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Working in partnership

North East Lincolnshire Council

Civil Parking Enforcement Procedures

Guidance on the enforcement of Penalty Charge Notices

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North East Lincolnshire Council's priorities are clear:

'Stronger economy and stronger communities'

Introduction and context

To achieve our priorities, we need to work in new ways with partners in the public and private sectors, the voluntary and community sector, and with individuals, families, and communities. We must support and enable the achievement of improved community outcomes with creativity and innovation.

We want North East Lincolnshire to be an attractive place to live, work, visit and invest. We know that we have significant and exciting opportunities for investment and growth in North East Lincolnshire.

The outcomes framework sets out the five high level outcomes that we and our partners aspire to achieve to ensure prosperity and wellbeing for the residents of North East Lincolnshire.

The five outcomes are that all people in North East Lincolnshire will:

- Enjoy and benefit from a strong economy
- Feel safe and are safe
- Enjoy good health and well being
- Benefit from sustainable communities
- Fulfil their potential through skills and learning

The management for Civil Enforcement of parking contraventions in England is set out in Part 6 of the Traffic Management Act 2004 together with Statutory Instruments (S.I) made under that part of that Act. Those instruments are The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022 (S.I. 2022/576).

The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (S.I. 2022/71).

The Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007 (S.I. 2007/3485).

A further instrument, S.I. 2007/3484 was made under different powers, but in relation to civil enforcement areas.

S.I 2010 No.1514 enables the council to enforce parking contraventions within the whole of the area of North East Lincolnshire Borough Council except the A180 trunk road, including its access roads and its slip roads, from Lock Hill Roundabout (at Ordnance Survey National Grid reference point TA2721610400) to the boundary with the area of The North Lincolnshire Borough Council (at Ordnance Survey National Grid reference point TA1336514461).

Parking contraventions in North East Lincolnshire are enforced through a civil law regime as opposed to enforcement by police or traffic wardens in a criminal law context.

North East Lincolnshire Council's Civil Parking Enforcement (CPE) procedures document covers all aspects of Parking Enforcement across North East Lincolnshire.

All policies that are developed or reviewed by North East Lincolnshire Council have due regard to the aims of the Equality Duty ensuring that no-one is treated in any way less favourably on the grounds of age, disability, gender reassignment, pregnancy & maternity, race, religion or belief, sex, sexual orientation or marriage and civil partnership.

Aims

The aim of the CPE procedures is to:

- Integrate traffic management policies with effective on-street parking enforcement
- Allow the council to be responsive to changing priorities, local factors, and demand for parking
- Manage traffic congestion and flow
- Improve safety for pedestrians and drivers
- Support the local economy – through the provision of appropriate parking for retailing, business, tourism, and leisure
- Enable and provide effective enforcement of new and existing On Street parking restrictions
- Improve enforcement of disabled bays in both on and off-street Parking Places
- Provide off-street parking enforcement in council owned car parks

Civil Enforcement Officers (CEOs) work within a strict set of guidelines governed by the Traffic Management Act. CEOs have limited discretion in discharging their duties.

The notice processing team will consider challenges received against Penalty Charge Notices (PCNs). Each case will be considered on its individual merits considering the evidence provided by the appellant as well as the guidance used by staff. Only authorised officers will be allowed to cancel a PCN. Cancellation may only occur after a written challenge/representation against the issue of the PCN is received.

It is not possible to document every scenario or circumstance that may occur, but this document is intended to demonstrate that enforcement carried out by North East Lincolnshire Council is undertaken in a transparent, fair, and unbiased manner.

The income from on-street charging and any PCNs payments received (whether for on-street or off-street enforcement) must only be used in accordance with section 55 of the Road Traffic Regulation Act 1984 (as amended). It is unlawful for CEOs to be set targets in issuing a specific number of PCNs.

This document supersedes the Civil Parking Enforcement Procedures for North East Lincolnshire Council Enforcement Authority document, dated 2010.

Objectives

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

- Applying relevant legislation fairly
- Taking enforcement action where it is necessary
- Being consistent in our approach
- Being transparent about what enforcement action is taken and why

Enforcement

This section aims to detail the various aspects of enforcement that the council adheres to. Procedures detailed in this document are for guidance only and all cases will be considered on individual merit.

The council complies with its over-arching enforcement policy and adheres to the law when discharging its duties which in this instance specifically relates to parking.

Example parking contraventions and associated circumstances guidance

Please see Appendix 1 for a non-exhaustive list.

Contravention detected by an approved device

The council may adopt specialist devices such as cameras to detect contraventions. The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022 (S.I. 2022/576) and The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (S.I. 2022/71) legalisation provides for enforcement of contraventions detected by cameras in certain scenarios, such as bus lanes or on school keep clear restrictions. The Secretary of State must certify any type of device used solely to detect contraventions.

<https://www.legislation.gov.uk/uksi/2022/71/contents>

Contravention Codes and Observation Times

In most cases, a contravention occurs if the terms of a Traffic Regulation order (TRO) are not complied with; a penalty charge is then payable. A parking contravention for which a civil penalty charge is payable is not a criminal offence. Local Authorities use a standard system of two-digit codes to refer to parking contraventions. The code appears on the PCN, together with a description of the contravention.

