

# **Parking Enforcement Policy**

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# INTRODUCTION

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

The prime aim of Parking Enforcement is to achieve the following policy objectives:

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

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

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

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

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

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

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

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

For further guidance relating to any aspect of this document, please contact Parking Enforcement on 01302 735041.

# ENFORCEMENT PRACTICE

## General Note

Unless otherwise stated, the guidance detailed within this document applies everywhere within the Special Enforcement Area (SEA), which includes all on-street restrictions and off-street car parks within the Borough of Doncaster.

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

Civil Enforcement Officers are expected to advise members of the public who query the following information when issued with a Penalty Charge Notice –

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

Civil Enforcement Officers will not –

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

Because Civil Parking Enforcement (CPE) was only introduced in March 2008 and there are regular Traffic Regulation Order (TRO) changes, some drivers will not have received tickets in the past when parked illegally in that same location. Civil Enforcement Officers are likely to receive complaints from motorists that 'I have always parked there and never been issued with a ticket'. In these circumstances, the driver should be aware that:

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

## **Abandoned Vehicles**

Abandoned vehicles are eyesores and are potentially dangerous, and in many cases they are the result of crime. A vehicle will be classed as abandoned if it has already received 2 Penalty Charge Notices without any evidence of being moved during the interim period. It will be reported as abandoned by the Civil Enforcement Officer who locates the vehicle and removed as soon as possible.

No more than 3 consecutive Penalty Charge Notices will be issued to a vehicle if it remains in the same place.

Penalty Charge Notices will not be served on vehicles displaying official 'Police Aware' notices.

## **Abusive and Violent Behaviour**

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

Civil Enforcement Officers who experience abusive behaviour should record the incident on their bodycam. Threatening or intimidating behaviour is subject to the council's operating procedures and will be treated as serious incidents.

The Council will fully support the Civil Enforcement Officer in taking action against individuals who assault or harass them in the performance of their duties, and will enlist the support of South Yorkshire Police to take legal action in such an event.

## **Enforcement Agents**

Enforcement Agents vehicles are only exempt from the regulations where they are actively being used for the removal of goods from a property. An Enforcement Agent calling to collect on a warrant (where goods are not being removed from the premises) is not exempt and unless there is any indication that goods are to be removed (when the normal loading provisions will apply) the Civil Enforcement Officer will issue a Penalty Charge Notice.

## **Bank Holidays**

All double and single yellow lines and other waiting restrictions are active on statutory Bank Holidays and will be subject to enforcement activity. The council will not enforce on its off street car parks on Bank Holidays (with the exception of Good Friday).

## **Breakdowns**

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

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

## **Bus Stops**

Due to the congestion and inconvenience caused by vehicles parking in bus stops, there will be no observation time allowed and Civil Enforcement Officers should issue a Penalty Charge Notice to any vehicle in a bus stop.

If a Civil Enforcement Officer witnesses a vehicle parked in a bus stop and the vehicle moves off the Civil Enforcement Officer will issue a Regulation 10 Penalty Charge Notice that will be served by post to the owner/keeper of that vehicle.

Vehicles that overlap bus stops and vehicles with any wheel touching a bus stop clearway will also be issued with a Penalty Charge Notice.

## **Cashless Parking**

Civil Enforcement Officers must be aware that cashless sessions are available in car parks and on-street sessions. The virtual sessions show vehicle registration, the time of purchase and expiry time and the amount paid for the session.

Before a Penalty Charge Notice is issued the cashless parking systems must be checked should the contravention be dependent on purchasing parking time.

Civil Enforcement Officers will not issue Penalty Charge Notices for ‘meter-feeding’, e.g. where a driver has purchased a second session shortly before or after expiry of the first, with the intention of prolonging the period of time originally purchased beyond the maximum stay of the car park or bay.

## **CCTV Enforcement**

### **Parking Enforcement**

Under the Traffic Management Act 2004, Local Authorities are permitted to issue Penalty Charge Notices using evidence gathered by CCTV cameras. The cameras used must be of an approved standard. On witnessing a contravention, a Penalty Charge Notice is posted out to the Registered Keeper of the vehicle.

At present, Doncaster Council does not enforce parking contraventions using CCTV cameras, but these may be used in the future.

### **Bus Lane Enforcement**

Doncaster Council has decided to carry out the civil enforcement of bus lanes. The object of the enforcement is to reduce moving traffic offences, improve the operation of the public transport network and to help facilitate the ongoing development of the borough. Enforcement would improve safety, journey times and journey time reliability for bus passengers.

