. The Highway Inspectors decision as to whether the application will be approved or refused is final.

No part of a vehicle parked within a property may project on to or over the highway. The crossing may not be used as a parking area and no part of it is exempted for the purpose of footway parking.

8.15 Hardstandings

Where it is intended to use gravel or a similar loose material for a hard-standing, residents are required to consider the problem of some being carried on to the highway by the movement of the vehicle. This is especially true where the surface comes up to the boundary. Where material of this type is used, concrete or blacktop should be laid in a 500 mm strip from the boundary to the start of the gravelled area. This will help to reduce any problem. If the material is carried onto the highway it will be the responsibility of the occupier to remove it by sweeping etc.

8.16 Drainage

The parking area within a property must be built so that water does not drain from it across the footway. Suitable drainage must be provided within the boundaries of your property.

8.17 Street furniture

Where applicants have removed more of the wall or fence running along the boundary, than is required by the size of the crossing, it should be understood that an item of street furniture, i.e. lamp post, telegraph pole, traffic sign etc., may be erected at any time in the footway outside the area of a crossing, even though this may obstruct an area where there is no wall or similar feature.

8.18 Obstacles to construction

If the proposed position of the access is obstructed by a road sign, lamp post, or tree, etc. the location should be altered to avoid the obstacle. If this is not feasible, a decision will have to be made by the relevant section as to whether the item should be removed or relocated. The applicant will be responsible for all costs associated with any alterations involved.

If a statutory authority is required to carry out work by relocating a fire hydrant, telegraph pole etc. any charges for such work will be the responsibility of the applicant, who will be required to produce written proof of approval by the authority to the Council before a crossing can be built.

8.19 Alterations to a vehicle crossover

The Council may need to alter the layout of a vehicle crossover at any time, due to modifications in the footway or verge. Every effort will be made to maintain access to your property and the occupier of premises so affected will be given adequate notice of such works.

8.20 Safety

Any application for the construction of a domestic crossing may be refused or modified on the grounds of safety. The applicant must ensure that adequate sight lines are maintained to allow safe access to their property. Gates across vehicle entrance Gates fitted across the vehicle entrance to your property may in no circumstances open outwards across the footpath or carriageway.(Highways Act 1980 - Section 153)

The Application Process

Once the Transportation Network Management section receives your request, a site visit will then be made to check the viability and details of your proposal before providing you with a written quotation for the construction.

Enforcement of Dropped footways

Contravention Code 27 - Suffixes j/o

Parked adjacent to a dropped footway:

When a vehicle is parked alongside a dropped kerb used for access to and from a roadside property, or for pedestrians to cross at: or where a vehicle is parked across a dropped kerb blocking access to the property, an enforcement request needs to be made in writing to the District Council Parking Service.

Exemptions to Enforcement

1. Cleansing and refuse vehicles collecting rubbish from the side of the road. This applies to Council refuse vehicles and commercial refuse company vehicles.
2. Dropping off/picking up a passenger.
3. Emergency Service vehicles during the course of their duties (Fire, Police, Ambulance.)
4. Loading/unloading for up to 20 minutes if it cannot reasonably be carried out elsewhere.
5. Maintenance, improvement or reconstruction of the road.
6. Prevented from proceeding by circumstances beyond driver's control or to avoid an accident.
7. Removal of any obstruction to traffic.

8. Vehicles being used for building demolition, excavation or construction; scaffolding lorries and glaziers carrying out work in or adjacent to street.

9. Vehicles involved in building operations; demolition, excavation, road maintenance and construction; traffic sign and sewer works; any mains, gas, electricity or water works; telephone wire, cable and support work. An observation period may be given.

6.6 Footway and Verge Parking Policy

Introduction

The Council believes that streets should be more than traffic corridors - they are important for the vibrancy, economic health, and safety of neighbourhoods; they can help to improve community cohesion by bringing people of different ages and backgrounds together in a shared space; they are areas which people can use to get fit through walking and cycling; and they are potential playgrounds for all children but especially those who do not live close to parks and playing fields.

There is a general concern that vehicles parked on the footway are a problem in numerous parts of the County. Footway parking takes many different guises and causes conflict between highway users, residents and pedestrians. Vehicles parked on the footway can cause serious obstructions which in turn create a road safety issue. Vehicles can also cause serious damage to the footway which may result in trip hazards and also unsightly damage to footpaths and verges.

Saturation and obstruction of the highway network by parked vehicles is a major problem and it is not possible to adopt a total solution without recourse to radical actions. It is essential that effective control of parked vehicles is undertaken and the use of the powers given to local authorities under the Civil Parking Enforcement (CPE) umbrella is a powerful tool in determining solutions to local problems, often through the introduction of residents parking schemes.

For many years the Police would not agree to the introduction of residents parking schemes as they did not have the resources to enforce them effectively. Highway authorities with CPE now have the capability to ensure schemes in their domain are introduced and properly enforced.

Residents parking schemes are not the answer in every case and in fact they can exacerbate the situation by reducing available parking space due to the need to provide proper safe passage and not to endorse obstructive parking.

Footway parking can be obtrusive, obstructive and destructive in any area it occurs. However it can also relieve the pressure on the surrounding highway network and provide a clearer passage for users of the highway. For these reasons it is important that a local balance is achieved when determining the allowable level of footway parking in any area and in some cases, street by street.

Details

Within the powers contained in CPE it is possible for a Highway Authority to introduce footway parking policies and to adopt enforcement policies to suit the local needs. The highway authority has the power to decide when and where to enforce footway parking but currently only where waiting restrictions are in place.

Where restrictions are not in place it is still the responsibility of the police to enforce in cases of dangerous parking and serious obstruction. However parking on the footway itself, while not causing an obstruction is not an offence, and it is only the act of driving on the footway that the police can enforce in these circumstances where no restrictions are in place.

Following the introduction of the Traffic Management Act 2004 an additional contravention code was added to the list of available contraventions;

- CODE 62 – Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway.

However, the use of this code and it's legality is still open to debate and further guidance is required prior to it's use being authorised. Guidance from the Department for Transport and British Parking Association is expected by the end of 2008.

Therefore to control footway parking using CPE, there must be a waiting restriction adjacent to the footway and the vehicle must be parked on designated highway. It is usually, but not always, the case that back of footway is the extent of the highway and the restriction covers from the highway boundary to centre line of road. This allows full enforcement of the verge/footway where restrictions are in force at the time of the contravention. For example a single yellow line 8 am to 6 pm would not be enforceable in the evenings under CPE.

Where footway parking is not controlled by restrictions and is causing damage to the highway verge then the local authority could take measures to prevent parking. This can be by the introduction of physical barriers or by new Traffic Regulation Orders such as no waiting at any time.

Without the introduction of a TRO the enforcement will remain the responsibility of the Police. However this will remain a relatively low priority for them and they are unlikely to react unless a serious case of obstruction is seen to be causing a road safety problem. There is also a perception that all parking issues are dealt with by the local authority and the public may well expect to see action b the CEO's

Policy

WBC Policy - Parking on verges and footways

Most grass verges adjacent to roads form part of the public highway and therefore come under the responsibility of The Council as traffic authority. One of the responsibilities of the traffic authority is to keep verges safe and unobstructed, particularly at road junctions where clear visibility for road users is important.

Local issues will always need to be taken into consideration by highways officers when recommending whether footway parking is acceptable or not in specific locations' these may include where soft verges contain public utility apparatus and where damage could be caused.

Problems

Parking on verges and footways can cause many problems, including:

- Obstructing vulnerable road users who use the verge or footway
- Obstructing road users entering and leaving properties
- Reducing visibility at junctions
- Causing environmental damage and appears unsightly, particularly during adverse weather

The legal position

It is not an offence in law to park a motor vehicle, other than an HGV, on a grass verge unless it causes an obstruction or a Traffic Regulation Order (TRO) or byelaw is in force prohibiting it.

Section 19 of the Road Traffic Act 1988 prohibits parking by HGV's. An HGV (or heavy commercial vehicle) means any goods vehicle, which has an operating weight exceeding 7.5 tonnes. A similar prohibition to apply to other motor vehicles was contemplated in the late 1980's but was repealed before it ever came into force.

In light of the above it is an offence to park an HGV on a verge adjacent to a road irrespective of the presence or absence of waiting restrictions and in areas such as GCC where a Civil Enforcement Area (CEA) is in force, the offence is decriminalised and can be enforced by the traffic authority rather than the police.

Obstruction

Whilst there is no blanket prohibition on parking on verges, a particular incident of verge parking may be considered dangerous or obstructive or cause damage and may constitute a criminal offence under one or other of the following statutory provisions: -

- Section 28 Town Police Clauses Act 1847 - willfully causing an obstruction to any public footpath or public thoroughfare.
- Regulation 103 Road Vehicles (Construction and Use) Regulations 1986 - vehicles causing unnecessary obstruction of the road (including verge).
- Section 22 Road Traffic Act 1988 - leaving vehicles in a dangerous position on the road (including verge).
- Section 137 Highways Act 1980 willful obstruction of the free passage along a highway.
- Section 72 Highways Act 1835 - driving on any footpath or causeway by the side of any road made or set apart for the use or accommodation of foot passengers.
- Section 131(1)(c) Highways Act 1980 - deposits anything whatsoever on a highway so it would damage the highway

Allegations concerning any of the above possible offences would be a matter for the police to investigate and enforce, rather than the traffic authority.

Traffic Regulation Orders (TROs)

Where waiting restrictions are in place by virtue of a TRO and signs and lines are in place to give lawful effect to the restrictions, these apply to any part of the width of a road. A road for the purposes of the RTRA means "any length of highway or road to which the public has access" and therefore is much broader in its meaning than "carriageway".

Unless otherwise stated in the TRO, the restrictions shown by the kerbside lines and signs apply to the whole width of the road up to the boundary of the adjacent properties, so this would include the verge.

If parking on the verge is deemed acceptable or appropriate, but needs to be restricted on the carriageway, a TRO can be drafted to exclude the verge so that the restrictions affect only the carriageway. Each case needs to be considered on its merits rather than applying a blanket policy to parking on verges.

Where parking on verges is permitted by exemption to a TRO, this would not override powers retained by the police to deal with the criminal offences that may be committed under the various statutory provisions set out above, notwithstanding the difficulties in discharging the evidential burden that an offence has been committed within the meaning of the relevant statutory prohibition.

Enforcement in this regard may not always be a priority.

Process to provide an exemption or implement a scheme to permit verge parking

The procedure for amending and/or making TROs is set down in statute. This requires specific consultation, publication of proposals in local newspapers and specified objection periods. Implementation may be expedited where the traffic authority wish to carry out an "experimental scheme of traffic control" and make and/or amend TROs under Section 9 RTRA. This defers certain elements of the process although the overall timescale and costs to make the experimental TRO permanent are not reduced.

The whole TRO process can take between 12 and 26 weeks and the cost of promoting the TRO is likely to be in the region of £3,000 - £5,000. The additional cost of providing signing and lining to make the TRO enforceable, together with any other costs for physical measures to prevent verge damage could be significant and will depend on the specific site details.

In view of these costs and the timescales involved, the promotion of a TRO to allow verge parking, where it would otherwise be restricted, is likely to be a low priority unless there were significant casualty reduction benefits to be achieved.

It would also be beneficial to ensure that entry onto or of a verge or footway where parking is permitted is via a legitimate dropped kerb access and where none exists verge/footway parking should be deemed unacceptable

Bollards/posts

Bollards/posts and verge marker posts only work where their need is respected. Widespread installation, plus maintenance needs, would have significant resource implications for the Council.

6.9 Waiver and Dispensation policy

West Berkshire Council DPE 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 WBC 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 WBC Parking Services. WBC 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.

As a matter of general policy, WBC Parking Services is to be advised of road closures as these may affect the decision process in issuing and managing dispensations and suspensions.

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 e.g. a waiting restriction.

WBC 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 is £15 per day. If a request is received for more than one day the cost will be £15 per day.

WBC Parking Services will ensure that each parking attendant is notified daily of dispensations and suspensions within their patrol areas. The parking attendant 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.

WBC Parking Services will be responsible for the following:

- Prior to the commencement of the suspension WBC 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 WBC 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 WBC 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 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 dispensation is illustrated as Appendix 2 to this Section. A copy is given to the applicant, a second copy to the PA Supervisor, and 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 and who must also be advised to display the document clearly on the lower near side of the vehicle's windscreen.

An administration charge of £15.00 per vehicle per dispensation per day is to be made except in respect of funerals for which no charges are made.

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; a (draft) application form is shown in Appendix 3 to this Section. 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 WBC 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.

The charge per suspension is £15 per bay per day. This clearly allows, for example, the use of a furniture removal vehicle.

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.

Appendix 1: Application Form

APPLYING FOR A PARKING DISPENSATION, OR A PARKING BAY SUSPENSION

INFORMATION FOR APPLICANTS

1. Why must I apply?

At some time or other you may want to use a parking bay or a section of yellow line for a skip or to park a removal vehicle. These are just two of the more usual requests the Council receives seeking a **dispensation** from the parking regulations or for a **suspension** of a parking bay. When such requests are received, the Council will, in certain defined circumstances, issue a parking dispensation to allow a vehicle or vehicles to park lawfully in what otherwise would be a contravention of a Traffic Regulation Order and where, in normal circumstances, the Council's Civil Enforcement Officers would issue a Penalty Charge Notice. All applications for parking dispensations and the suspension of parking bays will always be subject to the advice from the Council's Traffic Services Manager regarding safety issues and applications may be refused if there are safety concerns. Instances of locations where dispensations will not be agreed are:

- On bends;
- On brows 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.

