

# CIVIL PARKING ENFORCEMENT (CPE) POLICY



## *The Future of Slough*



This document contains an introduction, and the parking policy of Slough Borough Council and some specific examples of how the policy is applied.

The contents of the policy are derived from Slough Borough Council and the Parking Industry best practises.

In formulating this policy due regard was paid to The Council's Equality Policy, the Council's Community Plan, the Council's Environment Strategy, Local Travel Plan, The Human Rights Act and the Parking Strategy. This information can be obtained in different formats. If you require help with interpretation please contact 01753 475111.

## **POLICY STATEMENT OF SLOUGH BOROUGH COUNCIL FOR CIVIL PARKING ENFORCEMENT:**

The aim of parking enforcement is to enable all residents and visitors to the Borough to use local roads unhindered by the dangerous or inconsiderate parking of others. In a busy, urban area like Slough - which is also an artery route for through traffic and a significant destination for trading and retail activity It is also important to regulate parking so that spaces are conveniently placed and available for people near their homes, or near shops and other amenities. This has to be balanced, however, to enable ease of access and safety for all other road users. By following the guidelines included within this document, all road users should be able to enjoy the highways together.

Slough Borough Council is committed to making sure that it provides Equality of Opportunity in how its services are delivered. The staff of Slough Borough Council will ensure that they will offer all necessary assistance to any person to ensure that they are aware and can avail themselves of all services and rights due to them.

### ***The adoption of Civil Parking Enforcement within the Borough of Slough by the Borough Council will:***

1. Actively discourage indiscriminate parking that causes obstruction to other motorists, pedestrians, cyclists and people with disabilities. This will ensure that the Borough remains accessible to all equally and safely.
2. Maintain and, where possible, improve the flow of traffic thereby making the Borough a more pleasant and environmentally safe place to live and visit.
3. Improve the quality and accessibility of public transport by discouraging the use of cars where road conditions and public transport facilities justify this. Once again encouraging a more environmentally friendly lifestyle.
4. Take into account the needs of local residents, shops and businesses thereby sustaining the Borough's economic growth.
5. Actively support the needs of people with disabilities bearing in mind that, in some cases, they are unable to use public transport and are entirely dependent upon the use of a car either directly or as a passenger. This will ensure that people with disabilities are able to have equal access to all facilities within the Borough.

***The policy shall be under continual review and will take into account:***

1. Existing and predicted levels of demand for parking.
2. The availability and pricing of both on and off-street parking.
3. The nature and extent of on-street parking restrictions.
4. The accuracy and quality of existing signs, plates and carriageway markings.
5. The levels of compliance considered acceptable and the level of enforcement necessary to achieve them.
6. The views of the public who shall be actively consulted on all matters relating to the extension of parking restrictions.
7. The views of Thames Valley Police.
8. The provision of suitable parking facilities for people with disabilities, usually demonstrated by being Blue Badge holders, mother/carer with a child requiring greater access to their vehicle, cyclists and motorcyclists.
9. Consideration of the Council's overall aims with regard to the environment, fear of crime within the Borough and the sustained economic growth of the Borough.



**Councillor James Swindlehurst  
Commissioner for Neighbourhoods and Renewal**

## **INTRODUCTION:**

This policy is primarily concerned with:

1. Who can and cannot park in restricted areas and when they may do so.
2. How challenges, representations, dispensations and suspensions are dealt with including, how the Council will endeavour to treat people fairly, equally and with respect taking full account of their personal circumstances.
3. The conduct of the Council's staff and the manner in which it carries out enforcement.
4. Service standards that will be adopted by Slough Borough Council when carrying out parking enforcement which are in addition to the legal requirements.

## **GENERAL:**

It is impossible to qualify every case and there will be occasions when the Civil Enforcement Officer (CEO) or Appeals Officer will consider the case on its individual merits and any mitigating circumstances and a decision may be made to either not issue a Penalty Charge Notice (PCN) or cancel it.

This policy will be subject to continuous review and will reflect current best practice.

## **REGISTERED KEEPER'S LIABILITY:**

Under the Traffic Management Act 2004 responsibility for any PCN rests with the registered keeper of the vehicle as recorded at the Driver and Vehicle Licensing Agency (DVLA). If the keeper was not the driver at the time of the contravention it remains their responsibility to pay the PCN.

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**The following definitions are used in the text and listed here for ease of reference**

- CEO Civil Enforcement Officer
- CPE Civil Parking Enforcement
- DVLA Driver & Vehicle Licensing Agency
- PCN Penalty Charge Notice
- TEC Traffic Enforcement Centre
- TPT Traffic Penalty Tribunal
- TRO Traffic Regulation Order
- VRM Vehicle Registration Mark

The following sets out how we will deal with various enforcement issues and situations of vehicles parked in contravention of local waiting restriction in the Borough of Slough.

### **ABANDONED VEHICLES:**

Defined as a vehicle that remains parked, in a restricted area, for a period during which multiple PCN's are issued (multiple means more than three) for the same contravention and in the same location. The Civil Enforcement Officer 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.

Criteria used in identifying abandoned vehicles:

1. Untaxed or showing out of date tax disc. A CLE 2/6 document will be forwarded to the DVLA enforcement office so that action can be taken in respect of the avoidance of vehicle excise licence.
2. General poor condition.
3. No evidence of movement.
4. Multiple PCN's attached to vehicle.

Whilst the vehicle is being dealt with as potentially abandoned no further PCN's will be issued. Issued PCN's will be enforced against the registered keeper of the vehicle in the normal way. Abandoned vehicles on open land should be referred to Slough Borough Council's My Council on 01753 475111 or via the web at; <http://www.slough.gov.uk/services/2630.asp>

### **BANK HOLIDAYS – RESTRICTIONS APPLICABLE:**

Waiting and loading restrictions, as indicated by yellow and/or white 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 and display etc.), that restrictions may be lifted on Bank Holidays. Reference should be made to the relative Traffic Regulation Order by contacting the Parking Services Office. Motorists cannot assume that restrictions do not apply to bank holidays unless this is specifically stated in the relative signage.

### **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 five minutes. Where access to a property is being blocked and no parking restriction is in place the matter should be referred to the Police, as the offence of obstruction is a Police matter and is only enforceable by them.

Where a restriction is in place a PCN may be issued to the vehicle providing it is parked in contravention of the restriction.

### **BLUE BADGE DRIVERS & PASSENGERS:**

Blue Badges are issued to either a driver or a passenger. They can only be used when the vehicle is being used to transport the Blue Badge holder. It is not permitted to use the Badge for any other purpose e.g. shopping for the Badge holder when they, themselves, are not being transported in the vehicle.

Blue Badge Holders are not allowed to park in any area where there is a clearway, loading ban, loading restriction, bus stop, zig zag, taxi ranks or keep clear marking. Parking must always be in accordance with The Blue Badge Scheme. Parking charges do not currently apply in Council owned or operated car parks.

Blue Badge and parking disk/clock must be clearly and properly displayed whilst the vehicle is parked. 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 Blue Badge/disk/clock. Where no previous contravention has occurred the representation should be allowed once, providing proof of the existence of a valid Badge is supplied.

In such circumstances the letter sent to the person making the challenge or 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 Blue Badge is clearly and properly displayed the vehicle can park in:

- Limited parking areas: For an unlimited time.
- Yellow Lines: For a period not exceeding three hours.