The two-tier system relates to the seriousness of the contravention and the breakdowns of the higher and lower penalties are listed below (see Table 2). For this reason, and to emphasise the traffic management purposes of CPE, enforcement authorities must apply different parking penalties to different contraventions. North East Lincolnshire Council issue Penalty Charges under Band 2.

(See Table 1).

- Grace Period (The Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2015 (SI 2015/561) brought the 10 minutes' grace period into effect from 6 April 2015.)

Therefore, from the 6 April 2015, the law requires that a penalty charge must not be issued to a vehicle which has stayed parked in a parking place (where parking is permitted) on a road, or in a local authority car park beyond the permitted parking period for a period of time not exceeding 10 minutes. The grace period applies to on street and off-street parking places provided under traffic orders, whether the period of parking is paid for or free. Any penalty charge issued before the expiry of the 10 minute grace period would be illegal, unless the vehicle itself is parked unlawfully (e.g., where the motorist has not paid any required parking fee or clearly displayed a parking ticket or permit where required).

- **Observation Period**

An observation period is not a grace period.

An observation period is primarily designed to ensure that the vehicle is not engaged in an exempt activity, such as loading or unloading, or they are in the process of obtaining a 'Pay & Display' ticket from a machine in an Off Street car park. The observation times applicable to each code are indicated alongside each contravention.

Observation periods are split into two types: casual and continuous-

- Casual observation takes place when a CEO first notes the vehicle details but does not constantly monitor the vehicle. For example, on first noting a vehicle parked in a one hour limited waiting bay and returning a short while later or at intervals.
- Continuous observation, the standard procedure is for the CEO to note the vehicle details when they first see a possible contravention taking place and stay next to or near the vehicle, keeping it in sight at all times, for a set period (usually at least five minutes) to see if there is any sign of loading or unloading. If not, the CEO will issue a PCN.

Where applicable, observations times will be applied consistently.

The following charges are indicative of Band B levels of Penalty Charges issued by Local Authorities in England (outside London) and Wales under the Traffic Management Act 2004.

Table 1

Contravention Levels

Band	Higher level penalty charge	Lower level penalty charge	Higher level penalty charge paid early (Discount)	Lower level penalty charge paid early (Discount)	Higher level penalty charge paid after service of charge certificate	Lower level penalty charge paid after service of charge certificate
2	£70	£50	£35	£25	£105	£75

Table 2

Higher Level Contraventions - On Street

Code	Description	Observation time	Grace period
01	Parked in a restricted street during prescribed hours	5 mins	N/A
02	Parked or loading and unloading in a restricted street where waiting and loading and unloading restrictions are in force.	0 mins	N/A
12	Parked in a residents' or shared use parking place or zone without a valid virtual permit or clearly displaying a valid physical permit or voucher or pay and display ticket issued for that place where required, or without payment of the parking charge	5 mins	N/A
14	Parked in an electric vehicles' charging place during restricted hours without charging.	0 mins	N/A
16	Parked in a permit space or zone without a valid virtual permit or clearly displaying a valid physical permit where required.	5 mins	N/A
18	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited.	5 mins	N/A

20	Parked in a part of a parking place marked by a yellow line where waiting is prohibited.	0 mins	N/A
21	Parked wholly or partly in a suspended bay or space.	0 mins	N/A
23	Parked in a parking place or area not designated for that class of vehicle.	5 mins	N/A
25	Parked in a loading place or bay during restricted hours without loading.	5 mins	N/A
26	Vehicle parked more than 50 centimetres from the edge of the carriageway and not within a designated parking place	5 mins	N/A
27	Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway	5 mins	N/A
28	Parked in a special enforcement area on part of the carriageway raised to meet the level of a footway, cycle track or verge.	5 mins	N/A
40	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner.	0 mins	N/A
42	Parked in a parking place designated for police vehicles	0 mins	N/A
45	Parked on a taxi rank	0 mins	N/A
46	Stopped where prohibited (on a red route or clearway).	0 mins	N/A
47	Stopped on a restricted bus stop or stand	0 mins	N/A
48	Stopped in a restricted area outside a school, a hospital or a fire, police or ambulance station when prohibited.	0 mins	N/A
49	Parked wholly or partly on a cycle track. Parked wholly or partly on a cycle track or lane.	5 mins	N/A

55	A commercial vehicle parked in a restricted street in contravention of the overnight waiting ban.	5 mins	N/A
56	Parked in contravention of a commercial vehicle waiting restriction	0 mins	N/A
61	A heavy commercial vehicle wholly or partly parked on a footway, verge, or land between two carriageways	0 mins	N/A
62	Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway.	5 mins	N/A
99	Stopped on a pedestrian crossing or crossing area marked by zigzags	0 mins	N/A

Higher Level Contraventions - Off Street

Code	Description	Observation Time	Grace period
70	Parked in a loading place or bay during restricted hours without loading.	5 mins	N/A
71	Parked in an electric vehicles' charging place during restricted hours without Charging	0 mins	N/A
74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	0 mins	N/A
78	Parked wholly or partly in a suspended bay or space.	0 mins	N/A
81	Parked in a restricted area in an off-street car park or housing estate	0 mins	N/A
85	Parked without a valid virtual permit or clearly displaying a valid physical permit where required.	0 mins	N/A
87	Parked in a designated disabled person's parking place without displaying a	0 mins	N/A

	valid disabled person's badge in the prescribed manner.		
89	Vehicle parked exceeds maximum weight or height or length permitted	0 mins	N/A
91	Parked in a car park or area not designated for that class of vehicle	0 mins	N/A
92	Parked causing an obstruction	0 mins	N/A