2. What must I apply for?

A **suspension** is defined as "a parking bay that has had the traffic regulation order suspended for an agreed time period." e.g. a pay and display parking bay; a residents parking bay; or a disabled bay. This may refer to an individual parking bay or to one or more lengths of bay in an area where the parking bay is not sub-divided into individual bays. If you want to use a parking bay for any purpose then you must seek a **Parking Bay Suspension**. See section 6 for more information.

A **dispensation** is where approval has been given to park at a specific location on a length of road where there is a traffic regulation order e.g. a waiting restriction. This normally means parking on a single or double yellow line. If you want to park on a section of yellow line then you must seek a **Parking Dispensation**. See section 5 for more information.

3. How much will it cost?

In either case, each request will be for one space or the length of one vehicle. The administrative charge for the cost of each parking bay suspension or parking

dispensation is **£15** for each three working day period or per part thereof (excluding Sundays and public holidays). If the request received requires more than one parking bay length then the cost will be increased by **£5** per bay for each three working day period or per part thereof (excluding Sundays and public holidays).

4. How to apply

Applications may be made by using the attached form and sending to:

(a) By post to:

Parking Services

West Berkshire Council

Council Offices

Market Street

Newbury

Berkshire

RG14 5LD

(b) By e-mail to:

parking@westberks.gov.uk . The application form may be downloaded from the Council's website at "westberks.gov.uk/parking".

(c) Or in person at the Council's offices shown at (a) above.

However, all applications must be in writing using the attached form. Faxed application forms are acceptable. Applications should be received at least 3 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 will not be issued for continuous periods in excess of five days and the Council will 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.

Payment may be made by cash; debit card or credit card; or cheque (payable to West Berkshire Council).

For further information and assistance contact Parking Services on 01635 519214.

Skip Hire

If your application is to place a skip on the highway then please remember that all applications for the placing of a skip in parking bays or on yellow line must also be agreed with the Council's highways policy for skip hire. Please telephone 01635 519234 for assistance with skip applications.

5. What is a Parking Dispensation?

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

(a) Loading and unloading - where this activity is either normally prohibited or the permitted parking period is insufficient; or

(b) Situations where alternative arrangements would be unsatisfactory.

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 (no charge levied);
- The bridal and attendants' vehicles at weddings (no charge levied);
- 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.**

The Parking Dispensation must be displayed clearly on the lower near side of the vehicle's windscreen.

6. What is a Parking Suspension?

The Council is permitted to temporarily suspend parking places including residents' and other permit bays. Usually, this action is taken when it is considered necessary to suspend the parking places for reason of:-

- **traffic movement and safety;**
- **essential building/ maintenance works;**
- **furniture removals;**
- **filming;**
- **special events;**
- **weddings or funerals; (no charge levied)**

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

All applications for the suspension of a parking bay must be received no later than 3 working days (excluding weekends and public holidays) before the required date in respect of resident parking bays and other permit places, including disabled badge holders places.

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.

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.



APPLICATION FORM FOR:

PARKING DISPENSATION* / PARKING BAY SUSPENSION*

(*DELETE AS APPROPRIATE)

1. APPLICANT DETAILS

NAME OF APPLICANT:

ADDRESS:

.....

.....TEL NO:

2. LOCATION (GIVE AN EXACT LOCATION: e.g. O/S 52 ACACIA TERRACE, NEWBURY).

I REQUEST: *THE SUSPENSION OF A PARKING BAY(S) / *A DISPENSATION TO PARK ON YELLOW LINE AT (*DELETE AS APPROPRIATE):

.....

.....

IF MORE THAN ONE PARKING BAY OR MORE THAN 5 METRES OF YELLOW LINE IS REQUIRED GIVE THE LENGTH OF PARKING REQUIRED (IN METRES)

.....METRES

3. REASON FOR APPLICATION

(a) THE PURPOSE OF THE APPLICATION IS TO:

.....

.....

(b) BETWEEN THE DATES OF:

FROM: UNTIL:

N.B. IF THE REASON IS TO PLACE A SKIP ON THE HIGHWAY YOU MUST ALSO OBTAIN A SKIP LICENCE FROM THE COUNCIL'S HIGHWAYS SERVICE. TELEPHONE: 01635 519214.

4. REGISTRATION NUMBER OF VEHICLES TO BE PARKED (IF KNOWN AND IF RELEVANT):

.....

Send completed form and fee to: Parking Services, Council Offices, Market Street, Newbury RG14 5LD (see section 4 for details of methods of application).

For Official Use only

ACTION	DATE	INITIAL
Application received		
Checked and agreed as valid		
Check with Traffic Services Manager (TSM)		
TSM decision: Y/N		
If "No" applicant advised		
Fee calculated as £		
Fee paid		
Receipt No.		
Is application for Skip hire Y/N		
Check with highways		
Skip Licence No.		
Dispensation No.		
Posted to applicant		
Bay suspension notified to applicant		
Parking Supervisor informed of dispensation / suspension		

Appendix 2: Parking Dispensation



PARKING SERVICES, COUNCIL OFFICES, MARKET STREET, NEWBURY, RG14 5LD (Tel; 01635 519213)

PARKING DISPENSATION No.....

(a) Location.....

.....

(b) For a distance of.....metres

(c) For the period from.....to.....

(d) For the purpose of.....

.....

(e) Vehicle Reg Nos (if relevant).....

.....

6.10 Deciding on PCN challenges



WEST BERKSHIRE CIVIL PARKING ENFORCEMENT PROCEDURES

West Berkshire Council

Civil Parking Enforcement Procedures

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INTRODUCTION

Civil Parking Enforcement (CPE) means that the responsibility for enforcing the majority of on-street parking restrictions is the responsibility of the Local Authority rather than the police. This project is being carried out by West Berkshire Council in conjunction with Thames Valley Police. These procedures apply to all on-street parking restrictions throughout West Berkshire, with the exception of certain excluded roads, and to the Council's off-street car parks where Orders apply.

This document aims to:

- Remind people how to park carefully and considerately within the law
- Indicate the steps involved once a Penalty Charge Notice (PCN) has been issued
- Outline the standard parking contraventions and observation times
- Offer guidance on the enforcement of specific parking contraventions and specific circumstances
- Offer guidance on the cancellation of PCNs
- Give definitions of some commonly used terms
- Explain the commonly used abbreviations

The contents of the document are derived from:

- Legal requirements
- Current practices
- Accepted best practice
- Traffic Penalties Tribunal recommendations with regard to mitigation
- Ombudsman Advice

It is impossible to qualify every case and Civil Enforcement Officers (CEOs) will be instructed to issue PCNs to all vehicles parked in contravention of a parking regulation (unless specified in this document) following the expiry of any observation period allowed. Only authorised personnel will be allowed to cancel a Penalty Charge Notice. Cancellation may only occur after written representations against the issue of the PCN are received.

Every representation against the issue of a PCN will be considered on its individual merits against the guidelines given in this document.

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

Please note that these procedures do not come into operation until powers have been granted by the Department for Transport; likely to be April 2009. Until such time on street enforcement remains the responsibility of the police.

HOW TO PARK

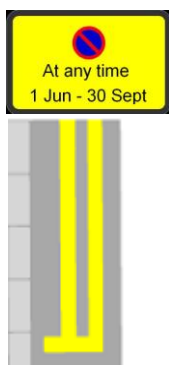
Parking incorrectly, such as on double and single yellow lines, in a bus lane, across cycle lanes or in residents' parking bays, even for a few minutes, can cause inconvenience and even danger to other road users and pedestrians.

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

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

- Always check the lines on the road and, where applicable, the signs by the side of the road.
- Always make sure you have parked within the bay markings.
- Make sure that none of your vehicles wheels are resting on the yellow line(s).
- Do not assume that by parking behind yellow lines you are not parking in contravention of a traffic regulation order. Areas where you think you may be legally allowed to park will in fact be part of the highway and will be enforced as such.
- In pay and display car parks always make sure you read the signage.
- In car parks always make sure you purchase the appropriate pay and display ticket in accordance with the instructions on the signage.
- In car parks always make sure you clearly display your pay and display ticket.
- Do not stay longer than is permitted by the signs or by the ticket you have purchased.
- Do not block entrances to private properties – dropped kerbs.
- Do not double park.
- Do not park on footways.
- Do not park on pedestrian crossings or the white zig-zag markings near to the crossing.
- Do not park on 'School Keep Clear' markings or the yellow zig-zag markings near to schools.

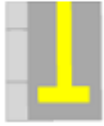
The following are some of the common restrictions you will see and a reminder of what they mean:



Double yellow lines along the edge of the road mean no waiting at any time. However, you may stop while passengers get into or out of the vehicle and to load and unload, **unless** there are also loading restrictions. There is no requirement to erect a sign for a permanent double yellow line restriction. However, some double yellow line restrictions in West Berkshire operate on a seasonal basis, meaning that they will only be enforced during the times specified on the adjoining sign. An example sign can be seen on the left.



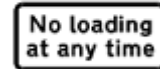
Single Yellow Lines along the edge of the road mean you can't wait during the times shown on the adjacent sign.



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



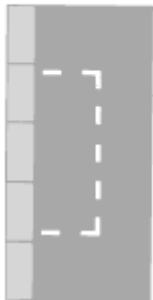
Loading Restrictions are shown by yellow lines on the kerb or at the edge of the carriageway. They indicate that loading or unloading is prohibited during the times shown on the signs.



Double yellow lines on the kerb mean no loading or unloading at any time.



Limited Waiting Bays are shown by bay markings and signs that indicate the maximum amount of time that you may park in the bay.



Please take note of the 'No Return' information displayed on the sign. This means that you are not permitted to return to the limited waiting bay within the time specified. CEOs will log all vehicles parked in limited waiting bays to ensure that they do not return to the bay within the specified timescale. Vehicles returning to the bay within the specified timescale will be issued with a PCN.



Bus Lanes You must not drive or stop in a bus lane during its period of operation. Taxis and cyclists are usually allowed to use bus lanes.



Loading Bays are white 'bays' marked with the words 'Loading only' and a sign with the white on blue 'trolley' symbol. A sign will show the times when the bay can be used and whether loading and unloading is restricted to certain types of vehicles. Vehicles may not park here if they are not loading or unloading.





Bus Stop Clearways

You must not park in a bus stop clearway during its period of operation. The period of operation will be shown on the adjoining signage.

There are also Bus stands on the highway. Again, you must not park on Bus Stands during the period of operation.



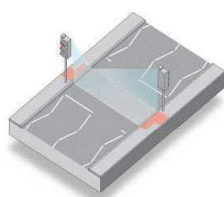
Taxi Ranks

You must not park in a Taxi Rank during its period of operation. The period of operation will be shown on the adjoining signage.



Parking Bays for Specific Use

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



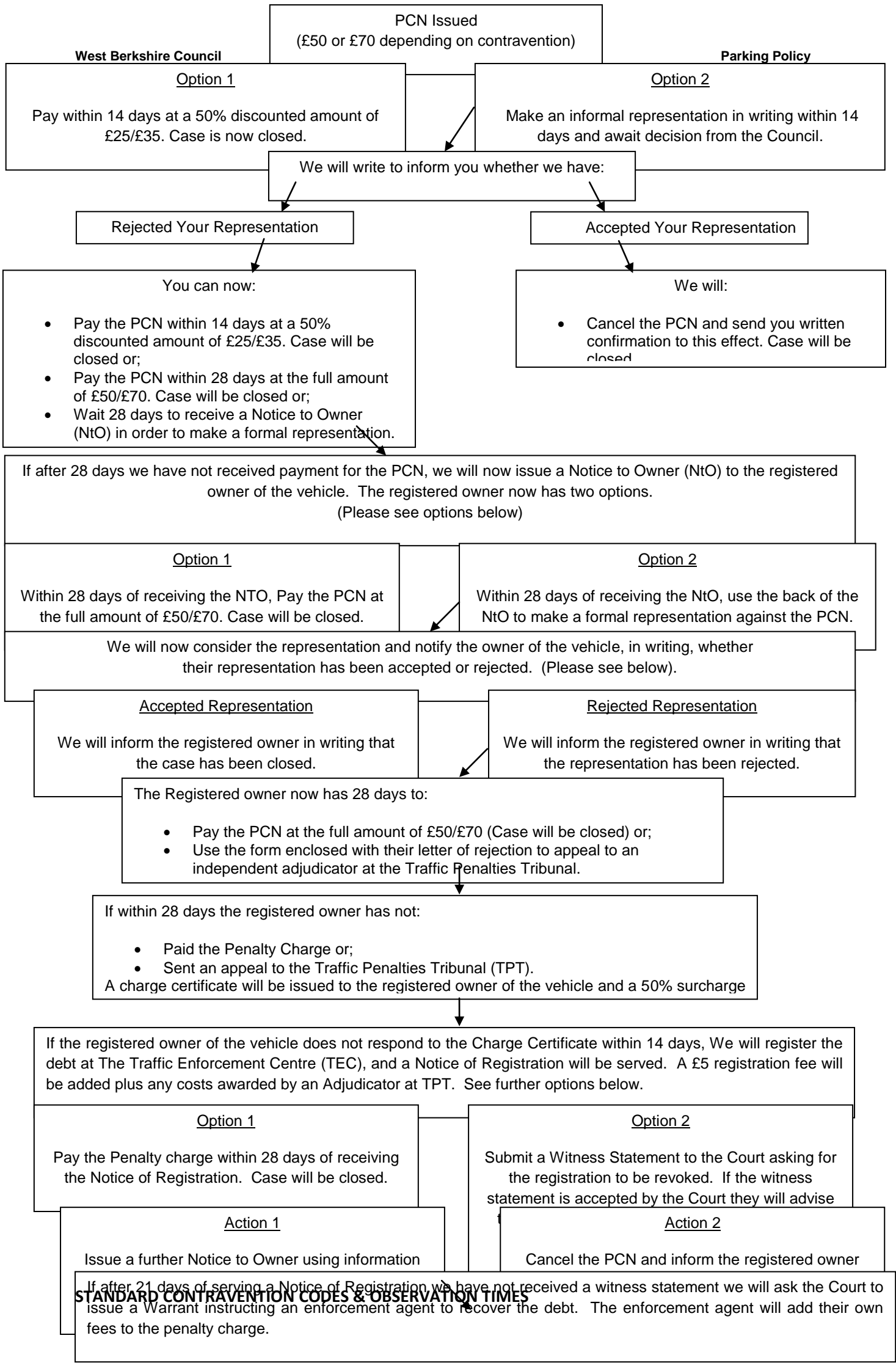
Pedestrian Crossing Zig-Zags

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

Always use the current version of the Highway Code.