**BROKEN DOWN VEHICLES:** (Also See “Vandalised Vehicles”).

Claims of alleged breakdown should be accepted on a challenge or representation against a Notice to Owner only if they appeared to be unavoidable at the time of issue of the PCN and, if supporting evidence in the form of one or more of the following is produced:

1. Garage receipt (showing the VRM), 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 or e-mail (showing the VRM) from the RAC, AA or other recovery/assistance similar motoring organisation.
4. Confirmation from the CEO that the vehicle was obviously broken down.

A note left in the windscreen, stating that “the vehicle has broken down”, will not be accepted, by the Civil Enforcement Officer 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.
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 unable to change the tyre 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 mechanical difficulty evidence must be produced from the attending breakdown service supporting this.
- c. Failure to carry a spare wheel, unless it has been reported stolen, 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 PETROL:

Unless this is due to a mechanical / electrical fault evidenced by repair all PCN's are to be enforced.

NB. If it is apparent from previous records that the same driver is continuously trying to avoid liability for PCN's by claiming that their vehicle is broken down, this should be considered when deciding on whether or not to accept their challenge or representations. Where challenges or representations are accepted on the second or subsequent occasion the keeper should be informed, in writing, that due consideration to previous incidents will be taken into account should another contravention be committed for the same reason.

### **BUILDERS / TRADES OPERATORS:**

Parking will only be allowed whilst loading/unloading of tools and materials is taking place. At all other times the vehicle must be moved to a permitted parking area.

### **BUS STOPS:**

Bus stops can either be restricted or unrestricted:

- 1. Restricted: A restricted bus stop will show wide 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.

### **CARE ORGANISATIONS:**

Numerous care organisations are now operating within Slough as a result of arrangement where the services are provided by companies under contract by Social Services and the Local Health Authority as well as privately arranged care. Each display badges issued by the various organisations, but due to the variety of badges in circulation none are recognised by Slough Borough 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.
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. Observation will be necessary as in some cases it may take some time to transfer a person from an establishment, such as a care home, to a vehicle.

This policy will be reviewed in the light of further experience and consideration may be given to the introduction of a *Health Emergency Badge (HEB) scheme – see later.*

### **CHALLENGE AGAINST ISSUE OF PCN:**

Within 14 days of issue of a PCN the keeper of the vehicle or another person may make a written challenge against the issue of the PCN.

Challenges/representation can be made On- Line at [www.slough.gov.uk](http://www.slough.gov.uk) . Within this challenge that person can mention any mitigating circumstances as well as challenging the validity of the PCN. The Council will respond, in writing, within ten working days of receipt of the challenge and will 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 will give precise reasons why this decision has been reached. Providing the written challenge was received within 14 days of the PCN being issued the discounted rate will be restarted and last for 14 days from the date of the rejection notice. If a challenge is received later than 14 days from the date of the PCN issue it will be dealt with in the same way but the discounted period may not be restarted and the full amount will then be payable, allowances will be made for Bank Holidays where the 14 days will be extended.

The making of a challenge in no way detracts from the ability of the keeper to make a subsequent formal representation against the issue of the PCN following a Notice to Owner (NtO), to the Council or if representations are rejected to the Parking Adjudicator at the Traffic Penalty Tribunal (TPT).

### **CHALLENGES / REPRESENTATIONS ACCOMPANIED BY PAYMENT:**

To avoid the loss of the discount period keepers may opt to enclose the required amount to settle payment of the PCN but still make a challenge or representation. In such circumstances Slough Borough Council must act in good faith and deal with the challenge/representation in a fair and equitable manner. At the same time the Council must comply with its own financial regulation regarding the banking of cheques.

Challenges and Representations accompanied by a payment will be separately logged, will be dealt with as a priority and responded to by Slough Borough Council's parking staff. If the challenge/representation is successful the payment will be returned to the keeper with the letter of acceptance.

If the challenge/representation is unsuccessful the payment will be immediately banked and the keeper duly notified that the Council have accepted it in full or part settlement as part of the rejection notice. If it is regarded as part settlement, say the discount rate paid after the 14 day period from issue the rejection notice will also cover a request for the outstanding payment.

Where an investigation is required a letter should be sent to the originator of the letter or in the case of a representation to the keeper stating this and informing them that "In accordance with the Council's Financial Procedures" the payment has been banked pending the outcome of the investigation. If this investigation is a request for more information from the person making payment then that must be provided within 14 days.

Should the challenge/representation be upheld the Council would immediately make arrangements for a refund to be issued to the originator or keeper. Any letter of acceptance or rejection sent to the originator or keeper must make specific reference to the fate of the payment.

### **CIVIL ENFORCEMENT OFFICERS**

They are often referred to as Traffic Wardens but are there to help by ensuring compliance with regulations both on street and in council car parks. They patrol both streets and car parks. Although employed by a contractor working on behalf of the Council they receive training to a National City & Guilds standard, this is monitored as is their performance by the Council.

By close liaison at the Parking Shop they are all kept informed of local concerns and have in depth local knowledge.

Their duties and responsibilities are set out in Department of Transport Guidance, covering all activity, from the start of their shift when their computers are checked against the Rugby clock, to uniform and details of records relating to contraventions, these being recorded on a digital camera.

### **CLAMPING AND REMOVAL:**

Slough Borough Council, in common with many other local authorities, has the power to clamp and/or remove vehicles parking in contravention of parking restrictions. This power is incorporated within the CPE authority. However, it is not the intention to carry out Clamping and Removal at this time although this decision may be reviewed in the future.

### **COMPLAINTS AGAINST CIVIL ENFORCEMENT OFFICERS:**

Allegations that a Civil Enforcement Officer has made an error whilst issuing a PCN will be investigated under the normal challenge or representations 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 by the Parking Enforcement Manager in accordance with Slough Borough Council procedure. 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 Council's complaints procedure explains how a complaint can be made.

<http://www.slough.gov.uk/contactus/2742.asp>

### **COUNCIL OFFICERS AND COUNCILLORS ON DUTY**

All council officers and councillors on duty are expected to fully comply with parking regulations:

1. Parking in Council car parks: Staff or members using their own cars to carry out their official council duties must display a staff parking permit whilst parked, (staff parking permits are only valid during periods when official duties are being carried out. Should staff parking permits used at other times they will be withdrawn and a PCN issued). At all other times staff and members must comply with the restrictions by purchasing a pay and display ticket. Failure to comply with any of the foregoing will result in a PCN being issued.

2. Parking on yellow lines: No dispensation will be given to allow staff or members to park on yellow lines. In such cases PCN's will be issued and pursued.
3. Request for cancellation of PCN: This will only be considered when supported by written confirmation from the relative Head of Service or appropriate manager to the Parking Enforcement Manager.
4. Members cannot discuss a PCN that has been issued to their constituents and the request to cancel the PCN with a Parking Officer. Any challenges/representations must be in writing by the registered keeper of the vehicle.

### **COURT ATTENDANCE:**

The conditions applying to jury members and witnesses equally apply to defendants. However, there may be instances when a defendant has been given a custodial sentence and, as a direct result, is unable to remove their vehicle from a Council car park and this could apply to limited waiting on street. In such instances the Council will expect that the vehicle will be removed, as soon as is reasonably possible, by a third party representing the defendant. Equally in exceptional circumstances similar incidents could occur to jurors or witnesses.