Lower Level Contraventions - On Street

Code	Description	Observation Time	Grace period
19	Parked in a residents' or shared use parking place displaying an invalid permit, an invalid voucher, or an invalid pay and display ticket	5 mins	N/A
22	Re-parked in the same parking place within one hour (or whatever return period is specified) of leaving	0 mins	N/A
24	Not parked correctly within the markings of the bay or space	0 mins	N/A
30	Parked for long than permitted	0 mins	10 mins
63	Parked with engine running where prohibited	0 mins	N/A

Lower Level Contraventions - Off Street

Code	Description	Observation Time	Grace period
73	Parked without payment of the parking charge	5 mins	N/A
80	Parked for longer than the maximum period permitted	0 mins	10 mins
82	Parked after the expiry of paid for time	0 mins	10 mins after expiry of paid for time

83	Parked in a car park without clearly displaying a valid pay and display ticket or voucher or parking clock	5 mins	N/A
84	Parked with additional payment made to extend the stay beyond time first purchased	0 mins	N/A
86	Parked beyond the bay markings	0 mins	N/A
90	Re-parked within one hour of leaving a bay or space in a car park	0 mins	N/A
93	Parked in car park when closed	0 mins	N/A
94	Parked in a pay and display car park without clearly displaying two valid pay and display tickets when required	5 mins	N/A
95	Parked in a parking place for a purpose other than the designated purpose for the parking place	0 mins	N/A
96	Parked with engine running where prohibited	0 mins	N/A

Hours of Enforcement

On street enforcement will be carried out during the hours of control, which vary according to each restriction.

Aside from applicable off-street contraventions during the charging hours of each car park, there are certain contraventions which will still be applied outside of the charging hours. The car parks are still parking places for 24 hours unless the car park is gated or otherwise closed by notice. All applicable contraventions will be listed on the tariff board within the car park.

Implementation of new restrictions

As a pragmatic council, when a new TRO is introduced, there may be occasions where warning notices will be issued to vehicles during the week prior to the commencement of any new waiting restrictions, such as the implementation of permit holders only parking. The decision whether to issue warning notices will be made by the Parking Manager and for the avoidance of doubt will not be invoked for any form of lined restriction, e.g., Yellow lines.

Payment by Instalments

No facility is available to make payment of a PCN by instalments. Payment should be made within the timescales given. Where multiple PCNs are owed and in proven cases of extreme financial hardship, by request, consideration may be given to extending the date of which payment is to be made in full.

Persistent Evaders/Contraveners

Although the vast majority of PCNs that are issued by the council are either paid or waived after a challenge, there are a small minority of people that consistently park illegally and evade making a payment for any PCNs that are issued to them.

A persistent evader is defined as a keeper or identified driver of a vehicle that has three or more recorded contraventions or PCN's 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 vehicle that belongs to or is driven by a persistent evader and impound it. The registered keeper 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 registered keeper or known driver of a vehicle will continue to be classed as a persistent evader whilst there are more than three PCNs outstanding against it.

Service of a PCN by post

A PCN can be served by post in those circumstances where a CEO has begun to prepare a PCN for service in accordance with regulation 9 (by affixing it to the vehicle or giving it to the person in charge of the vehicle) but the vehicle is driven away from the place in which it is stationary before the CEO has finished preparing the PCN or has served it in accordance with regulation 9.

There are three circumstances in which a PCN may be served by post (a "regulation 10" PCN):

- Where the contravention has been detected based on evidence from an approved device
- If the CEO has been prevented by violence from serving the PCN either by affixing, it to the vehicle or by giving it to the person who appears to be in charge of that vehicle
- If the CEO has completed his/her observations and had started to put the data into the HHC, but the vehicle was driven away before the CEO had time to finish or serve the PCN

There should be sufficient primary and supporting evidence to deal with any subsequent representations and appeals. A witness statement may also be obtained from the CEO. Where the circumstances allow, the CEO should advise the driver of the contravention before they drive away.

The registered keeper's home address will be obtained from the DVLA. The PCN, which also serves as the NtO, must be served by first class post. In these circumstances the registered keeper will receive the opportunity to pay the PCN no later than the last day of the period of 14 days, beginning with the date on which the PCN was served.

Appeals

PCNs are all subject to a right of appeal. This is detailed on the reverse side of a PCN and on the council's website. In the first instance, within 14 days of issue of a PCN the owner of the vehicle may make an informal written challenge against the PCN. Within this challenge, the owner can mention any mitigating circumstances to the council as challenging the validity of the PCN.

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

If the informal challenge is received more than 14 days from issue of the PCN the discount period will

not apply and the full PCN Rate will be payable in the event of the challenge being rejected.

If an informal challenge made within the 14 day discount period (or 21 days if the PCN is served by post) is rejected the discounted rate will be restarted and last for 14 days from the date of the representation rejection letter.