Enforcement action will be carried out using an unattended system.

Unattended systems are automated CCTV systems which operate without operator intervention. They record contraventions from which PCNs are issued on the basis of the recorded images. The recorded images must be reviewed by a qualified operator before a PCN is issued.

Bus lane enforcement is being performed under the Transport Act 2000 and requires an approved device certificate. Approval is similar to that for parking enforcement except that the system must additionally comply with the Bus Lanes (Approved Devices) (England) Order 2005

In order to encourage compliance with traffic regulations the system enables fully trained staff:–  
To monitor traffic activity in accordance with relevant legislation and guidance, including this Code of Practice;

- To identify vehicle registration number, (colour and type if identifiable) of unauthorised vehicles contravening traffic regulations;
- To support the serving of PCNs to the registered owner/hirer of vehicles identified contravening the regulations;
- To record evidence of each contravention to ensure that representations and appeals can be fully answered;
- To enable timed and dated pictorial evidence of such unauthorised driving or stopping to be produced for adjudication or as information to the owner of such vehicles;

The system is intended to view activity on public carriageways and footways. It will not be used to invade the privacy of any persons in domestic, business or other private premises, buildings or land.

Relevant camera enforcement signs should be displayed in areas where the system operates. The signs will not define the field of view of the cameras but will advise that CCTV camera enforcement takes place in the area.



At all times officers responsible for capturing and processing will act in a manner which follows this policy – not to penalise but to educate benefit of the doubt.

Enforcement will be reasonable and fair and can be evidenced in the following:

- Having regard to the informal policy for double jeopardy
- Contraventions needing a minimum of 10 metres travel before consideration of issuing a PCN for a bus lane.
- Considering all issues of undertaking a stationary vehicle turning right on their own merits.
- Not issuing PCNs where the video shows clear evidence that the driver is attempting to correct their mistake.

All recordings are the property of the Authority operating the scheme and may not be copied or released from the Control Room or from secure storage without the formal written agreement of the Senior Officer nominated in Appendix 1 paragraph 3. A copy of the section of footage, relevant to a particular contravention, will only be released:–

- To the appellant in an appropriate format
- To the Traffic Penalty Tribunal (and copied to the appellant)
- To the Police
- To Lawyers acting for appellants in Traffic Appeals
- To Lawyers acting for defendants/victims in connection with criminal proceedings
- To a third party prosecuting authority, such as Customs & Excise or the Health & Safety Executive.
- By court order, in connection with civil proceedings

Under no circumstances will recordings be released to members of the public or other commercial organisations except where such recordings are to be used for educational or training purposes or where release is required under relevant legislation.

Still images must be provided in accordance with the relevant legislation. Notwithstanding this, authorities should include such still images on the PCN to show sufficient grounds for the PCN being issued. No charge is to be made for the provision of such images. The image then becomes the property of the person who received the PCN. All other still images will remain the property of the operating Authority.

A still image is a print onto paper of the picture held on a single field or frame of the video recording. The equipment will be used to generate these still images and each image produced will contain its unique frame number and date/time.

Still images will only be generated at the discretion of a Manager and only for the following purposes:–

- To support the issue of a PCN
- As evidence for an Appeal
- If the Police or other organisation with appropriate authority request such an image with detailed written reasons for their request.

## **Christmas/New Year Enforcement**

The Council appreciates that the Christmas and New Year period has to be treated sensitively where loading/unloading of presents may take place and residents park their vehicles overnight. No enforcement will take place on the following days:

- Christmas Day
- New Years day

## **Clamping and Removals**

Doncaster Council does not clamp or remove vehicles for being parked in contravention. However, the Council will remove any vehicles that are abandoned or untaxed or are classed as persistent evaders i.e. the vehicle has a number of unpaid Penalty Charge Notices associated to it (see **Persistent Evaders**)

## **Coaches**

The Council recognises that coaches may need to set down a large group of people in a safe manner and as such has provided a facility located at the New Markets Car Park. A Civil Enforcement Officer will always attempt to communicate with a coach driver whose vehicle is stationary at any location and parked in contravention.

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

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

Liveried Council vehicles will not be issued with Penalty Charge Notices when said vehicles undertake essential work on the highway.