Any PCN issued will be considered in the circumstances and may not be enforced providing there is appropriate and sound supporting evidence from a legal representative or the Courts that show mitigating circumstances.

### **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 purchased on arrival, 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 parking time purchased was reasonably sufficient to allow for normal delays experienced whilst attending such appointments.

### **DESCRIPTION OF VEHICLE – ON PCN:**

When issuing a PCN the Civil Enforcement Officer will note the make, colour and registration number of the vehicle, which will appear on the PCN. The Civil Enforcement Officer will also note other details such as tax disc number, class of

licence and positions of tyre valves/continuous observations, which will form part of the supporting records.

1. Incorrect colour: If the colour is incorrectly recorded consideration should be given to cancellation of the PCN as follows:
  - a. 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.
  - b. Widely differing colours: A Blue car recorded as red car, obviously, cannot be explained by 'a' above and serious consideration should be given to cancellation of the PCN. This error may, however, indicate a re-spray not advised to DVLA.
  - c. The colour is not a statutory requirement and does not therefore mean the PCN should be cancelled, if in doubt over the colour the Civil Enforcement Officer will state "unspecified".
2. Incorrect make: Although many manufacturers produce different models that look very similar it would be very difficult to enforce a PCN issued to a Vauxhall which turned out to be a Ford. In such cases serious consideration must be given to cancelling the PCN.
3. Tax disc number: The one thing that is unique to the vehicle is the tax disc number, which is recorded by the Civil Enforcement Officer 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.

### **DIPLOMATIC VEHICLES:**

These fall into three categories: those with 'D' plates, which indicate that the driver has full diplomatic immunity and likewise Personalised Diplomatic Registrations, and those with 'X' plates, which indicate limited immunity.

- 'D' PLATES: PCN's issued to 'D' plate vehicles should automatically be logged (not cancelled) upon input to the processing system although, should the driver subsequently decide to make payment, it will be accepted.

- Details of these PCN's will be claimed annually with the Foreign and Commonwealth Office and payment therefore obtained later.
- The same process will apply for Personalised Diplomatic Registration Plates (for example NZ 1)



- 'X' PLATES: In effect these PCN's should be cancelled upon input. If correspondence is received from the driver and enforcement seems appropriate a request for payment should be made.



## DISPENSATIONS AND SUSPENSIONS

Applications for these cannot be processed by telephone and requires an application which can be posted or a visit to the Parking Shop.

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

1. Police, Fire Brigade or Ambulances whilst attending emergency situations.
2. Vehicles involved in contracted highway maintenance where there is a need for them to be parked adjacent to the work site.
3. Liveried Council vehicles carrying out statutory duties such as refuse collection, street cleansing and verge maintenance.
4. Vehicles displaying a valid Blue Badge

Dispensations may be granted for the following:

1. Funerals – for the hearse and cortege vehicles.
2. Weddings – bridal vehicles.

3. Maintenance to adjacent buildings.
4. Furniture removals.
5. Any other reason accepted by the Council.

Applications for dispensations must be received at least three working days prior to the required date and must be made to;

The Parking Shop  
Unit 5, Shaftesbury Court  
Chalvey Park  
Slough  
SL1ZER  
01753 551018

The granting of a dispensation or suspension should not be regarded as automatic. The council will not unreasonably withhold consent but in certain circumstances, and in particular if it would affect safety, the consent will not be granted.

If granted, dispensations will be issued to the applicant by way of written authority, which must be clearly displayed in the vehicle whilst parked. A copy will be held by the patrolling Civil Enforcement Officer and a further copy kept, with the application, by the Parking Services Section.

**A charge, per vehicle will be required**, except in the cases of wedding and funeral vehicles, in accordance with SI 1998 No. 948 The Local Authorities (Transport Charges) Regulations 1998

**SUSPENSIONS:** Designated parking bays, on or off-street, may be suspended for the following reasons:

1. To allow maintenance of adjacent property where highway access is required for deliveries, essential vehicles, skips etc. (Cars will not be considered as “essential vehicles” and will be expected to park in accordance with parking restrictions).
2. Maintenance to highway trees.
3. At the request of the Police.
4. For security reasons.

5. Any other reason accepted by the Council.

If you need to apply for a suspension you must make your application at least three working days prior to the required date and must be made to the Council's Parking Services section email: [parkingappeals@slough.gov.uk](mailto:parkingappeals@slough.gov.uk)  
If granted suspensions of parking bays/spaces will be clearly signposted by means of temporary signs which will indicate exact location and extent of the suspension with the start and finish dates and times. These signs will be displayed before the suspension comes into operation. Vehicles parked in contravention of a suspension will receive PCN's.

The Council will incur costs for these services and a charge in accordance with SI 1998 No. 948 The Local Authorities (Transport Charges) Regulations 1998 per bay/space will be made and is payable upon application.

**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 whilst in contravention of a parking restriction any resultant PCN should not be enforced unless the driver or a third party on behalf of the driver has had ample time to safely remove the vehicle after their 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. Where written evidence of the arrest cannot be supplied, confirmation should be obtained from the relative Police Station, by the Council, before the PCN is cancelled. Failure to supply or obtain supporting evidence of the arrest will lead to the PCN being enforced.

**DROPPING OFF - PICKING UP PASSENGERS:**

Except on designated clearways and zigzag (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 waiting or loading restriction in force. It is deemed that two minutes is sufficient allowance for this unless it involves the elderly, people with disabilities, young children or large amounts of luggage etc.

Special consideration will be given to hackney carriages or private hire vehicles that will need additional time to announce their arrival and accept payment. The CEO will exercise reasonable discretion in such circumstances.

## **ESTATE AGENTS:**

Estate agents visiting a client's property are not exempt from parking restrictions and PCN's will always be enforced.

## **EXEMPT VEHICLES:**

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

1. Fire Brigade vehicles
2. Marked Police vehicles
3. Ambulances.

The following vehicles are exempt in the circumstances described:

1. Local authority vehicles (or those of their contractual agents), whilst being used to carry out statutory duties (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 parking of Civil Enforcement Officer vehicles, when parked in a genuine enforcement emergency.
2. 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.
3. 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.
4. Public service vehicles and other company vehicles whilst waiting at an authorised stopping place, terminus or turning point.
5. National Blood Service/Screening Vehicles.
6. Vehicles involved in building, excavating and demolition work whilst lawfully and actively engaged on those duties.

All exempt vehicles should be liveried, not private cars or unmarked vans. However the council recognise that this is not always the case and will assess

each incident on its merits. In particular the exceptions will be covered by observation, for example loading/unloading.

Whilst under this policy these vehicles are exempt, it should be noted that any obstruction or other similar indiscriminate parking may be reported to the Police for action.

### **FOOTWAY PARKING:**

It is not generally a contravention to be parked on a footway. The exceptions to this are:

1. Heavy Goods Vehicles (Sect.19, RTA 1988).
2. Cycle tracks (Sect.21, RTA 1988).
3. Where a Traffic Regulation Order (TRO) exists for waiting restrictions.