The written notification from the council must give precise reasons why a decision to reject the informal challenge has been reached.

The making of an informal challenge in no way detracts from the ability of the owner to make a subsequent formal representation against the issue of the PCN to the council. However, it should be noted that formal representations may only be made once a Notice to Owner (NtO) document has been served by the Council. (Notice to Owner is covered later in this section).

The remainder of this section details the various headings frequently encountered in the overall appeals process:

Adjudication

The Traffic Penalty Tribunal (TPT) considers appeals against parking PCNs issued by councils in England (outside London). However, an appeal to the tribunal is the final stage in the challenge process. Therefore, you can only appeal to the TPT when you have gone all the way through the challenge process of the enforcement authority, which issued the penalty and have had a formal Notice of Rejection of Representations.

An adjudicator may only allow an appeal if one of the statutory grounds for appeal applies. Where a contravention has taken place, but the adjudicator considers that the council should have used its discretion to cancel the NtO, the adjudicator may refer the case back for the council to reconsider.

The adjudicator's decision is final, subject to the power of adjudicators to review a decision. No further challenges can be made other than on a point of law through an application to the High Court for judicial review.

Clamping and Removals

Enforcement Agents have the powers to remove goods. On occasion if the council have passed an outstanding debt into the hands of an Enforcement Agent for collection, then a vehicle may be clamped or removed.

A private enforcement company selected from the Rotherham Framework will be working on behalf of the council to collect outstanding debts for parking contraventions. The council will have tried to recover the outstanding monies prior to issuing a warrant of control through the court system. The enforcement company will be instructed to enforce according to the regulations that were brought into force on 6 April 2014.

The Act that they work under is The Tribunal Court and Enforcement (TCE) Act 2007 Part 3 Schedule 12

The regulations are:

[The Taking Control of Goods \(TCG\) Regulations 2013, no 1894](#)

[The Taking Control of Goods \(Fees\) Regulations 2014, SI 2014 No 1](#)

[The Taking Control of Goods \(Certification\) Regulations 2014, SI 2014:421](#)

Enforcement Agent fees are governed under legislation: Schedule 12 of the Tribunal, Courts and Enforcement Act 2007 and Taking Control of Goods (Fees) Regulations 2014.

- £75.00 Compliance fee
- £235.00 Enforcement fee plus 7.5 per cent of all debts over £1,500.00
- £110 Removal fee plus 7.5 per cent of all debts over £1,500.00

These fees are set by the Government, not by the council, and apply to all enforcement companies.

Procedural Impropriety

This is where the motorist believes that the council have failed to comply with any requirement imposed by the Traffic Management Act 2004, defined in The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022 (S.I. 2022/576) or by the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (S.I. 2022/71).

This could include the taking of any steps (whether or not involving the service of any document) otherwise than in accordance with the conditions subject to which; or at the time or during the period when, that step is authorised or required to be taken by the relevant regulations S.I. 2022/576 or S.I. 2022/71.

The motorist must set out the statutory requirement or procedural step with which they believe that the council has failed to comply.

Representations against Notice to Owner (NtO)

Once an NtO has been served, it will state that the owner must either pay in full or submit representations on the form provided, on the grounds laid out by legislation.

- **The alleged contravention did not occur**

(Motorists must explain why they believe no contravention took place)

- **I was never the owner of the vehicle in question/ or**

- **I had ceased to be its owner before the date on which the alleged contravention occurred/ or**

- **I became its owner after the date on which the alleged contravention occurred**

(If the motorist bought or sold the vehicle, they must give the date, any other details and the new or former owner's name and address, if they have it.)

- **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**

(The motorist must provide any supporting information that they may have, such as a crime reference or insurance claim reference.)

- **We are a vehicle-hire firm, and the vehicle was on hire under a qualifying hiring agreement and the hirer had signed a statement acknowledging liability for any PCN issued during the hiring period**

(The vehicle hire firm must supply a copy of the signed agreement, including the name and address of the hirer.)

- **The penalty charge exceeded the amount applicable in the circumstances of the case**

(The motorist must explain why they think they are being asked to pay more than they should legally pay.)

- **There has been a procedural impropriety by the council**

(The motorist believes that the council has failed to comply with any requirement imposed by the Traffic Management Act 2004, by The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022 (S.I. 2022/576) or by the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (S.I. 2022/71) in relation to the imposition or recovery of a penalty charge or other sum. The motorist must set out the statutory requirement or procedural step with which they believe that the council has failed to comply with.)

- **The Order which is alleged to have been contravened in relation to the vehicle concerned is invalid**

(The motorist must explain why they believe that the Order in question is invalid. Note that this ground will not apply in respect of a provision in an Order to which Part VI of Schedule 9 to the Road Traffic Regulation Act 1984 applies.)

- **The Civil Enforcement Officer was not prevented from fixing the PCN to the vehicle concerned or handing it to the person in charge of the vehicle**

(The motorist claims that they received the penalty charge notice through the post because the CEO has alleged that it could not be issued at the scene of the contravention, but this was not the case. The motorist should provide as much supporting information as they can.)

- **The NtO should not have been served because the penalty had already been paid, either in full; or at the discounted rate and within the time specified in The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (S.I. 2022/71)**

(The motorist must indicate the amount of the payment made and when and how the payment was made. The information relating to the discounted rate and the time for payment was contained on the Penalty Charge Notice.)