Examples of essential works include the following:

- Servicing and maintaining street furniture
- Maintenance of utility boxes
- Vehicles performing highway maintenance and graffiti removal

In general, preferential treatment will not be given to Council employees using their own vehicles for business purposes. If the driver is seen and claims to be a Council employee, this will be noted by the Civil Enforcement Officer, but will not prevent the issue of a Penalty Charge Notice. Emergency situations will be dealt with according to the circumstances.

## **Note**

It is Council policy that any Penalty Charge Notices incurred by a Council vehicle must be paid by the employee that was driving the vehicle at that time.

## **Council Staff Parking**

Council and other specified groups of employees using their own vehicles are not exempt from the restrictions and Penalty Charge Notices will be issued to all vehicles parked in contravention. If any driver approaches a Civil Enforcement Officer and states that they are an employee of Doncaster Council, the Civil Enforcement Officer should make a note in their handheld, but must not refrain from issuing a Penalty Charge Notice.

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

Parking permits are valid in certain car parks and there are certain restrictions on the use of these permits in order to ensure there is sufficient space for other drivers to park. Any vehicle not parked in compliance with these restrictions will be issued with a Penalty Charge Notice.

## **Cycle Tracks/Lanes**

Unless the cycle lane is mandatory and is correctly signed and marked, and there is a Traffic Regulation Order covering the lane, there is no automatic contravention for parking on a cycle lane. A Penalty Charge Notice can only be issued if there is another restriction in place, such as a yellow line. In this event, the contravention will be for the yellow line offence.

If there is no restriction and the cycle lane is advisory only, a Penalty Charge Notice cannot be issued.

### **Note**

Mandatory cycle lanes require separation from the carriageway by means of a thick, solid white line.

Advisory cycle lanes are separated from the main carriageway by a thick, dashed white line.

## **Diplomatic Vehicles**

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

## **Disabled Badge Holders**

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

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

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

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

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

Blue badge holders are not permitted to park:

- Where loading restrictions are in force, or in loading bays.
- On bus stops which are subject to bus stop clearway order, or on any clearway.
- On school zigzag areas.
- In taxi ranks.
- On double yellow lines and double kerb blips.
- On single yellow lines with single kerb blips during prescribed hours.

If a Civil Enforcement Officer suspects that a Blue Badge is being used fraudulently, he/she will make a detailed note of the circumstances and the badge details and forward these details to the relevant enforcement body. A PCN may also be issued when a concession has been gained.

### **Disabled Bays**

The Council provides disabled bays on its off-street car parks as well as dedicated on-street parking spaces. Drivers who park in these disabled bays without displaying a valid blue badge will be issued with a Penalty Charge Notice within the hours that the bay is active (this will be signed).

### **Dispensations**

A dispensation allows a vehicle to extend its stay on yellow lines or where there is no alternative place to park. A dispensation will only be granted where the vehicle is necessary for any works being carried out, involved in a special event of which the Council are aware, or when loading and unloading is likely to exceed the normal maximum time period of 20 minutes.

To obtain a dispensation, the driver of the vehicle must demonstrate the nature of the work that will be taking place, that the vehicle is necessary for the work, and there is no alternative place for it to park. A dispensation does have a financial cost, and will only be granted at the point that a payment has been received or an invoicing address has been provided

The vehicle must either display a dispensation or have a message in the handheld device to inform the CEO a dispensation has been granted, which will contain details of the registration number, date and time(s) to which the dispensation relates and the location at which it is valid.

Any vehicle not parked in accordance with the terms of the dispensation (e.g. in the wrong location) will be issued with a Penalty Charge Notice.

### **Displaying Pay and Display Tickets**

Pay and display Tickets should be affixed to the vehicle windscreen on the front or the front near side (passenger) of the vehicle, so that the Civil Enforcement Officer can read the details easily. Full instructions for use will be found on the ticket itself.

However, if the Civil Enforcement Officer can read the pay and display ticket, and it is valid, even if it is not displayed in accordance with these provisions, a Penalty Charge Notice will not be issued.

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

### **Double Parking: Vehicles Parked Side by Side on the Highway**

This activity is not permitted and causes a clear health and safety issue to both pedestrians and all road users.

Where a Traffic Regulation Order is in operation on the highway, vehicles that are doubled parked will be issued with a Penalty Charge Notice.

### **Drain Cleaning Companies**

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

If an operative of the drainage company approaches a Civil Enforcement Officer, they will permit the vehicle to be parked in contravention for one hour. If the vehicle is required at that location for more than one hour, a dispensation will be required.