The following vehicles are exempt from any such prohibition only under the circumstances indicated:

1. Marked vehicles used by Police, Fire Brigade and Ambulance services whilst carrying out emergency duties.
2. Vehicles used for street cleaning / street lighting and refuse collection providing that they are actively involved in the function.
3. Vehicles actively involved in road works.

Most waiting and loading restrictions cover the whole highway – boundary to boundary and this includes all footways and verges. A PCN can only be issued to a vehicle parked in such a manner if the restriction is specifically incorporated in the relevant TRO or the road is subject to a waiting/loading restriction, in which case the PCN should be issued for contravention of the restriction.

### **FORMAL REPRESENTATION AGAINST ISSUE OF PCN:**

The keeper of a vehicle is given the opportunity to make a formal representation against a PCN once the Notice to Owner (NtO) is sent to them by the Council. This representation must be made within 28 days of receipt of the NtO. Formal representation can be made on the following grounds, this is as stated in the Department of Transport Operational Guidance as follows:

- That the alleged contravention did not occur.

This is likely to be the most common ground for representations. It includes cases where a vehicle was allegedly loading or unloading in accordance with a TRO, where a PCN was allegedly issued too early by the civil enforcement officer, or where a vehicle was allegedly displaying a valid permit, ticket, voucher, Badge, etc.

- That the recipient:
  - never was the owner of the vehicle in question;
  - had ceased to be its owner before the date on which the alleged contravention occurred; or
  - became its owner after that date.

Where a recipient makes representations under the second or third circumstances above, he or she is legally obliged to include a statement of the name and address of the person to whom the vehicle was disposed of (or from whom it was acquired, as the case may be), if that information is in the recipient's possession.

- That the vehicle had been permitted to remain at rest in the place in question by a person who was in control of the vehicle without the consent of the owner.

This ground for representations covers stolen vehicles and vehicles used without the owner's consent but which were not stolen. It may apply in limited circumstances where a vehicle was being used by a member of the owner's family without the owner's express consent, such as where the family member has no permission to use the vehicle and has taken the keys without the owner's knowledge.

- That the recipient is a vehicle-hire firm<sup>1</sup> and:
  - the vehicle in question was at the material time hired from that firm under a vehicle hiring agreement<sup>2</sup>; and
  - the person hiring it had signed a statement of liability acknowledging his liability in respect of any PCN served in respect of any contravention involving the vehicle.

The Secretary of State suggests that the NtO requests that the hire-firm supply to the authority the name and address of the person hiring the vehicle at the material time and a copy of the statement of liability. This information should be used to issue a second NtO, on the person hiring the vehicle (who shall be deemed to be the owner of the vehicle for the purposes of processing the PCN).

- That the penalty charge exceeded the amount applicable in the circumstances of the case.

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<sup>1</sup> "vehicle-hire firm" has the same meaning as in section 66 of the Road Traffic Offenders Act 1988

<sup>2</sup> "hiring agreement" has the same meaning as in section 66 of the Road Traffic Offenders Act 1988

- That there has been a procedural impropriety on the part of the enforcement authority.

The regulations define a procedural impropriety as a failure by the enforcement authority to observe any requirement imposed on it by the TMA or the TMA regulations in relation to the imposition or recovery of a penalty charge or other sums and include, in particular, the taking of any step, whether or not involving the service of a document and the purported service of a Charge Certificate in advance of the time scale set out in the regulations<sup>3</sup>. This will also be ground for a representation against a PCN that has been served if a fixed penalty notice, as defined by section 52 of the Road Traffic Offenders Act 1988, has been given in respect of that conduct or the conduct constituting the parking contravention in respect of which the penalty charge notice has been given is the subject of criminal proceedings. This is only likely to be the case on or near pedestrian crossings.

- That the Order which is alleged to have been contravened in relation to the vehicle concerned is invalid<sup>4</sup>

This ground for representations includes cases where the wording of a TRO is deficient or contradictory. A TRO may be invalid where, for instance, the citation states that it is made under Sections 1 and 2 of the RTRA but it purports to make pay and display permitted parking spaces. If the TRO is not properly indicated with traffic signs or road markings, or the traffic signs or road markings are not in order, or where the restriction marked on the street go beyond what is provided for in the TRO the TRO is unenforceable (rather than invalid) and so cannot be contravened. It is critical that local authorities conduct a thorough review of all TROs before introducing civil parking enforcement.

- In the case where a PCN was served by post on the basis that a CEO was prevented by some person from fixing it to the vehicle concerned or handing it to the owner or person in charge of the vehicle, that the CEO was so prevented.
- That the NtO should not have been served because the penalty charge had already been paid in full or by the amount reduced by any discount set<sup>5</sup> within the period set.

<sup>5</sup> The discount must be in accordance with Schedule 9 Traffic Management Act 2004

As outlined in The Local Government Ombudsmen Report LGO 610 (12/04) in addition the Council will consider mitigating circumstances that do not fall in to the above categories

<sup>3</sup> The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007(SI 2007/3482), Regulation 4(5)

<sup>4</sup> This does not apply to Orders to which Part VI of Schedule 9 of the Road Traffic Regulation Act 1984 applies, as they can only be questioned in proceedings set out in paragraph 35 of Schedule 9

## **FUNERALS AND WEDDINGS:**

Vehicles participating in a funeral or a wedding will be given due consideration and respect and PCN's will not be issued. Vehicles belonging to mourners or wedding guests that are not in this category will not be able to park in contravention of any yellow line restriction.

However, any PCN issued to vehicles associated with a funeral or wedding should be considered with due respect and PCN's would only be enforced when blatant disregard to restrictions has been confirmed.

## **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 should be upheld.

However, the ultimate responsibility for the PCN rests with the registered keeper of the vehicle. Garages have no right to utilise the highway in such a manner and PCN's 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 Civil Enforcement Officer's notes, that such activity was taking place at the time of the issue of the PCN. PCN's will not be cancelled when issued to vehicles that are not actively involved in the work.

## **HACKNEY CARRIAGES / PRIVATE HIRE VEHICLES:**

Hackney carriages and private hire vehicles operating within Slough Borough boundaries are licensed by the 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). PHV's are not allowed to ply for hire on the street or display a "Taxi" sign.

Hackney carriages licensed by other local authorities are not allowed to ply for hire within Slough. The converse is also true. Hackney carriages and PHV's, like all vehicles, may stop to allow passengers to board or alight for as long as is reasonably necessary for the purpose (normally accepted as two minutes) it is not an exempted activity to assist passengers into premises and to leave the carriage unattended.

If a licensed Hackney carriage or Private Hire Vehicle is left unattended it is liable to receive a PCN. Each case, especially those involving elderly, infirm or passengers with disabilities should be treated on its merits and due allowance should be made in such incidences. It should be borne in mind that when a Hackney Carriage or PHV is called to an address to pick up passengers the driver must be allowed time to announce his/her arrival.

### **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 incorrectly 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 Civil Enforcement Officers notes whether the activity of loading / unloading was taking place. If so the PCN should be cancelled. If no such 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 the loading/unloading activity is complete. (See definition of loading/unloading).

If the PCN was issued for contravention of a no loading restriction then, once again, the Civil Enforcement Officer'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 and safety of the public. Any such representation should be accompanied by documentary evidence showing the nature of the goods being delivered.