Following a “Special Report on Parking Enforcement by local authorities” by The Local Government Ombudsmen ref LGO 610 (12/04), the owner may make representations to the council stating, “**other reasons**” and these will be considered in the same manner as those stated in the TMA 2004.

Tariff – Change to Parking Charges not Publicised

The council may accept challenges/representations made against the issue of a PCN if it is proven that procedures relating to the variation of charges at off-street parking places were not adhered to in accordance with section 35C of the Road Traffic Act 1984.

Traffic Regulation Order – Invalid

Parking and waiting restrictions must be supported by the correct signs and lines. If a sign is missing or incorrectly sited, or the markings on the Highway do not comply with the restriction it relates to, then the TRO is not enforceable.

Challenges/representations made on the grounds of an invalid Traffic Regulation Order should be cancelled if after investigation, the appeal is found to be correct. Enforcement at any such location should be suspended until the invalid TRO is rectified.

Where lines are partially worn, but are still reasonably visible, the PCN should be enforced. Where a short break occurs in a length of yellow lining, due to highways repairs, etc. and it is clear that the line is otherwise continuous, the PCN should be enforced. The restriction is not enforceable and the PCN may be cancelled where a considerable length of yellow line is missing (more than a cars length).

Warrant of Control

The Warrant of Control authorises the Enforcement Agent to attend a property to collect payment or remove goods to discharge the outstanding debt.

Once the Warrant of Control is issued by the Court, you lose the right to pay the council directly. If you pay the council directly, you will still be liable for fees incurred for the Enforcement of the Warrant of Control.

Also see [Clamping and Removals](#)

Vulnerability

Wherever possible, Parking Services will try to identify any potential vulnerable debtor's cases.

Complaints

Any allegation of misconduct made against a member of the enforcement staff will be investigated and dealt with in accordance with the council's Formal Complaints Procedure.

Allegations that a CEO has made an unintentional error whilst issuing a PCN will be investigated under the normal challenge process.

Behaviour towards Civil Parking Enforcement Officers

CEO's have an important role to fulfil in ensuring the council is fair and equitable in managing parking provision. It is expected they will behave in a professional and courteous manner. It is acknowledged that members of the public are unlikely to be happy when having received a PCN, but the CEOs are discharging the council's duty. Instances of abusive, threatening, or intimidating behaviour against a CEO will be treated as serious incidents and reported accordingly.

Appendix 1

Guidance on typical examples of potential parking contraventions and associated circumstances. Please note this list is not exhaustive and may be added to when/if further examples arise where it would be helpful to provide guidance.

Abandoned Vehicles

Where a vehicle has remained parked in a restricted area for a period during which three PCNs have been issued for the same contravention, then the CEO will make enquiries on the DVLA website to see if the vehicle in question is taxed.

You can check if a car is taxed on the DVLA website <https://vehicleenquiry.service.gov.uk/>. Untaxed cars should then be reported to the DVLA using their online form <https://www.gov.uk/report-untaxed-vehicle>. Alternatively contact them direct on 08000 325 202.

No further PCN's will be issued during the investigation period. Issued PCN's will be enforced against the registered keeper of the vehicle in the normal way.

If the vehicle is damaged and open to access, it needs reporting to the council immediately. If it is secure, then this would not be investigated until it has been there and not moved for 4 weeks at least.

You can report a vehicle by visiting www.nelincs.gov.uk/abandoned-vehicles to complete the [Abandoned Vehicle Reporting Form](#)'.

Advisory and Statutory Disabled Bays

The council provides two types of disabled bays: statutory and advisory. Drivers who park in statutory disabled bays (marked and signed bays, with Traffic Orders in place), without displaying a valid Blue Badge will be issued with a PCN.

Advisory disabled bays (no signage) depend on the goodwill of other drivers not to park in them. These bays are usually sited in residential areas, outside the property of a disabled badge holder. CEOs cannot enforce this type of bay.

Bank Holidays

All waiting restrictions will be subject to enforcement activity on statutory Bank Holidays. This also includes enforcement in the council's off-street parking places.

Motorists cannot assume that restrictions do not apply on Bank Holidays unless this is specifically stated in the relative signage. Also see [Hours of Enforcement](#).

Bank Visits

Challenges and representations will generally only be accepted in exceptional circumstances where large amounts of cash are being transferred and there were no legal parking spaces available locally.

An example is banking large sums of money; this may be of minimal weight and bulk but there are clear security risks if the motorist must walk some distance. It would be reasonable to accept this as necessary and thus within the parameters of the exemption. Although, parking outside the bank because it is convenient to do so to pay in small sums or use a cash machine can reasonably be interpreted as being outside the exemption.

If the delivery or collection involves either a large sum of money or a large amount of coinage, the PCN may be cancelled, upon suitable proof being received, as the activity will fall into the normal delivery/loading provisions.

Bankruptcy

PCNs are civil contraventions rather than criminal offences. Any PCNs incurred pre bankruptcy are unsecured debts. Therefore, the best practice is to write the PCN off as unrecoverable if incurred pre bankruptcy. Where contraventions are incurred post-bankruptcy, the Official Receiver (O.R.) or Liquidator is the vehicle owner so is, in theory, liable under TMA 04. However, in practical terms, unless the post-bankruptcy debts are substantial, write off is the most cost-effective action, after further consideration by ENGIE's Parking Manager.