If a Civil Enforcement Officer is not approached or advised of the works being undertaken and does not observe any activity where the vehicle is parked a Penalty Charge Notice will be issued.

### **Drive Away Vehicles**

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

From the 31<sup>st</sup> March 2008, under the Traffic Management Act 2004, Local Authorities have new powers to issue Penalty Charge Notices by post on occasions when the vehicle is driven away before the notice has been issued. This type of notice is known as a Regulation 10 Penalty Charge Notice.

A Regulation 10 Penalty Charge Notice can be issued in the following circumstances:

- Vehicles that drive away before the Penalty Charge Notice has been affixed to the vehicle or handed to the driver.
- Where a Civil Enforcement Officer is prevented from issuing the Penalty Charge Notice due to threatening behaviour from the driver or passenger.
- Vehicles that are parked in contravention in such a place that is dangerous or impractical for a Civil Enforcement Officer to issue a Penalty Charge Notice.
- Vehicles parked in, or overlapping a bus stop.
- Vehicles parked on a Clearway.

### **Drivers in Vehicles**

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

### **Dropped Crossing**

A dropped crossing is defined as a part of a footway that has been dropped to give access to a driveway beyond the footway. Some, but not all dropped crossings, will be marked with yellow or white lines.

When a vehicle is parked on a dropped crossing marked with a yellow line, during its time of operation, the Civil Enforcement Officer will issue the appropriate Penalty Charge Notice.

Dropped crossings marked with white lines cannot be enforced, as the lines are advisory only. If there is a white line, or no line at all, and the vehicle is obstructing access to a driveway, a Penalty Charge Notice cannot be issued. Any complaints received from the owner of the drive should be referred to the Police who retain the powers to deal with this as an obstruction.

### **Duplicate Penalty Charge Notices**

If a vehicle is parked in contravention on a subsequent day and has already received one Penalty Charge Notice, a second Penalty Charge Notice will be issued the following day.

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

### **Emergency Vehicles**

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

Penalty Charge Notices will not be issued to these vehicles, if it is obvious that the driver is not engaged on official duties full notes will be made and details will be forwarded to the relevant service to deal with such issues.

### **Expired Permits**

Individuals or businesses displaying an expired permit will be given a one-month grace period from the expiry date of the permit, in which to renew their permit. The Civil Enforcement Officer will not issue a Penalty Charge Notice during this period.

### **Footway (Pavement) Parking**

A Penalty Charge Notice may be issued for the contravention of parking on the footway if there is an existing restriction on the road (e.g. yellow lines) [adjacent to the footway](#).

There is no provision for a Penalty Charge Notice to be issued for this contravention outside of the existing restriction.

### **Foreign Registered Vehicles**

Penalty Charge Notices will be issued to Foreign Registered Vehicles if they are parked in contravention.

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

### **Funerals**

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

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

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

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

Civil Enforcement Officers will always make enquiries within the premise of an Undertaker if a vehicle is parked adjacent to the business and they suspect that the vehicle is being used as a hearse.

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

In most circumstances the Council will be aware of large Funerals and will have advised the Civil Enforcement Officers accordingly before they take place.

### **Glaziers**

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

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

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

If a Civil Enforcement Officer is not approached or advised of the works being undertaken and does not observe any activity where the vehicle is parked a Penalty Charge Notice will be issued.

### **Grace Periods**

A grace period is applied on expiry of a pay and display ticket on an off street car park or in an on street pay and display bay.

The grace period allows a driver to return to their vehicle within a short time period of the ticket expiring, and is also used to avoid allegations of unfairness and claims that Penalty Charge Notices are issued as soon as a ticket has expired.

A grace period of 10 minutes will apply for overstaying the time purchased at a pay and display bay or in a car park, i.e. the Civil Enforcement Officer will not issue a Penalty Charge Notice until the time shown on the pay and display ticket has expired by 10 minutes.

Where a driver is not displaying a valid pay and display ticket, a 7 minute observation period will be given (see **Observation Periods**). This allows the driver time to locate a machine and buy a ticket.

### **Grass Verges**



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

There is no provision for a Penalty Charge Notice to be issued for this contravention outside of the existing restriction.