### **HEALTH EMERGENCY BADGE SCHEME:**

The health care permit scheme has been agreed with the council and permits are issued to doctor's, midwives and District Nurses by the Berkshire East Primary Care Trust. The permit allows parking for one hour in Pay & Display bays, residents bays, council car parks, and on a single yellow line. If additional time is required permission must be requested from the control room as information is held with up to date lists of valid permits for these groups. Conditions have been set by the Council and any misuse will lead to permit being revoked.

### **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 keeper, the hire company, providing they make formal representation to the Council once the notice to owner is received.

The Road Traffic (Owner Liability) Regulations 2000 set out the requirements of a hiring agreement.

This representation must be accompanied by a copy of the relative hire agreement. In all cases this agreement must clearly state:

- The person hiring the vehicle is required to sign a statement of liability.
- In particular the person signing the statement should provide their full name, date of birth, their address and details of their driving licence.
- The hiring agreement should provide details of the vehicle hired, the time and date of expiry of original hiring 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 keeper is away on holiday. In such cases a PCN could be issued for being parked in a suspended parking place. 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 any notice is posted and distributed after the keeper 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.

#### **HOSPITAL CAR SERVICE:**

The display of a "Hospital Car Service" badge does not automatically exempt the holder from parking restrictions. However all challenges or representations 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 their 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, have a disability or infirm or unwell. This may well involve sufficient time to ensure that the passenger is comfortably settled within their own home prior to departure by the driver.

Challenges/Representations 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, difficulty in movement, post-operative etc.).

### **INTERVENTION IN CHALLENGE AND REPRESENTATION PROCESSES BY COUNCILLORS AND OTHER OFFICERS:**

The process of dealing with challenges and representations against the issue of PCN's is well documented and will be carried out in a fair, unbiased and equal manner. These procedures include the ultimate right of the keeper to refer the matter to an independent adjudicator at the Traffic Penalty Tribunal (TPT). To preserve the integrity of these procedures they will be managed and carried out by the operational management of the Parking Services section 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. This is supported by the Department for Transport (DfT) Guidance dated 14 December 2007 para 92.

<http://www.slough.gov.uk/documents/const-part5memberofficercode.pdf>

### **LEGISLATION:**

If a driver or keeper of the vehicle is querying the legislation it should be explained to them in simple terms. The introduction of the Traffic Management Act 2004 (TMA 04) has increased the amount of information. The current legislation in addition to the TMA 04 is:

- The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 ("the Representations and Appeals Regulations") (SI number: 2007/3482)
- The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI number: 2007/3483)
- The Removal and Disposal of Vehicles (Amendment) (England) Regulations 2007 (SI number: 2007/3484)

- The Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007 (SI number: 2007/3485)
- The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007 (SI number: 2007/3486)
- The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges (England) Order 2007 (SI number: 2007/3487)

And in addition the

- DfT Statutory Guidance dated 14 December 2007

If the keeper is specifically querying the authority behind a specific restriction then reference should be made to the relevant Traffic Regulation Order or the Off Street Car Parking Places Order(s) held by the Council. Prior to any correspondence with the keeper 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 keeper.

#### **LOADING / UNLOADING:**

Vehicles will be permitted to park in contravention of waiting restrictions whilst carrying out the legitimate activity of loading or unloading (unless specifically prevented by legislation) provided:

1. Activity, involving the vehicle, is observed by the Civil Enforcement Officer whilst the vehicle is parked. The observation period shall be for at least five minutes and a PCN shall only be issued if no activity is seen during this period.
2. Generally a maximum of 20 minutes will be allowed to enable loading / unloading to take place. Exceptions will be made when the nature of the goods being loaded/unloaded require more time, i.e. house moving or very heavy goods being handled or volumes that observation shows it to be continuous.
3. Due allowance will be given to allow the driver to complete delivery paperwork.

Where a PCN is issued a challenge or representation will be considered if supported by evidence showing continuous loading and unloading that may have also related to heavy goods or confirming delay by the recipient of any goods.

### **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 an 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 supporting third party.

The following should also be considered: If the vehicle was parked in a pay and 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?

### **PAY and DISPLAY MACHINES:**

#### **DID NOT REALISE THERE WAS ONE THERE:**

Claims from drivers/keepers that they did not see or realise that they had to use a pay and display should be dismissed, as they are always clearly signed.

#### **NOT WORKING:**

Where it is claimed that a machine is not working then reference must be made to both the maintenance records, the Civil Enforcement Officer's notes and networked records in respect of all pay & display machines. If it is confirmed that the machine was not working at the time then consideration should be given to cancellation of the PCN. If there was an alternative machine, in working order and in the vicinity that could be seen then it is reasonable to expect that the drivers would use this machine.

### **MIS-SPELLING OF KEEPER'S NAME:**

The mis-spelling of the keeper'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 keeper to deal with the matter. Such names and addresses are, in most cases, obtained from the DVLA and are supplied by the

keepers themselves. It is also incumbent upon the keeper 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 then a new Notice to Owner will be issued.

## **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 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:

a. 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).

b. Claims that PCN's 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 Civil Enforcement Officer. The normal five minute observation period should be enough time in such circumstances, except where the location is stated to be an instant PCN issue.

### 3. Emergencies:

An emergency is an unforeseen situation that prevented the driver from moving their 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.

## **NOTICE OF REJECTION OR ACCEPTANCE OF FORMAL REPRESENTATION:**

Within the statutory period of 56 days of receipt of a formal representation from the keeper of the vehicle a written notice of acceptance or rejection will be sent by the parking services office:

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 Penalty Tribunal (TPT). – 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 Civil Enforcement Officers will allow a period of at least five minutes for some contraventions, these are detailed on pages 28-31,, to elapse and between first observing the vehicle illegally parked and the issue of the PCN. The details of the vehicle will be entered into the Civil Enforcement Officer's hand held computer (HHCT) when first seen and the computer will prevent issue of the PCN within the recognised permitted time for this contravention code..

The Civil Enforcement Officer will be able to continue with their patrols and then return to the vehicle parked in contravention. 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.

## **CIVIL ENFORCEMENT OFFICERS' POCKET BOOK / NOTEBOOK:**

All Civil Enforcement Officers shall maintain a separate pocket book in which they shall note daily details of their patrols, PCN's issued etc. All entries will be contemporaneous. 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 Appeal through the independent adjudication process and will assist in the investigation of any challenge or representation received by Slough Borough Council.

Each pocket book will be numbered and when issued to the CEO the number of the previous book used by that CEO entered on its cover along with the PA'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 therefore 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.

### **PAY AND DISPLAY TICKETS:**

Slough Borough Council's operate a pay and display system in its car parks and on street. Pay and Display requires the purchase of a ticket at the time of parking for the amount of time required. All tickets display the ticket machine number, expiry date and time on them along with the fee paid and a unique serial number. The tariff is clearly displayed on or adjacent to each machine. Pay and display tickets must be:

1. Clearly displayed in windscreen on dashboard this way up.
2. For the date shown.
3. Un-expired.
4. For the location indicated

PCN's will be issued for:

1. Failing to display a valid ticket.
2. Displaying a ticket that has expired.

**Challenge/Representations made will be considered and all mitigation circumstances will be taken into consideration. It is incumbent upon the driver to ensure that the ticket is clearly displayed in front windscreen on dashboard showing validity of ticket, throughout the time that the vehicle is parked.**

## PENALTY CHARGE & PENALTY CHARGE NOTICE:

**A PCN will be issued if a wheel or more is on a restriction or out of bay.**

### Standard PCN Codes/Contraventions v6.5

**Note:** The **PCN Charge Level** column shows the amount of the basic PCN charge.

The **Lower Charge** column shows the discounted amount if paid within 14 days of the notice. (SI 2007 No. 3487 The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007.