PCN RECOVERY SYSTEM FLOW CHART

This flow chart shows the life-cycle of a Penalty Charge Notice (PCN), how we will enforce the PCN recovery process and the options available to the registered owner of the vehicle for making representations against the issue of the PCN. The initial rate of the penalty charge will be dependant on the level of parking contravention that occurs. The penalty charge rates are currently £70 for higher level and £50 for lower level contraventions.



On-Street			Contraventions
Code	Observation Time	Contravention	Charge Level
01	CV 10 mins* PMC 5 mins*	Parked in a restricted street during prescribed hours. The contravention occurs when a vehicle waits / is parked on single or double yellow lines during the prescribed hours of enforcement.	Higher
02	0 min	Parking or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force. The contravention occurs when a vehicle waits / is parked on single or double yellow lines accompanied by a no loading ban signified by yellow kerb/carriageway markings during the prescribed hours of enforcement.	Higher
05	10 min	Parked after the expiry of time paid for The contravention occurs when the pay and display ticket seen inside a vehicle shows that the time paid for has expired. This contravention code will also be used when parking time purchased through the pay by mobile phone service has expired.	Lower
06	05 min	Parked without clearly displaying a valid pay & display ticket or voucher The contravention occurs when a clearly displayed pay and display ticket cannot be seen inside a vehicle parked in a pay and display car park and where parking time has not been purchased by the pay by mobile phone service. A PCN may be issued for this contravention for the following reasons: <ul style="list-style-type: none"> • No pay and display ticket can be seen inside the vehicle. • The details on the pay and display ticket are illegible / obscured. • The pay and display ticket on display is face down resulting in no details being visible to the CEO. • The pay and display ticket has fallen onto the floor of the vehicle resulting in no details being visible to the CEO. 	Lower
12	5 min	Parked in residents' parking space or zone without clearly displaying a valid resident's parking permit. The contravention occurs when a vehicle waits / is parked within the confines of a residents parking bay/space without a residents parking	Lower

		permit being on display within the vehicle.	
16	5 min	Parked in a permit space without displaying a valid permit. The contravention occurs when a vehicle waits / is parked within the confines of a permit bay/space, such as a doctors bay / space, without a valid parking permit being on display within the vehicle.	Higher
20	CV 10 min* PMC 5 min*	Parked in a loading gap marked by a yellow line. The contravention occurs when a vehicle waits / is parked in a loading gap which is marked by a yellow line. The yellow line will run between two marked bays such as residents or doctors permit bays. The two marked bays will only have single white markings to signify the end of each bay. If the end of the marked bays is signified by double white markings the yellow line between the bays is classed as a restricted street and a PCN will be issued for a 01 contravention.	Higher
21	0 min	Parked in a suspended bay/space or part of bay/space. The contravention occurs when a vehicle waits / is parked in any part of a suspended bay or parking space. The suspension will be signified by suspension signage such as a placard and/or cones, post and flags. The signage will be placed within the bay / space to be suspended if at all possible. If this is not possible the signage will be placed as close as is reasonably practicable to the bays / spaces to be suspended.	Higher
22	0 min	Re-parked in the same parking place or zone within one hour (or other specified time) of leaving. The contravention occurs when a vehicle returns to the same parking space within the specified time of leaving the space. This contravention can only be enforced when signage relating to the parking space clearly states that returning within the specified time is not permitted.	Lower
24	0 min	Not parked correctly within the markings of the bay or space. The contravention occurs when one or more wheels of a vehicle are seen to be parked outside of the markings of a parking bay / space. The fact that the wheels of the vehicle are parked outside of the markings of the parking bay / space means that other parts of the vehicle will be encroaching on the available room in adjacent bays / spaces or causing an obstruction	Lower
25	CV 10 min* PMC 5 min*	Parked in a loading place during restricted hours without loading. The contravention occurs when a vehicle waits / is parked within an area / marked bay designated as a loading place without any	Higher

		loading/unloading activity being observed by the CEO.	
26	0 min	<p>Vehicle parked more than 50 cm (or other specified distance) from the kerb and not within a designated parking space.</p> <p>The contravention occurs when a vehicle waits / is parked more than 50cm from the kerbside and not within a designated parking space. This contravention is more commonly known as double parking.</p>	Higher
27	0 min	<p>Parked adjacent to a dropped footway.</p> <p>The contravention occurs when a vehicle waits / is parked adjacent to a dropped footway. Drivers are not permitted to park their vehicles in a manner that will obstruct a dropped footway. A dropped footway often enables easier access to premises and also enables members of the public such as parents with pushchairs or prams, and wheelchair users to cross the carriageway more easily.</p>	Higher
30	10 min	<p>Parked for longer than permitted.</p> <p>The contravention occurs when a vehicle waits / is parked within a free parking bay / space for longer than is permitted. Adjacent signage to the bay / space informs the driver of the vehicle exactly how long they may park for free.</p>	Lower
40	0 min	<p>Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge.</p> <p>The contravention occurs when a vehicle waits / is parked within a designated disabled person's parking bay / space without clearly displaying a valid disabled person's badge. A PCN may be issued for this contravention for the following reasons:</p> <ul style="list-style-type: none"> • No valid disabled person's badge is observed in the vehicle • If the disabled person's badge is illegible / obscured. • The disabled person's badge has expired. • If the clock that accompanies a disabled person badge is not displayed along with the badge (where there is a limit on the amount of time that the badge holder may park). 	Higher
42	0 min	<p>Parked in parking place designated for police vehicles.</p> <p>The contravention occurs when a vehicle waits / is parked within any part of the markings of a designated police bay.</p>	Higher
46	0	<p>Stopped where prohibited (on a red route or clearway).</p> <p>The contravention occurs when a vehicle waits / is parked on any part of a clearway. Distinguished by signage visible when entering the clearway.</p>	Higher

45	0 min	<p>Parked on a taxi rank.</p> <p>The contravention occurs when a vehicle waits / is parked within any part of a taxi rank. Taxi ranks are clearly distinguished by the yellow carriageway markings surrounding the rank and the word 'taxi'. Adjacent signage will state the maximum number of taxis that may wait on the rank.</p>	Higher
47	0 min	<p>Parked on a restricted bus stop/stand.</p> <p>The contravention occurs when a vehicle waits / is parked within any part of a restricted bus stop/stand. Bus stops / stands are clearly distinguished by the yellow carriageway markings surrounding the stop / stand and sometimes the words 'bus stop' or 'bus stand' within the markings. Signage adjacent to the bus stop / stand will display the prescribed hours of enforcement.</p>	Higher
61	0 min	<p>A heavy commercial vehicle wholly or partly on a footway, verge or land between two carriageways.</p> <p>The contravention occurs when one or more wheels of a vehicle over 7.5 tonnes waits / is parked on a footway, verge or land between two carriageways. Heavy commercial vehicles parked on the footway can endanger members of the public by forcing them to walk in the carriageway. The weight of these vehicles also results in damage to the footway occurring.</p>	Higher
62	0 min	<p>Parked with one or more wheels on any part of an urban road other than a carriageway (footway parking)</p> <p>The contravention occurs when a vehicle waits / is parked on an urban road with one or more wheels resting on a footway, land between two carriageways, grass verge or space.</p>	
99	0 min	<p>Stopped on a pedestrian crossing and/or crossing area marked by zig-zags.</p> <p>The contravention occurs when a vehicle waits / is parked on a pedestrian crossing and/or crossing area that is marked by zig-zag markings. Parking near to or on pedestrian crossings endangers the lives of pedestrians by obstructing their view and the view of approaching vehicles.</p>	Higher
Off-Street Contraventions (Car Parks)			
70	CV 10 min*	<p>Parked in a loading area during restricted hours without reasonable excuse.</p>	Higher

	PMC 5 min*	The contravention occurs when a vehicle waits / is parked within an area / marked bay designated as a loading area without any loading/unloading activity being observed by the CEO.	
73	5 min	Parked without payment of the parking charge**. The contravention occurs when a vehicle waits / is parked without payment of the relevant parking charge. The parking charge will be clearly displayed on signage within the Car Park.	Lower
74	0 min	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited. The contravention occurs when a vehicle waits / is parked in a parking place within a car park and the vehicle is being used in connection with the sale or offering or exposing for sale of goods. This contravention can only be enforced when signage relating to the parking place clearly states that using the vehicle for this purpose is not permitted.	Higher
80	10 min	Parked for longer than maximum period permitted. The contravention occurs when a vehicle waits / is parked within a free parking bay / space for longer than is permitted. Adjacent signage to the bay / space informs the driver of the vehicle exactly how long they may park for free.	Lower
81	0 min	Parked in a restricted area in a car park. The contravention occurs when a vehicle waits / is parked in a clearly marked restricted area within a car park. There will be surface markings and adjacent signage to signify the restricted area.	Higher
82	10 min	Parked after the expiry of time paid for in a pay & display car park. The contravention occurs when the pay and display ticket seen inside a vehicle shows that the time paid for has expired. This contravention code will also be used when parking time purchased through the pay by mobile phone service has expired.	Lower
83	05 min	Parked in a pay & display car park without clearly displaying a valid pay & display ticket**. The contravention occurs when a clearly displayed pay and display ticket cannot be seen inside a vehicle parked in a pay and display car park and where parking time has not been purchased by the pay by mobile phone service.	Lower

		<p>A PCN may be issued for this contravention for the following reasons:</p> <ul style="list-style-type: none"> • No pay and display ticket can be seen inside the vehicle. • The details on the pay and display ticket are illegible / obscured. • The pay and display ticket on display is face down resulting in no details being visible to the CEO. • The pay and display ticket has fallen onto the floor of the vehicle resulting in no details being visible to the CEO. 	
84	0 min	<p>Parked with additional payment made to extend the stay beyond time first purchased.</p> <p>The contravention occurs when another pay and display ticket has been purchased and subsequently displayed in the vehicle resulting in the vehicle being parked in the same parking bay / space after the expiry time of the first pay and display ticket purchased. This contravention can only be enforced when signage relating to the parking bay / space clearly states that making additional payment to extend the stay beyond that initially purchased is not permitted.</p>	Lower
85	0 min	<p>Parked in a permit bay without clearly displaying a valid permit.</p> <p>The contravention occurs when a vehicle waits / is parked within the confines of a permit bay/space within a car park without a parking permit being on display within the vehicle.</p>	Higher
86	0 min	<p>Parked beyond the bay markings.</p> <p>The contravention occurs when one or more wheels of a vehicle are seen to be parked outside of the markings of a parking bay / space within a car park. The fact that the wheels of the vehicle are parked outside of the markings of the parking bay / space means that other parts of the vehicle will be encroaching on the available room in adjacent bays / spaces.</p>	Lower
87	0 min	<p>Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge.</p> <p>The contravention occurs when a vehicle waits / is parked within a designated disabled person's parking bay / space within a car park without clearly displaying a valid disabled person's badge. A PCN may be issued for this contravention for the following reasons:</p> <ul style="list-style-type: none"> • No valid disabled person's badge is observed in the vehicle • If the disabled person's badge is illegible / obscured. • The disabled person's badge has expired. • If the clock that accompanies a disabled person badge is not displayed along with the badge (where there is a limit on the amount of time that the badge holder may park). 	Higher