Bereavement

Where the motorist claims to have recently suffered bereavement, then considering the sensitivity of this, the PCN may be cancelled after consent by ENGIE's Parking Manager. Only if there is significant reason to doubt the sincerity of the challenge/representations should the PCN be upheld.

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 must collect a key to unlock a barrier/gate that prevents access. However, this should take no longer than the observation period in most circumstances.

Broken Down Vehicles

- Breakdown Organisations

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

It should be noted that if a vehicle is broken down, the driver cannot leave it indefinitely before arranging for it to be removed. Generally, the driver is expected to arrange for the vehicle to be removed within 24 hours or as soon as practicable by the breakdown service or garage.

Consideration should also be given as to how the vehicle became illegally parked in the first instance i.e., was it pushed from an unrestricted area or was it parked in contravention of a restriction before the breakdown occurred? If the breakdown is legitimate, then the driver will be able to make a written representation through the appeal process and each case will be considered on the individual circumstances.

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

- a) A garage receipt, on headed paper, indicating the repair of the alleged fault within a reasonable time of the contravention
- b) A till receipt for purchase of seemingly relevant spare parts purchased on or shortly after the date of the contravention, not before
- c) A confirmation letter from the relevant breakdown organisation

The documentation should demonstrate that the breakdown was due to an unforeseen mechanical failure. The documentation should also show the correct Vehicle Registration Mark (VRM) and relate to an incident that occurred on or shortly after the contravention date, time, and location.

- Flat Tyre

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 may be issued. If a PCN has been issued it may be cancelled if it subsequently transpires that the driver was: elderly, disabled or infirm and had gone to obtain assistance. In such instances evidence from the assisting party is required. If the wheel could not be changed because of mechanical difficulty, evidence must be produced from the attending breakdown service supporting this.

- Flat Battery

A receipt for the purchase of a new battery or for parts, which could cause a flat battery, should be requested. If no evidence is forthcoming, the PCN will be upheld.

In cases where it is alleged that the vehicle was bump/jump started and no other evidence is received, the PCN will be upheld.

Consideration will also be given as to how the vehicle came to be illegally parked before it failed to restart.

- Overheating

Where it is claimed that the vehicle had overheated due to lack of water, the PCN will be upheld unless there is evidence of a mechanical failure i.e., a broken fan belt, faulty radiator/hose.

Builders and Tradespersons

Builders and Tradespersons are governed by the same regulations as other road users and the following criteria will apply throughout North East Lincolnshire:

Residential Parking Zones: All trade vehicles parked within a residents parking zone must display valid Visitor's Parking Permit (obtainable from the resident) or make an application to the council using the Trade Waiver application form.

<https://www.nelincs.gov.uk/streets-travel-and-parking/parking/trade-parking-waiver/>

Yellow Line restrictions: Parking is allowed whilst any loading / unloading of tools and materials is taking place. At all other times, the vehicle must be moved to a permitted parking area.

In special circumstances where it is necessary rather than convenient that the vehicle remains parked on a waiting restriction, then a trade waiver may be considered. This would be in the form of an 'e' permit. Parking Services should be notified at least 48 hours in advance of when the permit is required. This is to allow time for an electronic waiver to be issued by Parking Services.

The Civil Enforcement Officer may issue a PCN to any vehicle without such a waiver in place or a valid visitor's permit, after the relevant observation period.

Business Permits or Season Tickets

The onus is on the employee to provide the correct VRM for the relevant digital permit.

Where hard copy permits are used then they must be clearly displayed and be used by the business who has applied for the permit.

It is the responsibility of the permit holder or business to renew any expired permits in a timely manner. Failure to do any of the above may result in the issue of a PCN which may only be cancelled in exceptional circumstances.

Bus Stops and Bus Clearways

Bus stops can either be restricted or unrestricted:

Restricted (24 hours): A 24-hour restricted bus stop will have yellow bay markings incorporating a yellow clearway marking.

Restricted (Fixed period): A fixed period bus stop will have yellow bay markings incorporating a yellow clearway marking. It will have a time plate showing the hours of operation.

Unrestricted: An unrestricted bus stop will not have a time plate but may show advisory road markings.

CEOs may issue a PCN to any vehicle, other than a bus, waiting in a restricted bus stop. Where the driver is present, they should be asked to move their vehicle and a PCN should be issued if the request

is ignored.

If there is no bus stop clearway but a waiting restriction is present in the bus stop, it may be permissible to load and unload, and CEOs observing vehicles stopped for this purpose should not issue a PCN.

A bus stop restriction cannot be transferred to a temporary bus stop unless the temporary bus stop is fully signed in accordance with the regulations.

Caravans and Trailers

Caravans and trailers are not permitted to park or be left in any of the council's off-street parking places. Disconnected caravans and trailers can be reported to planning@nelincs.gov.uk

Care Organisations

There are many care organisations which operate within the Borough of NELC.

Carers are not exempt from waiting restrictions and must not contravene them. No dispensation will be issued to carers to enable them to park on a waiting restriction, except in a medical emergency in which case the PCN may be cancelled after consideration of the evidence available. All claims will be dealt with sensitively and in confidence.