The **Higher Charge** column shows the surcharged amount if only paid after issue of a charge certificate.

Code	Description	Observation	PCN Charge Level	Lower charge	Higher charge	Considerations
<b>On-street</b>						
01	Parked in a restricted street during prescribed hours	5 mins.	£70	£35	£105	Observe for 5 minutes. Badges must be valid (i.e. 'time clock only' is insufficient).
02	Parked loading or unloading in a restricted street where waiting and loading/unloading restrictions are in force	Instant	£70	£35	£105	Instant ticket unless activity of picking up/ setting down passengers is observed – allow 2 minutes but use discretion in respect of infirm/ disabled passengers. PCNs are to be issued for parking by disabled badge holders
05	Parked after the expiry of paid for time	5 mins.  or  Instant	£50	£25	£75	Allow 5 minutes from time of expiry for motorist returning late. Permit genuine loading, within loading definition, without charge or PCN issue. Note time first seen & ticket details if unclear  Instant PCN will be issued if the 5 minutes have already expired on P & D ticket.
06	Parked without clearly displaying a valid pay & display ticket or voucher	5 mins.	£50	£25	£75	Permit genuine loading without charge or issue of PCN. Allow 5 minutes to get change.
12	Parked in a residents' or shared use parking place or zone without clearly displaying either a permit or voucher or pay and display ticket issued for that place	5 mins.	£70	£35	£105	Permit genuine loading without charge or issue of PCN.  Check expiry dates on all permits, vouchers and tickets. Check & report suspected fraud or misuse of permit.
16	Parked in a permit space without displaying a valid permit	5 mins.	£70	£35	£105	Check expiry dates on displayed permits. Check & report suspected fraud or misuse of permit.

Code	Description	Observation	PCN Charge Level	Lower charge	Higher charge	Considerations
19	Parked in a residents' or shared use parking place or zone, displaying an invalid permit, voucher and Pay & Display ticket.	5 minutes	£50	£25	£75	If permit, voucher or P&D ticket is displayed it must have expired by less than 7 days
21	Parked in a suspended bay/space or part of bay/space	Instant	£70	£35	£105	Loading NOT permitted. This is an instant PCN.
22	Re-parked in the same parking space or zone within one hour(or other specified time) of leaving	5 mins.	£50	£25	£75	Contravention is sometimes restricted to specific parking place, and sometimes covers an entire zone: check that signs reflect this.
23	Parked in a parking place or area not designated for that class of vehicle	5 mins.	£70	£35	£105	
24	Not parked correctly within the markings of the bay or space	Instant	£50	£25	£75	At least one wheel should be outside bay/ space. Report to police if dangerous and/ or causing obstruction.
25	Parked in a loading place during restricted hours without loading	5 mins.	£70	£35	£105	Place must be correctly marked & not a loading gap.
30	Parked for longer than permitted in a free bay	5 mins.	£50	£25	£75	
40	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Instant	£70	£35	£105	Issue warning notice if badge expiry no more than 14 days ago.
45	Parked on a taxi rank	Instant	£70	£35	£105	Rank is for 'Hackney' carriages only. Private hire vehicles (e.g. 'mini cabs') may not park there.
46	Stopped where prohibited (on a red route or clearway)	Instant	£70	£35	£105	This restriction is restricted to the carriageway only. PCNs are to be issued for parking by disabled badge holders.
47	Stopped on a restricted bus stop/stand	Instant	£70	£35	£105	The restriction does not apply to a 'courtesy' bus stop. PCNs are to be issued for parking by disabled badge holders.
48	Stopped in a restricted area outside a school when prohibited	Instant	£70	£35	£105	Restriction may only apply in school term times.
<b>Off-street</b>						
81	Parked in a restricted area in a car park	Instant	£70	£35	£105	

Code	Description	Observation	PCN Charge Level	Lower charge	Higher charge	Considerations
82	Parked after the expiry of paid for time	10 mins. or  Instant	£50	£25	£75	Allow 10 minutes from time of expiry before issuing PCN.  Instant PCN will be issued if the 10 minutes have already expired on the P & D ticket.
83	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or permit or parking clock	10 mins.	£50	£25	£75	Allow 10 minutes for motorist to get change.
85	Parked in a permit bay without clearly displaying a valid permit	Instant	£70	£35	£105	Check expiry dates on displayed permits. Check & report suspected fraud or misuse of permit.
86	Parked beyond the bay markings	Instant	£50	£25	£75	At least one complete wheel should be outside the bay or space.
87	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Instant	£70	£35	£105	Issue warning notice if badge expiry no more than 14 days ago.
89	Vehicle parked exceeds maximum weight and/or height and/or length permitted in the area	Instant	£70	£35	£105	
91	Parked in a car park or area not designated for that class of vehicle	Instant	£70	£35	£105	
92	Parked causing an obstruction	Instant	£70	£35	£105	This contravention may be covered within 86 above.

#### DISCOUNT PERIOD:

The PCN rate in Slough is variable and set at either £70 or £50 and the table on pages 28 - 30 shows the contraventions and PCN levels that are enforced in Slough, and the discounted payment that is accepted if the PCN is paid within 14 days of issue, and appropriate criteria.

If a challenge is received within 14 days of issue of the PCN the discounted period will be frozen pending the Council's decision. Should the challenge be rejected the discount period will restart from the date of the notice of rejection.

## EARLY ISSUE OF:

Claims that a PCN was issued before the time that a contravention is deemed to be committed will be investigated. The issue of PCN's is controlled by hand held computer terminals (HHCT) carried by each Civil Enforcement Officer. These HHCT's have in built clocks, which are calibrated at the start of each shift with the Rugby clock, prior to commencement of the patrols.

Observation times where appropriate are shown on pages 28 – 30. These times will appear on the PCN itself as “from” and “to”. The IT system will prevent any subsequent alteration to these times. The normal procedure is for a Civil Enforcement Officer to enter the observation details into the HHCT, then to continue with the patrol before returning to the vehicle to complete the issue of the PCN.

## TIME TO PAY / INSTALMENT PAYMENTS:

As a general rule Slough Borough Council will neither offer extensive time in which to pay PCN's nor will it enter into instalment payment arrangements. Exceptions may be considered to this and are only made in cases of demonstrated, genuine financial hardship. Application must be in writing and will be responded to within eight 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 PCN's the Council will expect the settlement of at least one per month.
  - 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, postal or telephone payments may be made using a debit or credit card. Postal orders will also be accepted.
- The Council will maintain a separate active file for each arrangement reached which, will be reviewed by a senior manager each month.

#### NON PAYMENT OF PENALTY CHARGE:

If the PCN is not paid after the process of:

- Issuing a Notice to Owner with no response
- Rejection of representations
- Lost appeal at TPT

A Charge Certificate is issued that increases the payment by 50% to the higher charge as shown in the previous table.

If there is no payment after 14 days there is no requirement for a local authority to send a further reminder once a Charge Certificate has been issued.