89	0 min	<p>Vehicle parked exceeds maximum weight and/or height permitted in the area.</p> <p>The contravention occurs when a vehicle that is either too heavy or too high is seen to be waiting / parked within a car park. The height and weight restrictions for the car park will be clearly displayed on the entry signage to the car park.</p>	Higher
90	0 min	<p>Re-parked within the specified time of leaving a bay or space in a car park.</p> <p>The contravention occurs when a vehicle returns to the same parking bay / space in a car park within the specified time of leaving the parking bay / space. This contravention can only be enforced when signage relating to the parking space clearly states that returning within the specified time is not permitted.</p>	Lower
91	0 min	<p>Parked in an area not designated for that class of vehicle.</p> <p>The contravention occurs when a vehicle is parked in an area of a car park that is not designated for that class of vehicle. An example of this would be where a car is parked in a motorcycle bay, or a motorcycle is parked within a cycle area.</p>	Higher
92	0 min	<p>Parked causing an obstruction.</p> <p>The contravention occurs when a vehicle waits / is parked within a car park in a manner that is causing obstruction to other users of the car park.</p>	Higher
93	0 min	<p>Parked in a car park when closed.</p> <p>The contravention occurs when a vehicle waits / is parked in a car park outside of the car parks normal hours of operation.</p>	Lower
94	5 min	<p>Parked in a pay and display car park without clearly displaying two valid pay and display tickets when required.</p> <p>The contravention occurs when a vehicle waits / is parked in a car park without two valid pay and display tickets being displayed in the vehicle. An example of this may be where a driver has to purchase two pay and display tickets at the same time - one pay and display ticket to park during the day, and a second pay and display ticket to park overnight.</p>	Lower
95	0 min	<p>Parked in a parking place for a purpose other than the designated purpose for the parking place.</p> <p>The contravention occurs when a vehicle waits / is parked in a parking</p>	Lower

		place within a car park for a purpose other than that designated for the parking place. An example of this may be where a parking place within a car park is designated for the purpose of charging electronic vehicles yet a vehicle is parked in the designated space selling goods.	
96	0 min	Parked with engine running where prohibited. The contravention occurs when a vehicle waits / is parked with the engine of the vehicle running within a car park where leaving the engine running is prohibited. Signage adjacent to the parking place will signify the restriction.	Lower
<p>*CV = Commercial Vehicle - 10 min observation. See 'Commercial Vehicle – Definition of'.</p> <p>*PMC = Private Motor Car including estate cars – 5 min observation.</p> <p>An 'instant' PCN may always be issued in circumstances where the CEO concerned has evidence, other than a period of observation, which supports the action of issuing the PCN without observing the vehicle for the minimum periods indicated.</p> <p>** Visitors are not permitted time to obtain change away from the immediate area of the P&D machine or car park. CEOs should observe queues at ticket machines and/or pedestrians who may be seeking change or returning to the vehicle in question, before issuing a Penalty Charge Notice.</p>			

SPECIFIC PROCEDURES

Abandoned Vehicles:

Where a vehicle remains parked, in a restricted area, for a period during which multiple PCNs are issued (multiple = 3) for the same contravention and the PCNs are not removed from the vehicle. The CEO will report the vehicle as potentially abandoned and it will be dealt with by the Council's abandoned vehicle section under the provisions of Refuse Disposal (Amenity) Act 1978.

We will use the following criteria to help us identify Abandoned Vehicles:

- Untaxed or showing out of date tax disc*.
- General poor condition.
- No evidence of movement.
- Multiple PCNs attached to vehicle.

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

Whilst the vehicle is being dealt with as potentially abandoned no further PCNs will be issued. Issued PCNs will be enforced against the registered owner of the vehicle in the normal way. The Council and Devon and West Berkshire Police abandoned vehicles protocols shall apply and the CEOs and Police Officers will fulfil their agreed specified actions in respect thereof.

Bank Holidays – Restrictions Applicable:

Waiting and loading restrictions, as indicated by yellow lines / markings on the carriageway and/or kerbs may be in force throughout the year.

It is only in designated parking bays (limited waiting, loading, shared use bays, pay & display etc.), that restrictions may be lifted on Bank Holidays. Reference should be made to the relevant signs and lines on the highway and kerbside.

Motorists cannot assume that restrictions do not apply on Bank Holidays unless this is specifically stated in the relative signage. Enforcement on Bank Holidays should pay particular attention to known problem areas.

Bank Visits:

Claims from individuals or companies that because money is being taken to or from a bank PCNs should not be issued will not be accepted as a reason to cancel. If restrictions are in place adjacent to a bank these must be complied with by all motorists. Motorists should be advised to contact the bank about future security arrangements.

It is appreciated that difficulty may be experienced when visiting banks but the exemption that will apply is in relation to bullion vehicles whilst loading / unloading large quantities of coin and cash boxes.

Blocked Access:

Drivers who claim that they were unable to gain access to their private or commercial property are not entitled to park in contravention of any parking restriction. The exception to this is when a driver has to collect a key to unlock a barrier that prevents access. This, however, should take no longer than 5 minutes in most circumstances.

Where access to a property is being blocked and a parking restriction is in place a PCN may be issued to the vehicle providing it is parked in contravention of the restriction. **See also “Dropped Footway”**

Cases of obstruction should be referred to the police as a CEO will not be able to issue a PCN.

Blocked Exit from a Parking Place:

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

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

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

Where a representation against the issue of a PCN is received claiming that a vehicle could not be moved due to another parked vehicle, then due consideration should be given to its cancellation.

When considering this, the representation should be accompanied by any supporting evidence provided by the vehicle owner and due consideration will also be taken of the CEO's pocket book notes and any photographs.

Blue Badges – See “Disabled Drivers / Passengers”

Breakdown Organisations

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

Broken Down Vehicles: (Also See “Vandalised Vehicles”)

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

1. Garage Receipt, on headed paper, properly completed and indicating repair of the alleged fault within a reasonable time of the contravention.
2. Till receipt for purchase of seemingly relevant spare parts purchased on or soon after the date of contravention.
3. Confirmatory letter from the RAC, AA or other similar motoring organisation.
4. Confirmation from the CEO that the vehicle was obviously broken down.

Each case should ultimately be considered upon its own merits although previous cases where breakdowns have been accepted as mitigating circumstances should also be considered.

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

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

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

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

2. FLAT TYRE:
 - a) It is reasonable to expect that in the event of a flat tyre the driver would be with the vehicle and making efforts to change the vehicle's wheel. If the vehicle is left unattended a PCN will be issued and will be cancelled only if it subsequently transpires that the

driver was: Elderly, disabled or infirm and had gone to obtain assistance. In such instances evidence from the assisting party is required.

- b) If the wheel could not be changed because of a mechanical difficulty evidence must be produced from the attending breakdown service supporting this.
- c) Failure to carry a spare wheel is not sufficient reason to cancel a PCN.

3. OVERHEATING:

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

4. RUNNING OUT OF FUEL:

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

Builders / Tradesmen:

1. Waiting restrictions: Parking will only be allowed whilst loading / unloading of tools or materials are taking place. At all other times the vehicle must be moved to a permitted parking area.
2. On-Street Residential Parking Zones: Trade vehicles can only park if they are loading/unloading, have a valid visitor's permit (only available in some zones), have a business parking permit (only available in some zones) or where limited waiting is allowed without a permit – there will be a need to check the signs to determine how long the vehicle can be parked for.

Bus Stops:

Bus stops can either be restricted or unrestricted:

1. Restricted: A restricted bus stop will show yellow lines and a time plate showing the hours of operation.
2. Unrestricted: An unrestricted bus stop will not have a time plate but may show advisory road markings.

A bus stop restriction cannot be transferred to a temporary bus stop unless the Temporary bus stop is fully signed in accordance with the regulations. PCNs issued to any vehicle, other than buses, waiting in a restricted bus stop should be enforced.

Caravans and Trailers:

Caravans and Trailers not attached to a motor vehicles and parked in contravention of a Traffic Regulation Order should be reported to the local Divisional Surveyor as soon as possible.

Care Organisations:

Numerous care organisations are now operating within West Berkshire 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 West Berkshire Council as valid authorities to park.

1. 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. Consequently permits are not issued for this purpose.
2. 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 the PCN may be cancelled after consideration of the evidence available.

Cars for Sale / Hire:

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

Challenge against Issue of PCN:

Within 14 days of issue of a PCN the owner of the vehicle may make an informal written challenge against the PCN. Within this challenge (s)he can mention any mitigating circumstances as well as challenging the validity of the PCN.

The Council will respond, in writing, within 28 days of receipt of the challenge and must either give notification of acceptance of the challenge and cancellation of the PCN or rejection of the challenge.

If a challenge is rejected the written notification from the Council must give precise reasons why this decision has been reached. The discounted rate will be restarted and last for 14 days from the date of the representation rejection letter.

The making of an informal challenge in no way detracts from the ability of the owner to make a subsequent formal representation against the issue of the PCN to the Council or to the Traffic Penalties Tribunal.

Challenges / Representations Accompanied by Payment:

Where members of the public submit a payment and enclose a letter challenging the PCN and seeking redress, the authority will always consider the challenge.

If the challenge is unsuccessful we will return the cheque explaining why the challenge is unsuccessful and that the PCN cannot be formally challenged until after the issue of an NtO. We will offer another 14 days to pay the discounted penalty charge.

CEOs' Pocket Book / Notebook:

The CEOs shall maintain a separate pocket book in which they shall note daily details of their patrols, PCNs issued etc. These books shall be kept in addition to any details entered into their handheld

computers. They will be made available to the adjudicators in the event of a PCN being challenged through the independent adjudication process and will assist the investigation of any challenge or representation received by West Berkshire Council.

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

Clamping & Removal:

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

This power to clamp and remove vehicles is included within the Statutory Instrument from DfT, and incorporated within the relative Traffic Regulation Orders.

Complaints against CEOs:

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

Any allegation of misconduct or rudeness made against a member of the enforcement staff will be investigated and dealt with in accordance with the Council's Disciplinary Policy. The findings of the investigation will be communicated to the complainant, in writing, within the stipulated timescale. Should the findings not be acceptable to the complainant advice of how to invoke the Council's Formal Complaints Procedure will be given.

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

Council Officers & Members on Duty:

All council officers and Members on duty are expected to fully comply with on-street parking regulations:

1. Staff or Members carrying out their official council duties will be expected to comply with any relevant parking regulations. Failure to comply will result in a PCN being issued.
2. Parking on Yellow Lines: No special dispensation will be given to allow staff or Members to park on yellow lines. In such cases PCNs will be issued and pursued.
3. Request for Cancellation of PCN: This will only be considered in case of emergency and must be supported by written confirmation from the relative Corporate Director.

Court Attendance – Defendants:

The conditions applying to Jury Members and Witnesses equally apply to defendants. However, there have been instances when a defendant has unexpectedly been given a custodial sentence and, as a direct result, is unable to remove his/her vehicle from a Council car park or limited parking bay.

In such instances the Council will expect that the vehicle will be removed, as soon as is reasonably possible, by the defendant's family, friends or legal representatives. Any PCN issued will not be enforced providing supporting evidence is supplied by the defendant's legal representative.

Court Attendance – Jury Service or Witness:

The length or timing of any court hearing or trial cannot be guaranteed and often Jury members and/or witnesses find that they are unable to leave court to purchase further pay & display time in a car park or to move their car. This often leads to overstay and to PCNs being issued. To counter this Courts issue clear instructions to all Jury members and witnesses advising them as to how and where they should park. The courts will not pay any PCN issued to a witness or Jury member whilst carrying out their legal duties even if they are delayed by the court.

In such circumstances the Council will enforce PCNs against the owner unless evidence is produced to support the fact that they were delayed to an extent that could not have been reasonably foreseen e.g. moved to a hotel overnight.

Dental / Doctors Appointments:

If the claim is made that, due to a delay in the appointment time or that treatment took longer than anticipated and this resulted in a PCN being issued for overstaying the parking time allowed, consideration should be given to the validity of the claim. Such claims should be supported by written confirmation from the dentist or doctor that the delay was caused for reasons outside of the driver's control.

However, the Council must be satisfied that the driver allowed long enough when deciding where to park or when purchasing a ticket for normal delays experienced whilst attending such appointments.

Description of Vehicle – On PCN:

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

1. **Tax Disc Number:** The one thing that is unique to the vehicle is the tax disc number, which is recorded by the CEO at the time of the PCN issue. If these match then the Council have good grounds to pursue the PCN irrespective of any other error regarding colour or make.
2. **Incorrect colour:** If the colour is incorrectly recorded consideration should be given to cancellation of the PCN as follows:
 - a) **Widely differing Colours:** A blue car recorded as red car can obviously not be explained, and consideration should be given to cancellation of the PCN. This error may, however, indicate a re-spray not advised to DVLA. If the colour recorded by the CEO is backed up by photographic evidence taken at the time of the alleged contravention, we will proceed with enforcement, even if DVLA records show a different colour for the vehicle.

- b) **Similar Colours:** Similar colours are often mistaken for each other especially in poor light. Many metallic colours can be seen differently by different people i.e. Silver as Blue, Black as Grey. Solid colours such as white differ widely from model to model and can be seen as Cream. Many blues can be seen as green and vice-versa. Where there is a close relationship between the colours then the PCN should be pursued.
3. **Incorrect make:** Although many manufacturers produce different models that look very similar it would be very difficult to enforce a PCN issued to a Vauxhall which turned out to be a Ford. The CEO will check the tax disc of the vehicle before issuing a PCN. This should show the correct make of vehicle. If a subsequent tax disc check is irreconcilable we may consider cancelling the PCN.