### **Health Care Workers**

The Health Emergency Badge scheme was introduced in April 2006 to offer a dispensation to Health Care Workers. The scheme gives workers a dispensation to park on a yellow line for up to one hour (similar to the disabled blue badge) with an authorised clock set. It can also provide up to 8 hours parking in a limited waiting bay in specific areas as set out in the conditions of the permit

The Council also issues dispensations to Health Care Workers and Carers as stated in a Special Enforcement Area's Traffic Regulation Order (see **Dispensations**).

### **Hours of Enforcement**

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

### **Lighting Engineers**

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

### **Limited Waiting Bays**

There are a number of limited waiting bays in Doncaster. These provide for a waiting time of 5 minutes (*Frenchgate and West Street*), 30 minutes, 1, 2 or 3 hours and for no return within either 30 minutes, 1, 2 or 4 hours unless displaying a valid Residents Parking Permit where the waiting bay is within a Resident's Parking Scheme (see **Resident's Parking Schemes**).

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

### **Lines and Signs**

Before any Penalty Charge Notice is issued, the Civil Enforcement Officer must be satisfied that the required lines and signs are present and are not incomplete or obscured.

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

However, if there are small lengths of yellow lines missing (less than the length of a small car), the Civil Enforcement Officer will issue a Penalty Charge Notice as normal, and report the defective section for remedial action.

Any damaged lines and signs are noted by Civil Enforcement Officers when on patrol.

### **Loading and Unloading Guidelines**

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

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

If a Civil Enforcement Officer suspects a vehicle is parked in contravention and is not loading, he/she will observe that vehicle for a minimum of 5 minutes (10 minutes for a liveried vehicle) to ensure that this is the case. If no loading or unloading takes place during this observation period, a Penalty Charge Notice will be issued.

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

If a Civil Enforcement Officer has reason to believe that any vehicle is loading or unloading, then a 20-minute observation period will apply.

Loading and unloading is permitted in the following locations:

- In permit holder bays.
- On single or double yellow lines.
- In loading bays.
- Pay and Display bays on street and off street

Loading and unloading is **not** permitted in the following locations:

- In a bus stop
- In a taxi rank
- On a clearway
- In a marked disabled persons bay
- In a marked police vehicle bay
- In a Doctor/Hospital/Ambulance bay
- Where kerb markings indicate no stopping or loading restrictions.
- On school zigzag markings.

- In a marked suspended bay.

### **Maximum Size of Vehicle**

Unless the signage states otherwise, the maximum dimensions of a vehicle that is permitted to park in a pay and display bay within a Special Enforcement Area is:

Overall Height: 3.2 metres      Overall Length: 6.5 metres      Gross Weight: 5 tonnes

All vehicles must park wholly within the bay markings. Civil Enforcement Officers will issue Penalty Charge Notices to vehicles that do not comply with these requirements. Additionally, if an over-sized vehicle is parked in a bay and is displaying a permit, action may be taken, as the permit may not be valid.

### **Motorcycle Parking**

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

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

Motorcycles will be allowed to park in a pay and display bay without the need to purchase or display a ticket, i.e. they may park free of charge and without time limit.

Motorcycles should park perpendicular to the kerb in limited waiting bays so as not to take up parking spaces for four-wheel motor vehicles.

This provision does not apply to other restrictions (e.g. yellow lines, limited waiting bays) and a Penalty Charge Notice will be issued to motorcycles parked in these circumstances.

### **Obscured or incorrectly validated Permits**

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

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

### **Observation Periods**

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

An observation period is primarily designed to ensure that the vehicle is not engaged in an exempt activity, such as loading or unloading.

The observation times are summarised in the table below:

<b>Type of Restriction</b>	<b>Observation Period</b>
<b>Waiting restrictions</b>	
Active Single yellow line	3 minutes/ 5 minutes
Double yellow line	3 minutes/ 5 minutes
<b>Loading restrictions</b>	
Active loading restriction	Nil
<b>Other restrictions</b>	
Parked on zigzags	Nil
Bus stop clearway	Nil
Pedestrian Zone	Nil/ 5 minutes
Misuse disabled badge	Nil
<b>Parking places</b>	
Shared use bay	5/10 minutes
Residents/Limited waiting bay	10 minutes after expiry of time limit
Free bay(to be clarified)	Nil - after expiry of time limit
Incorrect class of vehicle for bay	Nil
Loading bays	5/10 minutes
Out of bay	Nil
Pay and display (P&D)/ Cashless sessions bay	7 no ticket
P&D bay (feeding contravention)	Nil
P&D bay/ Cashless sessions (transfer of tickets)	Nil
P&D bay/ Cashless sessions (expiry of time)	10 minutes after expired time
Incorrect class of vehicle	Nil
Any other contravention	5 minutes

### **Parking Outside Bay markings**

On-street areas - A Penalty Charge Notice will only be issued to a vehicle if one third of the vehicle is outside the markings and/or the vehicle is causing a possible obstruction. The exception being bus stops where only one wheel touching the bus stop clearway markings will enable the Civil Enforcement Officer to issue a Penalty Charge Notice.