Slough Borough Council, however, may send a pre-debt registration letter 17 days after the issue of the Charge Certificate to inform the debtor that unless the matter is settled within 14 days application will be made to the Traffic Enforcement Centre (TEC) to register the debt at the County Court.

The keeper will receive notice of this intention, together with their rights in respect of contest; this allows a witness statement supported by a statement of truth invalidating the Charge Certificate. Details of this are sent to the owner and they cover;

- Notice to Owner not received
- No response to Notice to Owner
- No response from TPT
- Have paid the penalty charge

If this is not received then and after 35 days of serving a notice of the proposal to register the debt an application may be made to issue a warrant for the recovery of goods to the value of the outstanding debt plus bailiff fees.

The Bailiff Company are appointed by the Council through a rigorous procurement process, they have detailed instructions, their own code of practice and all their fees on top of the now increased Penalty Charge notice are set by statute and are common in England & Wales.

To achieve parity and fairness the Council will follow the process available but where there is a consistency of non-payment and Warrants of Execution issued to bailiffs are ignored or the process disrupted, or any condition stated below they may follow the Department for Transport Guidance that states:

A warrant of execution will be the normal means of collecting unpaid debts. However, there are circumstances in which an authority can use other means to collect the amount owing:

- If an execution against goods has been attempted, but the bailiff has been unable to seize goods because access to the premises was denied, or the goods had already been removed.
- If the goods seized are insufficient to meet the outstanding amount, plus the costs of execution.
- If the goods to be seized would be insufficient to cover the cost of their removal and sale.
- If an authority has reason to believe that execution against goods will fail to raise the outstanding debt and the costs of execution.

Other means of recovering the sum owed cannot be used simply because the motorist has ceased to occupy the premises stated in the warrant of execution. The certificated bailiff has authority to levy against the respondent's goods irrespective of address and the bailiff can therefore amend the details of the address on the warrant and seek to enforce the warrant at the motorist's new address.

The other means of enforcement are:

- An attachment of earnings order - an order deducting money from the motorist's earnings to discharge the amount outstanding.
- A garnishee order - an order preventing the motorist withdrawing any money from his or her bank or building society account until the outstanding debt is paid and requiring the bank or building society to discharge the debt using money in the motorist's account.
- A charging order - an order preventing the motorist selling his or her house or land unless the outstanding debt is paid.

An authority can also ask the defendant's local county court to issue an oral examination. An oral examination is a way of finding out about the motorist's income and expenses in order to decide on the most appropriate means of enforcement.

If it wishes to issue an oral examination or to enforce judgement using one of the methods set out in this Chapter, an authority must ask the TEC to transfer the case to the motorist's local County Court.

## **PERMITS TO PARK ON RESIDENTIAL STREETS**

There are three types of permits at present; in each case it is important that the permit has a date of expiry after the date of parking or the date of visit when parked. It is the responsibility of the owner of for the vehicle to be parked correctly, even if they are not the driver.

### **RESIDENTS PERMIT**

Proof of vehicle ownership: log book/insurance is required when applying for the permit and verification (valid 3 months Utility Bill) that the person using the vehicle is resident at the address. The application form, fee detail, and regulations can be obtained from the Parking Shop.

### **VISITORS PERMIT**

These can be purchased by residents from the Parking Shop; proof of residency is required. They can only be purchased by residents for visitors/workmen and they are zone specific.

### **CARERS PERMITS**

The council recognise that this could mean a weekly/daily visits and it is therefore issued to a resident for their carer under specific conditions and cannot be used other than by a carer.

The application form and issue is by the Parking Shop but this can be processed by post, or obtained by another person with written authority, if the resident cannot get to the Parking Shop.

**When applying for a permit any outstanding Penalty Charge Notices at Charge Certificate stage will be brought to the attention of the applicant to clear the balance off prior to the issue of the permit.**

**The Council reserves the right to refuse the permit.**

All details, application forms and fees can be found at [www.slough.gov.uk](http://www.slough.gov.uk) or at the Parking Shop.

## **PERSISTENT EVADERS**

A persistent evader is a motorist that has 3 or more PCNs outstanding against a vehicle. The Council find it unacceptable that motorists are able to continue to park illegally and also avoid payment for outstanding PCN's. These vehicles will be removed by our contractor if payments are not received.

## **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:**

This will be dealt with as loading/unloading.

## **POLICE OFFICERS ON DUTY:**

PCN's 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 Inspector or higher rank. They should contain confirmation that the officer was on official business and that it was inappropriate for the vehicle to be parked elsewhere.

PCN's 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.

## **PREGNANCY- MOTHERS WITH YOUNG CHILDREN:**

Generally pregnancy is not considered to be a reason for cancellation 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 ten minutes) or was caused by a minor medical emergency, child being unwell or mother feeling unwell, understanding and leniency should be shown.

If the delay was caused by the mother not allowing additional time enough to deal with young children or her own condition, then the PCN should be enforced.

## **PRIVATE PROPERTY:**

Parking restrictions placed on private property are not the concern of Slough Borough Council and are outside the scope of its enforcement operation. 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. Any person querying such an area should be referred to the relevant landlord or resident.

## **PUBLIC UTILITY VEHICLES:**

A public utility vehicle (whether directly or indirectly working for the utility) is any vehicle involved in the mains supply of gas, electricity, water or telecommunications. These vehicles will be exempt from restrictions if necessary if the following criteria apply:

1. The vehicle is on an emergency call and is actually involved in the emergency work.
2. The vehicle is involved in non-emergency maintenance of apparatus and it is essential for the vehicle to be in close proximity of the activity.
3. A board or note showing the address and nature of the emergency is clearly displayed in the vehicle.
4. The activity should normally be seen to be taking place.

If abuse is suspected a PCN should be issued and the Civil Enforcement Officer should note the reason why in their notebook. i.e. '*vehicle parked, no activity observed, no indication of location of any emergency*'. In such cases the PCN should be enforced unless supporting evidence of the emergency/maintenance is supplied by the utility company or the third party working for the utility.

## **REGISTERED KEEPER'S LIABILITY:**

Under the Traffic Management Act 2004 the responsibility for any PCN rests with the registered keeper of the vehicle as recorded at the Driver and Vehicle Licensing Agency (DVLA). If the keeper was not the driver at the time of the contravention it remains their responsibility to pay the PCN. (see also 'NOTICE TO OWNER' and "HIRING AGREEMENT")

## **RESTRICTED HOURS:**

The hours during which restrictions are in force may vary and, if there is any doubt, the relative Traffic Regulation Order should be consulted. Generally restrictions are as follows:

1. Yellow lines:
  - a. Single: No waiting during times shown on adjacent sign
  - b. Double: No waiting at any time.
2. Loading restrictions – yellow kerb markings:
  - a. Two lines: No loading at any time.
  - b. One line: During the working day or as specified by adjacent signs.
3. Designated loading bays: Marked by yellow lines and indicated on adjacent sign(s). “Loading only” is written alongside the bay.
4. Disable bays – mandatory: Marked by white lines and indicated on adjacent sign(s). “Disable bays” is written alongside the bay.
5. Bus stop clearway: Marked by a yellow bay together with a thick yellow bar through the back of the bay and indicated on adjacent sign. “Bus Stop” is written alongside the bay.
6. Residents’ parking bays – Marked by a white bay and indicated on adjacent sign(s).
7. Visitors’ parking bays – Marked by a white bay and indicated on adjacent sign(s).
8. Doctors bays: Marked by white lines and indicated on adjacent sign(s). “Doctor” is written alongside the bay.