Diplomatic Vehicles:

These vehicles fall into two categories: those with 'D' plates, which indicate that the driver has full diplomatic immunity, and those with 'X' plates, which indicate limited immunity.

PCNs issued to 'D' and 'X' plate vehicles should automatically be cancelled upon input to the processing system although, should the driver subsequently decide to make payment, it will be accepted.



Disabled Drivers / Passengers:

Blue badges are issued to either a disabled driver or a disabled passenger. They can only be used when the vehicle is being used to transport the disabled person. It is not permitted to use the badge for any other purpose e.g. shopping for the disabled person when they, themselves, are not being transported in the vehicle to carry out the shopping. Blue badges must be clearly and properly displayed whilst the vehicle is parked. The Blue badge must be on the dashboard or the fascia of the vehicle where it can be seen through the windscreen. The front of the badge must be displayed, with the wheelchair symbol visible. If there is no fascia or dashboard in the vehicle, the badge must be displayed in a prominent position. The Blue badge should always be displayed along with the disabled badge time clock.

Failure to do so will result in a PCN being issued for the contravention of the relative parking restriction. When considering the matter the Council will take into account previous contraventions by the same vehicle and/or badge holder for failure to display a disabled badge. Where no previous contravention has occurred the representation should be allowed, providing proof of the existence of a valid badge is supplied. In such circumstances the letter sent to the person making the representation should make it clear that this contravention will be taken into account when considering any future contravention and that this may lead to future representations being rejected.

Providing the Disabled Badge is clearly and properly displayed the Badge Holder can park in:

- Limited parking areas: For an unlimited time.
- Yellow Lines: For a period not exceeding 3 hours.
- Resident Parking Zones: For an unlimited time.

- Car Parks in the area for up to 3 hours free of charge (providing the vehicle is displaying a Blue Badge & time clock, or a disabled exempt tax disc). Wherever possible the driver should park in designated disabled bays.

Disabled Badge Holders are not allowed to park in:

- Any area where there is a loading restriction.
- Any area specifically reserved for other vehicles or purpose. i.e. Taxi Ranks, reserved spaces in car parks, Bus Stops or Goods vehicle loading bays etc.

Parking with a Blue Badge must always be in accordance with the current Blue Badge Scheme guidance.

Disabled visitors from the European Union can enjoy the parking concessions provided in the UK by displaying the badge issued under their own national scheme. Where their national scheme does not include a parking disc (time clock) as required in England and Wales for parking on double yellow lines, the DfT suggests that, when parking in areas that would normally require a parking disc, the disabled badge holder should simply write the time of arrival on a piece of card and display it prominently on the dashboard or fascia panel of their vehicle. This concession will be extended to disabled badge holders from all other countries.

The Department for Transport is keen to ensure that the Blue Badge Scheme provides the intended benefits to badge holders while seeking to prevent improper use. By virtue of Section 94 of the Traffic Management Act 2004 police officers, traffic wardens, local authority parking attendants and civil enforcement officers (as defined in Section 76 of the Traffic Management Act 2004) have the power to inspect badges. It is an offence to fail to produce a badge when requested to do so by any of these authorised persons. CEOs employed by the Council will receive specific training on how the inspection of Blue Badges should take place.

Dispensations & Suspensions:

DISPENSATIONS: The following vehicles will receive automatic dispensation from waiting restrictions:

- Police, Fire, Rescue Services (including RNLI & Coastguard) and Ambulances but only whilst attending emergency situations.
- Vehicles involved in contracted Highway Maintenance or Public Utility work where there is a need for them to be parked adjacent to the site.
- Livered Council vehicles carrying out statutory duties such as Refuse Collection, Street Cleansing and verge maintenance.
- Vehicles displaying valid disabled permits (see appropriate section on Disabled Drivers/Passengers).

Dispensations may be granted for other reasons.

SUSPENSIONS: Designated parking bays, on or off-street, may be suspended.

Full guidance on dispensations and suspensions (what they will be granted for, how to apply etc) can be found at "www.westberks.gov.uk/parking" or on request.

Suspension of bays in off-street car parks need to be discussed with the Council and a charge for the suspension will be made on a commercial basis.

Double Parking:

Drivers are not permitted to park their vehicles more than 50 centimetres away from a kerb when the vehicle is not within the markings of a designated parking space. This contravention is more commonly known as double parking. Vehicles parked in this manner cause inconvenience and unnecessary danger to other road users by obstructing the carriageway. Vehicles parked in such a manner will be issued a PCN using the 26 contravention code by the CEO.

Drink Driving or Other Arrest:

If the driver of a vehicle has been arrested and, as a direct result, has been forced to leave the vehicle in contravention of an on-street parking restriction any resultant PCN should not be enforced unless the driver has had ample time to safely remove the vehicle after his/her release from custody. (In the case of drink driving a period of at least 12 hours should be allowed for safe removal of the vehicle).

In all cases of arrest claims the driver should be asked to provide date, time and evidence of arrest including custody number, officer and Police Station involved.

Dropping Off - Picking Up Passengers:

Except on designated clearways and zig-zag (schools and pedestrian crossing) restrictions, any vehicle will be allowed a reasonable amount of time to drop-off or pick up passengers irrespective of any on-street waiting or loading restriction in force.

As long as the CEO witnesses dropping off or picking up activities a PCN will not be issued. After 5 minutes of inactivity a PCN will be issued.

When considering the cancellation of PCNs special consideration will be given to Hackney Carriages or Private Hire Vehicles who will need additional time to announce their arrival and accept payment.

Emergency Duties:

1. **Local Authority Liveried Vehicles** will be exempt from parking restrictions when actively dealing with an emergency on the highway. However, these vehicles should not be parked in a way that will cause an obstruction to other road users and pedestrians wherever possible.
2. **Medical Emergency:** Doctors, nurses, midwives engaged on emergency duties are, wherever possible, expected to park legally in accordance with local restrictions. Should a PCN be issued it will be cancelled only upon evidence of the emergency being provided. Regular or programmed visits will not be considered an emergency.
3. **Non-Liveried Vehicles** such as private vehicles being used by the Council Highways Department. Such vehicles are, wherever possible expected to park legally in accordance with local restrictions. Should a PCN be issued it will be cancelled only upon evidence of the

emergency being provided. Regular or programmed visits will not be considered an emergency.

Enforcement Agents (formerly known as Bailiffs):

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 collection of money and/or goods of sufficient value to produce the required amount. For this purpose the Enforcement Agent will always have an appropriate vehicle nearby.

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

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

Estate Agents:

Estate agents are not exempt from parking restrictions and PCNs should always be enforced.

Exempt Vehicles:

The following vehicles are considered to be exempt from parking restrictions whilst attending emergencies:

1. Fire and Rescue Services Vehicles (including private vehicles where the vehicle is being driven by emergency services personnel such as Lifeboat Personnel and Retained Fire-fighters)
2. Marked Police Vehicles
3. Ambulances.

The following vehicles are exempt in the circumstances described:

1. Vehicles that at the relevant time are being used or appropriated for use by HM forces.
2. Vehicles that belong to, or at the relevant time are being used or appropriated for use by visiting forces (such as the United States Visiting Forces).
3. Local Authority Vehicles (or those of their contractual agents), whilst being used to carry out statutory and common law duties and powers (i.e. Refuse Collection, Street Cleansing, Highway Maintenance), or whilst carrying out duties that require the vehicle to be in close proximity (i.e. Verge Grass Cutting), including CEO Vehicles.
4. Post Office and other vehicles engaged in the delivery of postal packets (i.e. Courier companies such as UPS). – This does not include private vehicles used by postmen/women whilst carrying out letter deliveries. The Council will expect such vehicles to be parked in compliance with any parking restriction.

5. Electricity Board, Gas Board, Water Authority, British Telecom or other telecommunications (and/or their appointed contractors), whilst actively laying or undertaking repairs to pipes, cables or other apparatus in the highway.
6. Vehicles involved in building, excavating and demolition work whilst lawfully and actively engaged on those duties in the highway.
7. Vehicles with pumping systems on-board whilst lawfully and actively using the pump system on the highway.

Fire-fighters on Call:

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

Footway Parking:

1. Parking partially or wholly on a footway should not take place unless signs permit it.
2. Driving on the footway and obstruction of the footway are endorsable offences and may be enforced by the Police.
3. Most waiting and loading restrictions cover the relevant half of the highway – Centre line to boundary and this includes all footways and verges. A PCN will be issued for contravention of the restriction even if the vehicle is parked wholly behind the yellow line(s).
4. The following vehicles are exempt from any such prohibition only under the circumstances indicated:
 - Marked Vehicles used by Police, Fire and Rescue Service and Ambulance services whilst carrying out emergency duties.
 - Vehicles used for Street / Street Light cleaning and Refuse Collection providing that they are actively involved in the function.
 - Vehicles actively involved in works or maintenance of highway or public utilities.
5. PCNs may also be issued as follows
 - HGVs parked on the footway.
 - Where a Traffic Regulation Order (TRO) specifically restricting parking on a footway exists.

Formal Representation against Issue of PCN:

The owner of a vehicle is given the opportunity to make a Formal Representation against a PCN once the Notice to Owner (NtO) is sent to him/her by the Council. This representation must be made within 28 days of receipt of the NtO. Formal Representation can only be made on the following grounds:

1. The Contravention did not occur
2. The Penalty exceeded the relevant amount (currently £50/£70 depending on the level of contravention)
3. The Traffic Order was invalid
4. The person receiving the NtO was not the owner/keeper of the vehicle at the time that the contravention occurred
5. The vehicle had been taken without my consent
6. The NtO was received by a hire firm and they have supplied the name of the person hiring the vehicle at the time that the contravention occurred

Funerals & Weddings:

PCNs will not be issued in the case of:

- Funerals – For the hearse and cortege vehicles.
- Weddings – Bridal Vehicles.

However, vehicles belonging to mourners or wedding guests that are not actively involved in the wedding or funeral will not be able to park in contravention of any parking restriction. Any PCN issued to vehicles associated with a funeral or wedding, however, should be considered with due respect.

Garages – Vehicles Left Unattended:

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

Glaziers:

Claims from glazier companies that a vehicle needed to be parked close to the location of an emergency repair should be treated leniently providing it is confirmed, from the CEO's notes, that such activity was taking place at the time of the issue of the PCN. PCNs will not be cancelled when issued to vehicles that are not actively involved in the work.

Government Department Vehicles:

Unless the reason for parking the vehicle was under exceptional circumstances PCNs issued to vehicles owned or operated by Government Departments should be enforced. They are not exempt purely by virtue of the fact that they are operated by a Government Department. If the vehicles are involved in exceptional activities such as surveillance by Customs & Excise or the Benefits Agency, evidence to support this in the form of a written statement from a senior manager on headed notepaper must be supplied. Wherever possible Government Agencies involved in such activities should be encouraged to give the Council advance notice and details if the vehicle(s) involved.

Hackney Carriages / Private Hire Vehicles (PHVs):

Hackney Carriages and Private Hire Vehicles operating within the County are licensed by the relevant Council and carry a numbered license plate that must be displayed on the rear of the vehicle. There is a distinct difference between Hackney Carriages and Private Hire Vehicles (PHV). PHVs are not allowed to ply for hire on the street or display a "TAXI" sign.

Hackney Carriages licensed by local authorities are not allowed to ply for hire within another local authority area. Hackney Carriages and PHVs, like all vehicles, may stop to allow passengers to board or alight for as long as is reasonably necessary for the purpose. It is not an exempted activity to assist passengers into premises and to leave the carriage unattended.

If a licensed Hackney Carriage or PHV is left unattended for more than 10 minutes it is liable to receive a PCN. When considering representations it should be borne in mind that when a Hackney Carriage or PHV is called to an address to pick up passengers the driver should be allowed time to announce his/her arrival.

(See also Taxi Ranks)

Hatched Markings in Car Parks

Hatched markings are placed on the surface of the car park to indicate an area where parking or waiting is not allowed. Vehicles seen to be parked, or waiting on hatched markings within a car park will be issued with a PCN.

Hazardous Chemicals / Substances:

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

If the PCN was issued for contravention of a no loading restriction then, once again, the CEO's notes should be viewed to establish whether the loading activity was taking place. If so then serious consideration should be given to the cancellation of the PCN in view of the Health & Safety of the public. Any such representation should be accompanied by documentary evidence showing the nature of the goods being delivered.

Hiring Agreement:

It is within the legislation that, in the case of a hired vehicle, responsibility for a PCN is that of the hirer of the vehicle at the time. Consequently, in this case, the responsibility does not rest with the registered owner, the Hire Company, providing they make formal representation to the Council once the Notice to Owner is received.

This representation must be accompanied by a copy of the relative hire agreement. In all cases this agreement must clearly state: The name and address of the hirer, the start and finish dates for the hire period and the hirer's signature. It must also include a statement regarding the hirer's liability for any PCNs incurred during the hire period.