For locations subject to residential permit parking restrictions carer's permits may be obtained. For more information, please view the Residential Parking Scheme application form and terms and condition documents published on our website.

<https://www.nelincs.gov.uk/streets-travel-and-parking/parking/residents-parking-scheme/>

Cars for Sale

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

Legislation is available to the Council for dealing with vehicles for sale on the Highway.

Concessionary Permits

The onus is on the applicant to provide the correct VRM for the relevant digital permit. It is the responsibility of the permit holder or charity to renew any expired permits in a timely manner. Failure to do any of the above may result in the issue of a PCN which may only be cancelled in exceptional circumstances.

Council Officers & Members on Duty

All NELC employees and members on duty are expected to fully comply with parking regulations:

1. Staff or Members carrying out their official council duties will be expected to comply with any relevant parking regulations.
2. Request for Cancellation of PCN: This will only be considered in the case of an evidenced emergency
3. Parking on Yellow Lines: No special dispensation will be given to allow staff or Members to park on

yellow lines. Unless they are performing a statutory duty, carrying out essential works, or driving an exempt vehicle, all council vehicles must abide by the normal regulations

Examples of essential works include the following:

- Servicing street furniture
- Street cleansing and refuse collection
- Maintenance of utility boxes
- Highway maintenance
- Highway enforcement
- Undertaking work on lighting columns or traffic signal equipment
- Survey work
- Graffiti removal

Some council vehicles which are not liveried may be issued with waivers, which will entitle them to carry out their official duties without receiving a PCN. External contractors may also be issued with waivers whilst they carry out works on behalf of the council. A PCN should be issued if there is no obvious evidence of works being carried out in the immediate vicinity.

Cleethorpes Leisure Centre Permits

The Cleethorpes Leisure Centre car park is owned and operated by North East Lincolnshire Council and any vehicle parking there must display a valid parking permit issued by Lincs Inspire or a pay and display ticket.

Permits issued by Lincs Inspire for use on the Leisure Centre car park should be used in accordance with their issued terms and conditions. It is the sole responsibility of the Leisure Centre member to ensure that a valid permit is always clearly displayed when parking in this location. Proof of eligibility for a permit will not be accepted in defence of a PCN issued for failure to display.

Cycle Lanes

Mandatory cycle lanes are part of the carriageway and enforceable. They are marked by a solid white line and signage displaying a cycle symbol. Advisory cycle lanes have a broken white line and are not enforceable.

Deceased

Where it can be verified that a registered keeper of a vehicle in receipt of a PCN has deceased, then the PCN will be written off.

Defendants

The conditions applying to Jury Members and Witnesses equally apply to defendants.

In cases where a defendant has been given a custodial sentence and, as a direct result, is unable to remove his/her vehicle from a council car park. In such instances the council will expect that the vehicle will be removed, as soon as is reasonably possible, by the defendant's family, friends, or legal representatives. Any PCN issued will not be enforced providing the defendant's legal representative supplies supporting evidence.

Delays / Dental and Doctors' Appointments

It is not uncommon for appointments to be delayed or overrun and therefore as a rule they should be upheld. However, if an emergency arises or the patient has needed more extensive treatment than was predicted, discretion should be exercised. In all cases the customer should be asked to supply a

letter of confirmation from the dentist/doctor.

Delays due to queues, meetings taking longer than expected, are not considered as valid reasons to cancel a PCN. Each case should be dealt with on its own merit, nevertheless, drivers should make allowance for such delays when purchasing pay and display tickets, or parking in a limited waiting bay, as these are a regular occurrence and part of normal life.

Description of Vehicle – On PCN

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

- Incorrect colour

The correct colour of a vehicle is not a legal requirement on a PCN as similar colours can often be mistaken. If the colour of a vehicle is recorded as vastly different, then this may be considered for cancellation.

- Incorrect make

If an incorrect make of vehicle is quoted, the PCN should be cancelled.

Diplomatic Registered Vehicles

Diplomatic registered vehicles will have one of three types of plate:

- D registration plates (e.g., 123 D 321) may be carried by vehicles belonging to diplomats, members of the administrative and technical staff of missions and certain senior staff of international organisations. They may also be carried by official vehicles of diplomatic missions. They show that the owner is entitled to diplomatic immunity,
- Personalised diplomatic registration plates may, for example, include a country's initials or an abbreviation of its full name. They are sometimes issued for the official cars of Heads of Diplomatic Missions, who have full diplomatic immunity, or
- X registration plates (e.g., 987 X 789) may be used by certain consular staff or staff of international organisations. They show that the owner is entitled to limited diplomatic immunity.

Diplomatic Vehicles are not exempt from parking regulations, under civil law, and as such will be issued with a PCN by CEOs. Enforcement of the PCN will be conducted in compliance with TMA and Article 31.1 of the Vienna Convention.

The Diplomatic Privileges Act 1984 continues to exempt diplomatic vehicles from enforcement such as immobilisation or removal.

Disabled Drivers / Passengers

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

The scheme is intended to allow badge holders to park close to their destination.