#### **ROAD SIGNS / MARKINGS – MISSING, OBSCURED OR BROKEN:**

1. Yellow and/or white 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. Waiting restrictions will be enforced between end stop markings, even if the lines between them have been removed, or are broken.
  - b. Where weather conditions (i.e. snow) have obscured the lines then immediate remedial action to clear them will be taken.
  - c. If it is confirmed that the claim is valid the PCN should be cancelled. Where the lines can be clearly seen, even though they may be partially worn, the PCN should be enforced but remedial action to renew the lines should be undertaken.
2. Kerb markings (loading restrictions): As yellow lines above.

### 3. Obscured signs:

- a. Information signs accompanying waiting and loading restrictions must be clearly visible at all times. If it is claimed that a sign was obscured and could not be read (graffiti, weather or overhanging trees etc.) the sign should be immediately inspected and remedial action taken. 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 pristine condition immediately if required.

### 4. Missing signs:

If a sign is claimed to be missing it should be inspected immediately and, if confirmed, arrangements made for its immediate replacement. Where the relevant sign is missing the PCN should be cancelled.

## **ROYAL MAIL VEHICLES:**

Royal mail 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. Royal mail vehicles parked for long periods 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.

## **SCHOOL KEEP CLEAR MARKINGS:**

Zigzag markings outside of schools can be either restricted or unrestricted and are installed for the protection of the children. Any markings that are restricted are governed by the relative Traffic Regulation Order and have yellow lines and a time plate showing hours of operation.

(An unrestricted bay will not have a time plate and will show advisory road markings).

Any vehicle parked in a restricted bay, during the times shown on the plate, will be issued with a PCN which will not be cancelled under any circumstances including the claim that the driver was picking-up or dropping-off children.

## **SEASON TICKETS - CAR PARKS:**

These are issued and are valid only in a named car park, and before the expiry date, printed on the face of the season ticket. Failure to display a season ticket is a contravention and will result in a PCN being issued.

**Challenge/Representations made will be considered and all mitigation circumstances will be taken into consideration.**

Use of a season ticket within another car park, on another vehicle 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. Season tickets are non-transferable and non-refundable.

### **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 the Chief Constable considers such suspension as necessary for maintaining security at a specified location or area. PCN's 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 affect safe delivery or collection of cash. PCN's 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.

### **SUSPENDED BAYS:**

Where a challenge/representation is received claiming that a vehicle was parked at the location without having received notice of the suspension being received and, upon investigation the claim is found to be valid the PCN should be cancelled. It is normally the case that the responsibility for ensuring a vehicle is parked in accordance with any possible suspension rests with the driver.

However, 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. The keeper will have to demonstrate however that, if the vehicle remains parked in contravention of the suspension for a considerable time, they remained unaware of the suspension (i.e. on holiday etc.).

## **TARIFFS / CHARGING LEVELS FOR ON STREET AND OFF STREET PARKING:**

The Council will biannually review its charging levels for parking both on and off street. Officers will conduct this review and any recommendations for change will be placed before the appropriate person for consideration and subsequent approval and ratification as a “Significant Decision” in accordance with Slough Borough Councils process. The review will take into account the following:

- The need to maintain and, where possible, improve the flow of traffic.
- Improving the quality and accessibility of public transport by discouraging the use of cars where road conditions and public transport facilities justify it.
- The needs of the local community including residents, shops and businesses.
- The particular needs of people with disabilities bearing in mind that some of these people are unable to use public transport.
- Existing and projected levels of demand for parking places.

## **TAXI RANKS:**

A notice and/or road markings are displayed at each rank showing its limits, how many vehicles may stand on it and any special regulations applicable. Taxi ranks are enforceable by Civil Enforcement Officers and the Police should be informed of any contravention. Any vehicle, including a private hire vehicle, parked outside of the rank and in contravention of a parking restriction will be issued with a PCN.

## **TIME / DATE CALIBRATION OF HANDHELD COMPUTERS AND PAY and DISPLAY MACHINES:**

Prior to commencement of each shift the Civil Enforcement Officers shall calibrate their HHCT's to ensure that they reflect the correct time and date. The time will be checked against a master clock, which is calibrated weekly against the atom clock. Pay and display machines are tested at the outset of each patrol to ensure that they are showing the correct time and date. This is done by obtaining a “test” ticket from the machines, which are kept as part of a daily report function. A Civil Enforcement Officer will also check the time on a machine is the same as the HHCT's if there is a difference this will be reported to the Parking Shop and a note made in the pocket book.

## **UNADOPTED ROADS**

Where a Developer and the Council enter into an agreement to adopt a road the council can enforce the restriction if a written agreement is in place and this must be supported by a Traffic Regulation Order.

#### **UNAUTHORISED MOVEMENT OF A VEHICLE:**

Movement of any vehicle by a third party is considered to be authorised, unless there is clear evidence that an unauthorised person has moved a vehicle then all PCN's should be enforced.

1. Stolen vehicle:

Confirmation from the police that the vehicle was reported stolen including the relative crime report number.

2. Unauthorised use:

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 report will not lead to the cancellation of the PCN.

#### **UNIFORMS – CIVIL ENFORCEMENT OFFICERS:**

SI 2007 No. 3485 The Civil Enforcement Officers (Wearing of Uniforms) Regulations 2007 are made under section 76(4) of the TMA 04 which states:

Civil Enforcement Officers must wear uniforms as may be determined by Slough Borough Council in accordance with guideline and must not exercise any function when not in uniform.

Slough Borough Council has determined that the uniform must include the following:

1. Clear identification that the wearer is a parking Civil Enforcement Officer
2. Clear identification of the local authority on whose behalf the CEO is acting
3. A personalised number to identify the parking Civil Enforcement Officer which may contain letters as well as numbers."

Slough Borough Council's Civil Enforcement Officers will wear a uniform consisting of:

1. Black shoes.
2. Grey trousers
3. White shirts / blouses with parking watch logo and epaulettes.
4. Grey "combat style" jumper with epaulettes and Council logo.
5. Navy Blue reflective coats showing "parking watch logo the back.
6. Black hat – peaked for men, bowler style for women.
7. Black transferable epaulettes showing Council Identifying letters and Civil Enforcement Officer's number. To be worn on "top" clothing – shirt, jumper or coat.
8. Epaulettes will show the Council code (SB for Slough) and the Civil Enforcement Officers' number.
9. All Civil Enforcement Officers will carry Council ID cards, which will not carry their names for personal security reasons.

#### **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.
3. The keeper of the vehicle.

The Civil Enforcement Officer observation from their 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 Civil Enforcement Officer 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 five minutes and will be covered by the five minutes Civil Enforcement Officer'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 NOT AT SCENE:**

Where a keeper receives a Notice to Owner and claims that the vehicle was not parked in the area at the time a response will be sent showing the digital photograph identifying the location and vehicle, and the tax disc number recorded at the time of the contravention. The PCN should be enforced.

The keeper will be required to provide detailed evidence in dispute of the location or that the vehicle was stolen supported by a crime number from the police.

#### **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.