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

Holidays:

Vehicles are often left parked in one place whilst the owner is away on holiday. In such cases a PCN could be issued for being parked in a suspended on-street parking place or for failing to display a valid Visitors permit in an on-street residential parking zone:

Suspended Bay:

- The Council has the power to suspend parking within a designated parking bay to allow access by a specific vehicle or highway / bay maintenance to be carried out. In such cases advance notice is placed alongside the bay and is distributed to nearby properties giving the date, times and length of the suspension.
- If these notices are posted and distributed after the owner departed on holiday then any PCN issued should be cancelled. Evidence must be provided showing departure date and time (i.e. Flight tickets etc.). This should be compared with records relative to the display and distribution of the notices. In essence the Suspension cannot operate retrospectively.

Residential Zone Parking using a Visitors Permit:

- It is sometimes the case that friends, holidaying together, will use one vehicle and the second vehicle is parked for the duration of the holiday. This occasionally results in a vehicle, belonging to a non-resident, being left in a Residential parking zone displaying a visitor's permit.
- Visitor's permits are designed for genuine visitors to a resident's property and are valid for one day only. Display of permits completed in advance is considered to be invalid and PCNs will be issued for this reason.
- The Council considers these vehicles belong to people who are not genuinely visiting the residential property and, therefore, the PCNs will be enforced.

Intervention in Challenge & Representation Processes by Members and other Officers:

The process of dealing with challenges and representations against the issue of PCNs is well documented and will be carried out in a fair, unbiased and equal manner. These procedures include the ultimate right of all appellants to refer the matter to an independent arbitrator (Traffic Penalties Tribunal). To preserve the integrity of these procedures they will be managed and carried out by the Operational Management of Parking Operations and no undue external pressure shall be brought, by either members of the Council or other senior officers, designed to unduly influence the decisions by virtue of their position alone.

Legislation:

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

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

If the owner is querying the authority behind a specific restriction then reference should be made to the relevant Traffic Regulation Order, held by the Council. Prior to any correspondence with the owner this order should be checked to ensure the validity of the PCN. If any doubt exists then the PCN should be cancelled and the decision communicated to the owner. No legal advice will be given.

Loading / Unloading:

Vehicles will be permitted to park in contravention of waiting restrictions, including Resident Parking Zones, whilst carrying out the legitimate activity of Loading or Unloading provided:

1. Loading / Unloading involving the vehicle, is observed by the CEO whilst the vehicle is parked. The observation period shall be for at least five minutes for a private vehicle and 10 minutes for a commercial vehicle, and a PCN shall only be issued if no activity is seen during this period.
2. The goods being delivered or collected comply with the definition of goods (please see 'Definitions' below).
3. 10 minutes will be allowed for the driver of a goods vehicle to complete delivery paperwork.
4. Where a PCN is issued, a representation will be considered if supported by evidence confirming that the driver was delayed or was involved in moving heavy goods.

See also Goods Definition of when Related to Loading/Unloading

Location – Incorrect:

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

Lost Keys:

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

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

Medical Emergencies:

If the motorist provides proof of a medical emergency, that is consistent with the conditions described or, if the CEO has made notes to support the motorist's representation, we may accept the representation and cancel the PCN. If the motorist cannot provide some proof of a medical emergency, consistent with the conditions described or, where other evidence contradicts the motorist's claim we may reject the representation. Each case will be treated on its individual merits and will take any previous PCNs issued to the same vehicle owner into account.

Mis-Spelling of Owner's Name:

The mis-spelling of the owner's name and/or address on the Notice to Owner does not invalidate it or discharge the liability of the person receiving it. The onus is still on the genuine owner to deal with the matter. Such names and addresses are, in most cases, obtained from the DVLA and are supplied by the owners themselves. It is also incumbent upon the owner to ensure that these are correct. If any mis-spelling is discovered then alterations must be made immediately to ensure that future notices are sent out correctly. When the mis-spelling is severe and is radically different from the correct spelling consideration should be given to the cancellation of the PCN.

Mitigating Circumstances:

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

1. DELAYS: Delays due to queues at shops, banks etc., meetings taking longer than expected, caught up in crowds etc., are not considered as valid reasons to cancel a PCN. Allowance should be made for such delays when purchasing parking time as they are a regular occurrence and part of normal life. (See emergencies below).
2. CHILDREN / ELDERLY PEOPLE: Claims are often made by people, accompanied by young children or elderly people, that they were delayed because of them. Again this should not be considered as a reason to cancel a PCN because allowance should be made for this when purchasing parking time. (See emergencies below). Claims that PCNs issued whilst children were being dropped-off or collected from schools etc., should not be cancelled unless a reasonable amount of time was not allowed by the CEO. The normal 5 minute observation period should be enough time in such circumstances.
3. EMERGENCIES: An emergency is an unforeseen situation that prevented the driver from moving his/her vehicle. They are usually of a medical nature and leniency should be exercised where it can be seen that the driver could not have foreseen the situation. Wherever possible such claims should be supported by independent evidence.

Mobile Phones:

The driver of a vehicle that is parked in contravention of any parking regulation whilst using a mobile telephone will only be allowed the relevant observation period in order to complete their call prior to the issue of a PCN. The relevant observation period is dependant on the parking contravention being committed, and the type of vehicle – whether it is a private or commercial vehicle. **See 'Standard Contravention Codes and Observation Times' above.**

Motorcycle Bays:

These are not mandatory bays but are exemptions to the normal restrictions either on street or in car parks. Consequently any vehicle, other than a motorcycle, parked in such a bay is parked in contravention of the surrounding restriction, not for being parked in a motorcycle bay.

Car Parks

Motorcycles may park for free in a Council car park provided they either use a marked motorcycle bay or park on any other area of the car park, including hatched areas, where they do not cause an obstruction to either pedestrians or other vehicles using the car park. Motorcycles should not be parked on roadways and if they are parked in a marked vehicle bay then a ticket must be obtained and displayed (retaining the tear off portion as proof of purchase)

Motorist Claims of Feeling Unwell:

If the motorist provides proof of a medical condition, temporary or permanent, that is consistent with the conditions described or, if the CEO has made notes to support the motorist's representation, we may accept the representation and cancel the PCN. If the motorist cannot provide some proof of a medical condition, temporary or permanent, consistent with the conditions described or, where other evidence contradicts the motorist's claim we may reject the representation. Each case will be treated on its individual merits and we will take any previous PCNs issued to the same vehicle owner into account.

(See also Medical Emergencies)**Motorist Not the Owner/Keeper, or Had Sold the Vehicle at the Time of the Contravention:**

We may accept representations made against the issue of a PCN if:

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

Notice of Rejection or Acceptance of Formal Representation:

Within 10 working days of receipt of a formal representation from the owner of the vehicle the Council will endeavour to send out a written Notice of Acceptance or Rejection:

1. Notice of Acceptance: This will confirm that the representation has been accepted and that the person's liability for the PCN has been cancelled.
2. Notice of Rejection: This formally rejects the representation and gives detailed reasons why the Council have come to this conclusion. The rejection is also accompanied with the necessary forms and instruction on how a further representation can be made to the independent Traffic Penalties Tribunal. – This representation must be made within 28 days of receipt of the notice of rejection.

Observation Period – Prior To Issue Of PCN:

Prior to the issue of a PCN the CEOs will, for most contraventions, allow a period of at least 5 minutes for a private vehicle, 10 minutes for a commercial vehicle, to elapse between first observing the vehicle illegally parked and the issue of the PCN. The details of the vehicle will be entered into the CEO's Hand Held Computer (HHC) when first seen and the computer will prevent issue of the PCN within 5 minutes of that time.

The CEOs will be able to continue with their patrols, as long as the contravening vehicle is kept in view, and then return to the contravening vehicle. The observation time and the PCN issue time will appear on the face of the PCN itself and will be recorded by the enforcement software system.

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

Claims from owners that they did not see or realise that they had to use a meter or pay & display machine should be dismissed providing that they are clearly sign posted.

Pay & Display Ticket Machines – Not Working:

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

Pay & Display Tickets:

Most of the Council's car parks operate as pay & display. Pay & Display requires the purchase of a ticket at the time of parking for the amount of time required. All tickets display the expiry date and time on them along with the fee paid and car park. The car park fee tariff is clearly displayed adjacent to each machine. Pay & Display Tickets must be:

1. Clearly displayed whilst the vehicle is parked.
2. For the date shown.
3. Un-expired.
4. For the car park indicated
5. For the vehicle indicated – where applicable.

PCNs will be issued for:

1. Failing to display a valid ticket.
2. Displaying a ticket that has expired.
3. Purchasing additional Pay & Display tickets in order to extend the stay beyond that initially purchased (only applicable in some car parks where the contravention is clearly signed).

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

For the avoidance of doubt correctly displayed means that the pay and display ticket must be displayed face up inside of the windscreen so that all of the information printed on the ticket covering arrival/departure times and amount paid are clearly visible through the front windscreen.

Representations made because of delays returning to the car park will be dealt with in accordance with 'mitigating circumstances' above.

Penalty Charge Notice – Discount Period:

The PCN rates throughout the County are currently set at £70 and £50 depending on the type of parking contravention. If the PCN is paid within 14 days of issue a discounted amount of £35 or £25

(50% of the original PCN rate) will be accepted in full settlement of the matter. If a representation is received from the owner within 14 days of issue of the PCN the discounted period will still apply.

Following the rejection of an initial representation or, in certain circumstances, of a formal representation, a further 14 days for the payment of the PCN at the discounted rate will be allowed. This fact will be included within the Notice of Rejection.

If the challenge is received more than 14 days from issue of the PCN the discount period will not apply and the full amount of £70/£50 will be payable in the event of the challenge being rejected.

If a Notice to Owner (NtO) is sent to the owner/keeper who subsequently states that they have not received a Penalty Charge Notice they may make a written statement to that effect. If accepted, the discount amount can be paid provided it is paid within 14 days.

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

- 1) To ensure that previous such claims have not been made by the same person. If there is a history of such claims the discounted period should not be restarted and the full amount paid.
- 2) To determine whether the information recorded by the CEO confirms that the PCN was attached to the vehicle.
- 3) To determine whether there is corroborating evidence that the PCN may have been removed illegally by third parties or otherwise.

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

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

Penalty Charge Notice - Early Issue Of:

Claims that a PCN was issued before the time that a contravention is deemed to have been committed, requires careful investigation. The issue of PCNs is controlled by handheld Computers carried by each CEO. These computers have in built clocks, which are calibrated each morning prior to commencement of the patrols. Where appropriate the CEO will impose a five-minute observation period for private vehicles, and a ten-minute observation period for commercial vehicles, prior to allowing a PCN to be issued. These times will appear on the PCN itself as "Time First Seen" and "Time of Issue". The computer system will prevent any subsequent alteration to these times. The normal procedure is for a CEO to enter the observation details into the computer, then to continue with his/her patrol before returning to the vehicle to complete the issue of the PCN. In all cases a minimum of five/ten minutes must be allowed between observation and issue.

Penalty Charge Notice – Incorrect Vehicle Location:

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

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

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

The representation may be rejected if:

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

Penalty Charge Notices – Removed from Vehicle / Not Received:

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

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

If we receive correspondence claiming that the PCN was not received, we will examine the evidence recorded by the CEO. If it is accepted that the PCN was not received we will write to the registered owner of the vehicle to inform them that if the PCN is paid within 14 days of issue of this letter, the PCN rate will be discounted by 50% and £35 or £25 (depending on the contravention) will be accepted in full settlement. If the PCN remains unpaid after 14 days it will be dealt with via the normal PCN Recovery System.

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

Penalty Charge Notices – Time to Pay / Instalment Payments:

As a general rule the Councils will neither offer extensive time in which to pay PCNs nor will it enter into instalment payment arrangements. Exceptions to this are only made in cases of demonstrated, genuine financial hardship. The Council will not consider such arrangements if Enforcement Agent warrant(s) has been issued for recovery of the amount due although the Enforcement Agent may enter into such an arrangement.

- Application must be in writing and will be responded to within 8 working days.

- The application must contain proposal for payment and be accompanied by any evidence supporting the claim of financial hardship.
- The Council's response will signify acceptance or rejection of the proposal.
- A rejection will be accompanied by the Council's counter proposal which will be the final offer based on:
 - Where the debt involves multiple PCNs the Council will expect the settlement of at least one per month.
 - Payments will be applied to the oldest PCN first thereby preventing the payment of discounted PCNs first.
 - Otherwise a minimum payment of £10 per week. Wherever possible payment to be made by post-dated cheques to be held by the Council for presentation on the due dates.
 - Non-payment of any cheque will result in enforcement action being recommenced and all un-banked cheques being returned to the drawer with a letter stating that the arrangement is cancelled.
 - Where payment by cheque is not available, payments by postal order or debit card will only be accepted at the Council's Parking Section.
 - The Council will maintain a separate active file for each arrangement reached, which will be reviewed by a senior manager each month.

Penalty Charge Notice – Vehicle Driven Away Prior to PCN Being Served:

If the CEO's pocket notebook and computer notes confirm that the vehicle drove away after the issue of the PCN had begun, i.e. whilst details were being noted, but before the PCN could be served, i.e. handed to the driver or affixed to vehicle, the PCN will be served on the owner of the vehicle by post after obtaining the owner details from the DVLA.

Penalty Charge Rate:

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

Permits (or Passes) In Council Car Parks

Permits are issued by Council car parks administrative staff and consist of two main types:

- Season Ticket – valid for these certain car parks only.
- Special Event Permits – these are used on rare occasions and will denote the car park in which they are valid, dates of validity and the event being held. Copies will always be supplied to CEOs in advance of the event.