Off-street car parks A Penalty Charge Notice will only be issued to a vehicle if one third of the vehicle is outside the bay markings. will not normally be issued with a Penalty Charge Notice unless, in the

opinion of the Civil Enforcement Officer, the position of the vehicle makes it difficult for another vehicle to park in an adjacent parking space.

In all cases, photographs will support the Penalty Charge Notice.

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

All pay and display machines are checked daily by Civil Enforcement Officers.

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

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

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

The Civil Enforcement Officer will make full notes of the event and the action taken.

Each machine displays a telephone number for reporting faults by members of the public. A log of all such reports is kept by the Council to assist with future appeals against Penalty Charge Notices.

### **Pay and display tickets – expired time**

Civil Enforcement Officers must be aware that the pay and display tickets issued in car parks show the time of purchase and expiry time and the amount paid for that ticket.

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

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

However, some drivers do make a mistake in using the machine, and if a vehicle is displaying two pay and display tickets that have been issued within 10 minutes of each other (both for the same day and bay), a Penalty Charge Notice will not be issued. In these cases, the total amount of time shown on the pay and display tickets will be allowed, i.e. if both tickets show that 30 minutes has been purchased, the driver will be allowed the combined parking tariff as long as it does not exceed the maximum allowed time for parking.

## **Pedestrian Crossings**

The Council does not currently enforce parking on zigzag markings at pedestrian crossings.

Civil Enforcement Officers will report any vehicles seen parking on the zigzags to the Police and will make notes of the Vehicle Registration Mark, make and model of the vehicle and the time the offence was witnessed.

## **Persistent Evaders**

Although the vast majority of Penalty Charge Notices that are issued by the Council are either paid or waived after an appeal, there are a small minority of people that consistently park illegally and avoid any Penalty Charge Notices that are issued to them.

A persistent evader is defined as a vehicle that has 3 or more recorded contraventions or Penalty Charge Notices that have not been paid on expiry of the statutory appeal period.

The Traffic Management Act 2004 gives the Council the power to remove any vehicles that is believed to be a persistent evader and impound it. The owner of the vehicle is then responsible for providing proof of ownership and paying a statutory removal and storage fee before the vehicle is released.

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

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

Motorists may stop to pick up or drop off passengers on yellow lines, or in any parking bay, this may include loading bays or areas where there is a loading ban in operation (this does not include zigzags outside of a school). It is generally accepted that time will be allowed for this activity. Use observation times for the location as stated above.

There may be exceptions to this rule if the motorist must accompany a child or elderly/disabled person away from the vehicle or if there is luggage to be set down. A Penalty Charge Notice will not be issued where it is obvious that this activity is taking place.

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

In most cases, a Civil Enforcement Officer will issue a Penalty Charge Notice to a vehicle that is contravening the regulations and where the driver is absent.

## **Requests for enforcement**

From time to time, members of the public may approach Civil Enforcement Officers to request the enforcement of a particular restriction.

Where a Civil Enforcement Officer is approached whilst he/she is patrolling an area, providing that the request relates to a neighbouring road or the same road and will normally not involve them leaving their allocated beat, the Civil Enforcement Officer should comply with the request where possible and only commence with enforcement if the vehicle is parked in contravention.

If the request will mean that the Civil Enforcement Officer will have to travel a considerable distance or leave their beat for a significant period of time, then they should advise another Civil Enforcement Officer if one is covering that location and if not then make a note of the request and ensure that this issue is addressed as soon as possible.

### **Residential Parking Schemes**

There are a number of residential parking schemes across Doncaster. These schemes are required to ensure that residents within that area have access to parking spaces in the area surrounding their property.

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

The majority of Doncaster's residential parking schemes also include limited waiting restrictions (this will be confirmed by the signage on the street). These limited waiting restrictions allow visitors to visit properties within the schemes for longer than the time stated as long as a valid visitor voucher is displayed.