See also "Residents Discount Scheme"

Plumbers, Electricians, Gas Fitters:

Emergency call out: 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.

Heavy Equipment: Dealt with as loading / unloading.

Police Officers on Duty:

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

PCNs issued to unmarked police vehicles regularly parked outside of a police station should not automatically be cancelled as this can be deemed to be parking at a place of work and therefore, no different from any other employed person.

Police Officer Gave Permission To Park:

Where details of the officer concerned are given, confirmation should be sought prior to cancellation of the PCN. Where these details are not given then the PCN should be enforced unless they are supplied subsequently.

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

Pregnancy – Parents with Young Children:

Generally pregnancy is not considered to be a disability and delays caused by young children should not normally lead to the cancellation of a PCN. However, this is a sensitive area and each case should be treated on its merits. i.e. If the delay was short (up to 10 minutes) or was caused by a minor medical emergency, child being sick or pregnant women feeling unwell, leniency should be shown. If the delay was caused by the parent not allowing additional time enough to deal with young children or her own condition, both of which they are fully aware of, then the PCN should be enforced.

Previous Records of Parking Contraventions

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

Private Property:

Private landlords, residents etc can impose any reasonable restriction on their own property i.e. the need for permits, clamping etc. Enforcement of such restrictions, however, is also their responsibility although it may be subcontracted to other companies. Any person querying such an area should be referred to the relevant landlord or resident.

Public Service Vehicles (PSVs)

1. In service PSVs may stop anywhere to allow passengers to board the vehicle (unless there are specific exemptions in place)
2. Out of Service PSVs are not permitted to park in contravention of any restrictions and will be treated the same as any other vehicle.
3. Touring Coaches are permitted to park in order to allow passengers to board / disembark the vehicle. However, they are not permitted to park in contravention of any restriction for any length of time prior to, or after, passengers have boarded / disembarked.

Public Utility Vehicles:

See “Emergencies Duties” & “Exempt Vehicles”

Registered Owner Liability

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

Person by whom a penalty charge is to be paid

- (1) Where a parking contravention occurs, the person by whom the penalty charge for the contravention is to be paid shall be determined in accordance with the following provisions of this regulation.
- (2) In a case not falling within paragraph (3), the penalty charge shall be payable by the person who was the owner of the vehicle involved in the contravention at the material time.
- (3) Where—
 - a) the vehicle is a mechanically propelled vehicle which was, at the material time, hired from a vehicle-hire firm under a hiring agreement;
 - b) the person hiring it had signed a statement of liability acknowledging his liability in respect of any penalty charge notice served in respect of any parking contravention involving the vehicle during the currency of the hiring agreement; and
 - c) in response to a notice to owner served on him, the owner of the vehicle made representations on the ground specified regulation 4(4)(d) of the Representations and Appeals Regulations and the enforcement authority accepted those representations;

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

In this regulation—

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

Residents’ Parking (On-Street):

RESIDENTS’ PERMITS:

(1) 1988 c. 53.

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

VISITORS' PERMITS:

- Visitors' permits are obtained by residents and issued to genuine visitors to their homes. Full instructions on how to use and display them are printed on the permits. Permits are valid only within the zone(s) printed on its face.
- Failure to display a visitor's permit when required is a contravention and will result in a PCN being issued, which should not be cancelled unless there are mitigating reasons why the permit was not displayed.
- Use of a permit within another zone, on a vehicle other than that indicated on the permit and on a date other than that indicated on the permit is also a contravention for which a PCN will be issued. Again the PCN should not be cancelled unless there are mitigating circumstances that account fully for the contravention.
- Visitors' permits are not available in all residents' parking zones.

LIMITED WAITING

- In some residents' parking zones vehicles can be parked for a limited time. The signs in these areas should be checked for the permitted duration.
- Vehicles exceeding this duration and not displaying a permit will be issued with a PCN.

Road Signs / Markings – Missing, Obscured or Broken:

1. Yellow Lines:
 - a) Where it is claimed that a yellow line(s) is worn away or has been covered by a highway repair the area should be immediately inspected and remedial work undertaken as soon as practicable.
 - b) Where weather conditions have obscured the lines (eg. snow) then remedial action to clear the problem will be taken as soon as practicable.
 - c) If it is confirmed that the claim is valid the PCN should be cancelled. The claim will be considered valid if the motorist could not establish if the restriction considered was in operation. Where the lines can be clearly seen, even though they may be partially worn, the PCN will be enforced but remedial action to renew the lines should be undertaken.
2. Kerb Markings: (Loading Restrictions) as per yellow lines above.
3. Obscured Signs:
 - a) Information signs accompanying waiting or loading restrictions must be clearly visible at all times. If it is claimed that a sign was obscured and could not be read (eg. graffiti, weather, and overhanging trees) the sign should be inspected as soon as practicable and

- remedial action taken. Photographic records from the CEO will be consulted. If the claim is proved to be correct the PCN should be cancelled.
- b) If the sign can be easily read then the PCN should be enforced but the sign should be returned to reasonable condition as soon as is practicable.
4. **Missing Signs:** If a sign is claimed to be missing it should be inspected as soon as practicable and, if confirmed, arrangements made for its replacement. A single missing time plate will not normally be considered as the restriction being improperly signed. "No Waiting At Any Time" restrictions do not require time plates to be erected.
5. **Restriction marked after vehicle parked:** A PCN may be cancelled if records confirm that signing/lining/placement of cones or suspension notices are likely to have taken place after the vehicle was parked.

Royal Mail and Universal Service Provider Vehicles:

Vehicles being used for the collection or delivery of postal packets are exempt from the regulations as long as they can be seen to be actively involved in such. Vehicles parked for more than 10 minutes with no activity observed are subject to the same restrictions as ordinary motorists and a PCN should be issued. Cancellation of a PCN will only be considered if written confirmation is received from the area manager that the vehicle was actively involved in the collection / delivery of mail.

Security:

The Chief Constable of Thames Valley Police can, at any time, give notice to suspend the use of a parking space for up to 28 days where he/she considers such suspension as necessary for maintaining security in adjacent premises. PCNs issued for contravention of such suspensions should always be enforced.

Security Vans:

Secure cash vans are occasionally required to park in close proximity to premises in order to effect the safe delivery or collection of cash. PCNs issued under such circumstances should be cancelled upon receipt of a representation from the security company confirming such an activity at the time, unless it can be clearly shown that the vehicle was parked for longer than was necessary.

Security vans involved in the delivery of mail or other such low value items are expected to comply with parking restrictions.

Street Traders:

Street trader's vehicles such as mobile kitchens and ice cream vans will not be permitted to park in contravention of any restrictions.

If a street trader's vehicle is seen to be parked in contravention of a TRO the person appearing to be the driver of the vehicle will be advised to move the vehicle by the CEO. If the vehicle is not moved after advice from the CEO, a PCN will be issued.

Suspended Bays:

PARKING BAYS, DOCTORS, RESIDENTS, BUSINESS, SHARED USE.

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

However, when a vehicle is parked legally within a designated bay, which is subsequently suspended, it is deemed to be legally parked as it cannot be made illegal retrospectively by the suspension. Vehicles parked when the suspension was placed should be recorded at that time. The owner will have to demonstrate however that, if the vehicle remains parked in contravention of the suspension for a considerable time, (s)he remained unaware of the suspension (e.g. on holiday).

Tariff – Rises in Parking Charges not Publicised:

We may accept representations made against the issue of a PCN if the owner of the vehicle can provide proof that statutory notices were not erected in accordance with procedural regulations or, if the revised tariff is not on the tariff board.

Taxi Ranks:

Councils shall make orders for Hackney Carriage Ranks. A notice is displayed at each rank showing its limits, how many Hackney Carriages may stand on it and any special regulations applicable. Vehicles, other than Hackney Carriages, (including Private Hire Vehicles) parked in such ranks will be issued with a PCN. Any vehicle, including a Hackney Carriage, parked outside of the rank and in contravention of a parking restriction will be issued with a PCN

See also “Hackney Carriages / Private Hire Vehicles (PHVs)”

Time/Date Calibration of Handheld:

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

Traffic Regulation Order – Invalid:

We must accept representations made against the issue of a PCN if the Traffic Regulation Order which describes the restriction that the vehicle was parked in contravention of, was legally flawed.

Trunk Roads

Trunk roads are the responsibility of the Highways Agency (HA). However, we will be enforcing parking restrictions on major trunk roads such as the A34 after having gained consent from the HA to do so.

Unauthorised Movement of a Vehicle:

1. Stolen Vehicle: Confirmation from the police that the vehicle was reported stolen at the time the PCN was issued including the relative crime report number will result in the PCN being cancelled.
2. Unauthorised use of a vehicle by another family member or a friend is difficult to substantiate and under these circumstances the PCN should be enforced unless it can be demonstrated that the matter was reported to the police prior to or just after the issue of the PCN. Subsequent reports will not lead to the cancellation of the PCN.

Uniforms – CEOs:

The RTRA 1984 (Sect63A[4]) states: "Parking Attendants in Greater London shall wear such uniform as the Secretary of State may determine when exercising prescribed functions, and shall not exercise any of those functions when not in uniform". The Secretary of State has determined that: "London Parking Attendants' uniforms must be readily distinguishable from those worn by the police and Traffic Warden Services and must include the following":

1. Clear identification that the wearer is a Parking Attendant.
2. Clear identification of the Local Authority on whose behalf the Parking Attendant is acting.
3. A Personalised number to identify the Parking Attendant which may contain letters as well as numbers.

The Secretary of State believes that: "the corresponding requirements concerning the wearing of uniforms by CEOs outside of London should apply and statutory backing to this will be given".

In West Berkshire the Civil Enforcement Officers will consist of the following items as appropriate for the weather conditions:

- Black hat and cover and a green band including wording 'Civil Enforcement Officer'
- Green tie or cravat
- White shirt or blouse
- Green jumper
- Black trousers or skirt
- Green fleece with hi-visibility stripes
- Black and green anorak with hi-visibility stripes
- Green blouson with hi-visibility stripes
- Green utility vest with hi-visibility stripes
- Black waterproof trousers
- Green shoulder epaulettes with white embroidery and CEO Number.

The epaulettes must be worn when the CEO is on duty and when PCNs are issued. The epaulettes will clearly display the following:

- The Local Authority that they are working on behalf of:
"West Berkshire Council"
- Their individual CEO number.
- The words 'Civil Enforcement Officer (Parking)'.

Vandalised Vehicle:

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

1. The Police – quoting the recorded crime number.
2. Motoring Organisation / Garage Service who removed the vehicle from site.

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

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

Vehicles Left Unattended To Gain Access:

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

Vehicle Stolen:

We will accept representations made against the issue of a PCN if the vehicle had been taken without the owner's consent subject to receiving satisfactory evidence. The registered owner will be asked to provide a valid police crime report including the crime reference number.

Visitor to Britain:

If a PCN is issued to a vehicle displaying foreign registration plates it should automatically be recognised by the processing system as the registration number will not be in DVLA format. Consideration should be given to cancellation of the PCN but, should payment be made then it should be accepted in the normal way. Equally all correspondence and representations should be dealt with in the normal way. If a PCN is issued to a UK registered vehicle, which has been borrowed or driven by a foreign resident, the PCN should be enforced against the registered owner(s) as they remain liable for it.

Voluntary Patient Transport Vehicles:

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

Generally such consideration should extend to:

1. Allowing sufficient time to enable the driver to make his/her presence known to the passenger(s).
2. Allow sufficient time to assist the passenger(s) between the vehicle and their home(s), bearing in mind that they may be elderly, infirm, disabled or unwell. This may well involve sufficient time to ensure that the passenger is comfortably settled within his or her own home prior to departure by the driver.

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

DEFINITIONS:

The following are definitions of terms commonly used in conjunction with parking enforcement.

Charge Certificate:

A Charge Certificate is issued:

1. 31 days after a Notice to Owner (NtO) is issued and no Formal Representation is received.
2. 31 days after a Notice of Rejection to a Formal Representation is sent where no appeal has been made to Traffic Penalties Tribunal.
3. 18 days after any appeal to Traffic Penalties Tribunal is withdrawn (i.e. withdrawn before hearing)
4. 31 days after the rejection of an appeal by the TRAFFIC PENALTIES TRIBUNAL.

When a Charge Certificate is issued the amount of the penalty is increased by 50%. PCNs issued at the £70 rate will increase to £105. PCNs issued at the £50 rate will increase to £75. The Charge Certificate is sent to the debtor requiring payment within 14 days of the full increased amount.

Commercial Vehicle – Definition of:

The definitions of commercial vehicles for the purpose of this procedure are as follows:

- Buses
- Hackney Carriages
- Private Hire Vehicles
- Heavy Goods Vehicles
- Vans – a van may look like a private motor car but will have some, if not all, of the rear windows blanked out.

Debt Registration:

- This is done at the TEC (Traffic Enforcement Centre) at Northampton County Court electronically on or after 18 days from the issue of a Charge Certificate.
- The Local Authority must confirm issue of the Charge Certificate to the court and there is a fee, from the court, of £5 for each registration. This is added to the amount owed to the Council.

Debt Registration – Notice of:

- Once the debt has been registered at TEC an Order for Recovery and Witness statement Form is sent to the debtor advising him/her that they have 21 days in which to pay the amount owed or swear a witness statement.
- Failure to do either will lead to a Warrant of Execution being applied for by the Council at TEC.
- Once issued this will enable the Council to instruct Enforcement Agents to collect the debt on their behalf.

Dispensation:

- Formal permission given by a Local Authority for a vehicle to park in contravention of a waiting or loading restriction – i.e. to allow maintenance to be carried out to adjacent property.

Driver & Vehicle Licensing Agency (DVLA):

- The Government Centre responsible for maintaining records of all vehicles, their registered keepers and Driving Licenses.

Goods – Definition of When Related To Loading / Unloading:

- In claims of loading / unloading permitted 'goods' are deemed to be any that are of sufficient bulk and/or weight that requires the vehicle to be parked adjacent to the point of collection or delivery.
- If a delivery is being carried out to a trade or business premises by a commercial vehicle this will be seen as compliant with the above.
- The delivery / collection of small individual portable items to or from a private vehicle will not constitute loading / unloading unless an elderly, disabled or infirm person is involved and enforcement of the restriction would cause hardship.
- In all cases the vehicle should never be parked for longer than is necessary but allowance should be made for delivery notes etc., to be signed.

Mandatory and Advisory Parking Bays:

- Where restrictions apply to a particular bay (e.g. Disabled bay, doctor's bay etc.), which is covered by a Traffic Regulation Order, it is said to be mandatory (obligatory). In this case there must be a time plate above the bay displaying the restrictions.
- When the bay is not covered by an order then it is deemed to be 'advisory' and, therefore, unenforceable.
- If in doubt the relative Traffic Regulation Order should be checked.

Non-Fee Paying Enquiry & Response to DVLA – VQ4 & VQ5:

- When a PCN remains unpaid for 28 days The Councils will make an enquiry to DVLA (VQ4) to ascertain the identity of the owner of the vehicle. This enquiry is made electronically via the Council's parking enforcement System.
- The response (VQ5) from DVLA is also electronic and is automatically fed into the Council's system. Responses are usually received within 3 days of enquiry.
- DVLA will confirm the response by forwarding a paper copy of the relative VQ5.

Notice to Owner (NTO):

- If a PCN remains unpaid for 28 days the Council will make an enquiry with DVLA to ascertain the identity of the registered owner. Once this is done a legal Notice to Owner will be sent to the owner advising him / her that the relative PCN remains unpaid.
- The notice will contain full details of the PCN issued and requests payment within 28 days of receipt or it gives the owner the opportunity to make a Formal Representation against the issue of the PCN, which also must be done within 28 days of receipt.

Penalty Charge Notice (PCN):

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

The PCN will identify:

- a) The date on which the notice is served;
- b) The name of the enforcement authority;
- c) The registration mark of the vehicle involved in the alleged contravention;
- d) The date & time at which the alleged contravention occurred;
- e) The grounds on which the civil enforcement officer serving the notice believes that a penalty charge is payable;
- f) The amount of the penalty charge;
- g) That the penalty charge must be paid before the end of the 28-day period;
- h) That if the penalty charge is paid before the end of 14 days beginning with the date of service of the notice, the penalty charge will be reduced by the amount of any applicable discount;
- i) The manner in which the penalty charge must be paid;
- j) That if the penalty charge is not paid before the end of the 28-day period, a notice to owner may be served by the enforcement authority on the owner of the vehicle; and
- k) That the person on whom the notice to owner is served will be entitled to make representations to the enforcement authority against the penalty charge and may appeal to an adjudicator if those representations are rejected; and
- l) That, if representations against the penalty charge are received at such address as may be specified for the purpose before a notice to owner is served,-
 - I. those representations will be considered;
 - II. but that, if a notice to owner is served notwithstanding those representations, representations against the penalty charge must be made in the form and manner and at the time specified in the notice to owner.

Registered Owner:

The Person(s) or organisation who are registered at DVLA as being legally responsible for the vehicle – The Registered Owner is not necessarily the Owner or the Driver.

Suspension of Parking Bay:

Suspension of parking within a designated parking bay or parking bays will be notified by display of adjacent signs and notices sent, in advance, to nearby properties.

Traffic Enforcement Centre (TEC):

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

Traffic Penalties Tribunal (formally National Parking Adjudication Service):

- An independent body supported by subscriptions from Local Authorities by means of a levy on each PCN issued.
- Once a formal representation against a PCN has been rejected the owner of the vehicle is given the opportunity to appeal to the Traffic Penalties Tribunal within 28 days of the rejection.
- Traffic Penalties Tribunal will review the case and make an independent decision as to the validity of the ticket based purely on its legality. The Traffic Penalties Tribunal will not take mitigating circumstances into account but will, realistically, expect a Local Authority to do this prior to the matter being sent to them. If they feel that mitigating circumstances do apply they will not uphold the appeal but will make their view known to the Local Authority.

- The Traffic Penalties Tribunal decision is final and binding on both parties.
- To ensure that appeals are not upheld Local Authorities must have watertight cases as any element of doubt will be given to the appellant and the PCN cancelled.

ABBREVIATIONS

CEA	Civil Enforcement Area
CEO	Civil Enforcement Officer
CPE	Civil Parking Enforcement
CPE	Civil Parking Enforcement
CPZ	Controlled Parking Zone
CV	Commercial Vehicle
DfT	Department for Transport
DVLA	Driver and Vehicle Licensing Agency
DYL	Double Yellow Lines
ECN	Excess Charge Notice
FCO	Foreign and Commonwealth Office
FPN	Fixed Penalty Notice
HA	Highways Agency
HHC	Hand Held Computer
HMSO	Her Majesty's Stationary Office
IHT	Institute of Highways and Transportation
LTP	Local Transport Plan
NoR	Notice of Rejection
NtO	Notice to Owner
NVQ	National Vocational Qualification
NWAAT	No Waiting At Any Time
P&D	Pay & Display
PCN	Penalty Charge Notice
PCSO	Police Community Support Officer
PMC	Private Motor Car
PNR	Private Non-Residential
PPA	Permitted Parking Area
PSV	Public Service Vehicle
RTA 1991	Road Traffic Act 1991
RTRA 1984	Road Traffic Regulation Act 1984
SEA	Special Enforcement Area
SLA	Service Level Agreement
SPA	Special Parking Area
SYL	Single Yellow Line
TEC	Traffic Enforcement Centre (Northampton County Court)
TMA 2004	Traffic Management Act 2004
TPT	Traffic Penalties Tribunal
TRO	Traffic Regulation Order
VED	Vehicle Excise Duty
WBC	West Berkshire Council

6.11 Removals for Parking Contraventions

TO BE PREPARED

6.12 Clamping for Parking Contraventions

TO BE PREPARED

6.13 Blue Badge Enforcement Policy

The Blue Badge scheme – WBC Policy Statement

The Disabled Badge Car Scheme (Blue Badge) provides a national arrangement of parking concessions for people with severe walking difficulties, who travel either as drivers or as passengers. The scheme also applies to those registered blind and people with severe upper limb disabilities who regularly drive but cannot turn a steering wheel by hand.

The national concession applies only to on-street parking and does not apply to private car parks and some hospitals.

Criteria for applying

You can get a badge if:

- you receive the higher rate of the mobility component of the Disability Living Allowance
- you receive a War Pensioner's Mobility Supplement
- you use a motor vehicle supplied for disabled people by a government health department
- you are registered blind
- you have a severe disability in both upper limbs, regularly drive a motor vehicle but cannot turn the steering wheel of a motor vehicle by hand even if that wheel is fitted with a turning knob, and/or
- you have a permanent and substantial disability which means you are unable to walk or have very considerable difficulty in walking. In this case you may be asked to answer a series of questions to help the local authority determine whether you are eligible for a badge.

People with a psychological disorder will not normally qualify unless their impairment causes very considerable, and not intermittent, difficulty in walking.

Parking information

The Blue Badge must be displayed, and in England and Wales the special blue parking disc must also be displayed showing the time of arrival. There should be an interval of at least one hour from a previous period of waiting before the same vehicle can be parked in the same road or part of a road on the same day.

Badge holders may park free of charge and without time limit at parking meters on-street and 'pay-and-display' on-street parking, unless a local traffic order specifying a time limit for holders of disabled parking badges, such as a ban on loading, is in force.

Badge holders may be exempt from limits on parking times imposed on other users - check the local signs for information. Badge holders may usually park on single or double yellow lines for up to three hours in England and Wales, or without any time limit in Scotland, except where there is a ban on loading or unloading, and at a few locations where local schemes apply.

Disabled parking bays

Blue Badge holders may be entitled to an on-street parking bay. Although these bays are not limited to a specific individual's use, they can help make sure a parking space is available outside a person's home.

If a holder has a garage or suitable off-street parking then the application will be declined.

Advisory-only markings are provided free of charge outside, or near to, the applicant's property. They are not enforceable and rely on the goodwill of other drivers.

7.0 Bus Lane Camera Enforcement Policy

Parkway Bridge, Newbury



Passage over the Parkway Bridge in Newbury is restricted to buses, taxis and cycles only. All other vehicles crossing the bridge at any time will incur a penalty charge notice. Through powers given by the Department for Transport the Council has made a Traffic Order to restrict access over the bridge to buses and taxis only. A bus lane is defined in S144 of the Transport Act 2000 and the Traffic Management Act 2004 gives approved local authorities the power to undertake the civil enforcement of traffic contraventions.

The Council is an approved local authority and under the Bus Lane Contraventions (Approved Local authorities) (England) (Amendment) (No. 2) and Civil Enforcement of Parking Contraventions Designation (No. 4) Order 2010 it may issue penalty charge notices for contraventions of the bus lane over the Parkway Bridge.

An enforcement camera has been installed on the traffic lights at the southern end of the bridge to capture the registration numbers of every vehicle crossing the bridge. The camera and the recording system is an “approved device” and it has a Certificate of Type Approval from the Vehicle Certification Agency of the Department for Transport.

The vehicle registration numbers captured by the camera are checked against a list of approved vehicle registration numbers of the buses and taxis registered with West Berkshire Council. If the vehicle registration captured by the camera is on the list of approved vehicles then no action is taken, but if it is not on the list this constitutes a contravention of the Traffic Order and the Council will ask DVLA to provide the details of the registered keeper of the vehicle.

Within 28 days of the contravention a penalty charge notice/Notice to Owner form will be issued to the person or organisation named by DVLA. This combined notice will contain an image captured by the camera of the vehicle moving over the Parkway Bridge and there will be an inset image showing the vehicle registration number.

The penalty charge is £60, but this reduces to £30 when the penalty charge notice is paid within 14 days of the Date of Service of the penalty charge notice. The Date of Service is two working days after the date of posting and the date of posting is the date that the penalty charge notice was printed and issued. The penalty charge notice will be sent by First Class post.

The registered keeper of the vehicle may use the penalty charge notice/Notice to Owner form to make representations against the penalty charge and the information submitted will be carefully considered. All appeals must be made in writing and e-mail appeals are accepted. The Bus Lane Contraventions (Penalty Charge Adjudication and Enforcement) (England) Regulations 2005 provide six grounds for submitting representations to the Council and these are:

- (a) The alleged contravention did not occur;
- (b) The penalty charge exceeded the relevant amount;
- (c) The circumstances leading to the issue of the penalty charge notice are subject to criminal proceedings or a Fixed Penalty notice has been issued;
- (d) I was not the owner/keeper at the time of the alleged contravention;
- (e) I was not the hirer of the vehicle at the time of the alleged contravention;
- (f) I was the registered owner/keeper of the vehicle on the date of the alleged contravention, but the vehicle was:
 - On hire to someone else, who has signed a statement taking liability;
 - Kept by a motor trader; or
 - Being used without my consent at the time of the alleged incident.

Motorists may make arrangements to view the moving image captured by the camera. These viewings take place in the Council Offices in Market Street, Newbury during normal weekday office hours of 8.30 am to 5.00 pm (4.30 pm on Friday). To make an appointment to view the moving images contact the Parking Office on 01635 519213

Upon request to the Parking Office the Council will provide at no cost a still image of the vehicle captured by the camera.

If the motorist submits representations, even within 14 days, the discount payment rate of £30 is no longer available as the Notice to Owner has already been issued and the appeal submitted is against the full amount of £60.

If an appeal is rejected the Council will issue a Notice of Rejection of Representations and the full charge of £60 will be payable. The motorist will be provided with full details of how to make an appeal to PATROL, which is the appellate body for resolving appeals against penalty charge notices issued for parking contraventions and bus lane contraventions. Further details about PATROL may be found by going to: www.patrol-uk.info/

If the motorist does not pay the penalty charge or make an appeal;

OR

If the motorist makes an appeal and receives a Notice of Rejection of representations and does not appeal to the National Parking Adjudication Service or pay the penalty charge;

OR

If the motorist makes an unsuccessful appeal to the National Parking Adjudication Service and then fails to pay the penalty charge;

The Council will issue a Charge Certificate increasing the unpaid amount by 50%. A continuing failure to pay the penalty charge may result in a warrant being issued and passed to bailiffs for action. The bailiffs' fees will be payable in addition to the sum sought by the Council.