If a vehicle is not displaying a valid permit/voucher and overstay on the street (where applicable), then a Penalty Charge Notice will be issued for the appropriate contravention.

### **Royal Mail Vehicles**

Under Doncaster Council's Traffic Regulation Orders, vehicles belonging to the Post Office and other companies engaged in the delivery of postal packets (to or from post boxes and business premises), are exempt from enforcement and may load or unload where others are not permitted.

However, Civil Enforcement Officers will issue a Penalty Charge Notice if they believe that such vehicles are not actively engaged in delivery.

### **Scaffolders**

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

Scaffolders are required to obtain a dispensation to park on yellow lines and will need to arrange for a suspension if they wish to work out of permitted parking bays or pay and display bays.

Civil Enforcement Officers will issue a Penalty Charge Notice to vehicles that are not engaged in actively loading/unloading or constructing/dismantling of scaffolding or work that is covered by a permit/dispensation.

### **Schools and School Zigzags**

The yellow school zigzags are placed outside schools for the safety of children. It is an offence to stop on the zigzag area. There will be no period of observation before the issue of a Penalty Charge Notice to any vehicle that is stationary on the zigzags outside of a school. This includes school coaches.

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

### **Skip Licences**

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

### **Special Events**

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

### **Statutory Undertakers**

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

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

Civil Enforcement Officers will also issue a Penalty Charge Notice where it is obvious that the vehicle is not actually being used in connection with work taking place on the highway.



Statutory Undertaker's vehicles often display signs stating that emergency works are being undertaken. This is not in itself an indication that the vehicle is exempt, and a Penalty Charge Notice will be issued to the vehicle if the Civil Enforcement Officer is not satisfied that the vehicle is undertaking such works at that time.

### **Suspension of Parking Bays**

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

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

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

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

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

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

Full details can be accessed via the Council's web site or by contacting 01302 735041.

### **Taxis and Minicabs**

There is a difference between taxis and mini-cabs.

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

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

Taxis and minicabs, like all vehicles, may stop to allow passengers to board or alight for as long as is necessary, and this should be obvious to the Civil Enforcement Officer.

Where there are taxis waiting on an authorised taxi rank (minicabs are not allowed on the ranks and will be issued with a Penalty Charge Notice if observed doing so), it is not permitted for those taxis that cannot get onto the rank to queue outside the rank. Civil Enforcement Officers will issue a Penalty Charge Notice in these cases.

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

### **Traffic Signal Engineers**

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

If no permit is displayed then a Penalty Charge Notice will be issued.

### **Weddings**

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

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

Providing there are no safety or congestion issues, a Penalty Charge Notice will not be issued to any essential wedding vehicles. This will include the Bridal vehicle and any other official vehicles.

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

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

In most circumstances the Council will be aware of large Weddings and will have advised the Civil Enforcement Officers accordingly before they take place.

### **Window Cleaners**

The Council recognises that window cleaners are carrying out an essential service for businesses in the Borough and as such allows them to park between the hours of 06-00 and 11-00. However, they must not park in contravention unless they have applied for, and have been granted, a dispensation.

There is no concession for window cleaners cleaning residential properties although they (like any visitor) may display a visitor permit provided by the resident or pay to park in that area.

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

## **Consideration of appeals**

Doncaster's parking penalty enforcement process follows the guidance from Traffic Enforcement Centre (TEC), as detailed overleaf.

Doncaster Council will consider any appeals received informally on the first instance up to the date the Notice to Owner is received by the customer. Doncaster Council will give proper consideration and respond to these challenges with care and attention, and in a timely manner. Early payment discount will remain available to the customer whilst any such challenge is duly considered to ensure the customer is not disadvantaged by requesting a review of their PCN.

Any such consideration will take into account the mandatory grounds of appeal detailed in the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007. Additional consideration will be given by Authorised Officers in cases where there are clear concerns regarding the Mental Capacity of the recipient of a PCN.

Only fully trained staff, duly authorised by the Local Authority will make decisions on appeals based on the facts presented. Elected members and unauthorised staff will not, under any circumstances, play a part in deciding the outcome of individual challenges or representations.

The Local Authority has discretionary powers to cancel a PCN at any point if they deem extreme circumstances exist. It should be noted such discretion would only be considered if continued enforcement is likely to cause serious risk of personal harm to a vulnerable individual and with due regard to the public interest. The Authority to take such decision does not form part of the Officer scheme of delegation and will remain with the relevant Assistant Director.

## The Parking Penalty Process