Under the terms of the national scheme, a disabled badge holder must not park in the following

places:

- At a time when loading or unloading is prohibited
- On a mandatory cycle lane
- On a designated clearway
- On pedestrian crossings
- In parking places reserved for specific users e.g., loading bays, taxi, motorcycles, residents
- In suspended parking bays
- On school 'Keep clear' markings
- On bus stop clearways
- On a pavement or verge where a prohibition is in place

This list is not exhaustive.

In North East Lincolnshire, the following allowances are made for Blue Badge Holders:

- Parking on a waiting restriction such as a single or double yellow line (where there are no loading prohibitions) is permitted, not exceeding a maximum of 3 hours and both the disabled badge and time clock (which must be set to show the time of arrival) must be clearly displayed
- Parking in council managed Pay & Display car parks is free of charge, for an unlimited time. Designated disabled bays are provided, however, if they are all occupied, a regular bay may be utilised. A valid disabled badge is required to be clearly displayed. The vehicle displaying the blue badge should be parked fully within one marked bay. An alternative parking place should be sought if the vehicle does not fit within one marked bay
- Parking in restricted waiting bays on street, for an unlimited period, providing a valid blue badge is clearly displayed. Where a time limit applies to Blue Badge holders, a time clock must also be set at the time of arrival and clearly displayed

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

Blue Badges are issued to a disabled driver, disabled passenger, or an organisation. They can only be used when the vehicle is being used to transport the disabled person. It is not permitted to use the badge for any other purpose e.g., shopping for the disabled person when they, themselves, are not being transported in the vehicle to carry out the shopping.

Blue badges must be clearly displayed whilst the vehicle is parked. The Blue badge must be on the dashboard or the fascia of the vehicle where it can be seen through the windscreen.

Challenges by the vehicle owner and/or badge holder for failure to display a valid disabled badge/and or time clock will be dealt with under the following policy:

- | | |
|---|---------------------|
| • Failed to display badge | Notice to be upheld |
| • Expired badge on display | Notice to be upheld |
| • Time clock set incorrectly (On Street) | Notice to be upheld |
| • Time clock expired (On Street) | Notice to be upheld |
| • Failure to display time clock (On Street) | Notice to be upheld |
| • Improper use of badge | Notice to be upheld |

will be taken into consideration.

The Department for Transport is keen to ensure that the Blue Badge Scheme provides the intended benefits to badge holders while seeking to prevent improper use. Any misuse of a Blue Badge undermines the benefits of the scheme, impacts upon local traffic management and creates hostility amongst other Blue Badge holders and members of the public. It can result in a genuinely disabled person being unable to access designated parking spaces.

Where the vehicle driver is present, the CEO should ask to inspect the badge. Section 21(4BA) of the Chronically Sick and Disabled Persons Act 1970 (as amended by section 94 of the Traffic Management Act 2004) provides powers to CEOs (and others authorised by the council – such as fraud investigation officers) to require a person in the vehicle or about to get into it to produce the badge for inspection. Failure to do so is an offence under section 21 (4BD).

For further information please see North East Lincolnshire Council's Blue Badge (Disabled Parking) Scheme enforcement policy.

<https://www.nelincs.gov.uk/streets-travel-and-parking/parking/blue-badge/blue-badge-misuse/>

Double Parking

Drivers are not permitted to park their vehicles more than 50 centimetres away from a kerb.

Exemptions to the contravention are:

- Vehicles which are parked wholly within a designated parking place or any other part of the carriageway where parking is specifically authorised
- Fire, Ambulance or Police Services
- Where loading or unloading is taking place
- Vehicles used for waste collection, building works or road works

Drink Driving or Other Arrest

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

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

Drivers in vehicles

Where a vehicle is parked in contravention of the restrictions and the driver is sitting in the vehicle, the CEO must ask the driver to move the vehicle and park legally. A PCN will be issued only if this request is not met.

Requests may only be made to the driver of a vehicle, not to a passenger. In the absence of the driver, a PCN can be issued even if there is a passenger in the vehicle.

Please note that this does not apply to contraventions where no observation period is required, e.g., school keep clear or zig zag restrictions.

Dropped kerbs/ Driveways to Residential Premises

A dropped kerb is a location where the kerb has been reduced in height to gain access to private

property or to assist members of the public to cross the carriageway more easily.

The CEOs will observe for vehicles parking adjacent to a dropped kerb crossing point, when patrolling their daily route. PCNs can only be issued in response to a complaint from the occupier of the effected premises when a vehicle is parked outside of a single driveway.

Exemptions to the contravention are:

- Alighting from a vehicle
- Fire, Ambulance or Police Services
- Where loading or unloading is taking place
- Vehicles used for waste collection, building works or road works
- Vehicles parked outside of a driveway to residential premises with the occupier's

consent Vehicles are not permitted to park outside of a shared driveway to residential premises.

Duplicate PCNs

If a vehicle is parked in contravention for more than one day (not 24 hrs apart but each separate 24 Hr day period), and has already received one PCN, a second PCN will be issued the following day. If two or more PCNs are issued within 24 hours for the same contravention, that is, to a vehicle that has not been moved, it is current practice to cancel the second PCN.

Electric Charging Bays

Only vehicles which are being charged should be parked in an electric vehicles' charging place during the restricted hours. No payment is required for parking whilst charging. Any restriction on the time permitted to charge will be advertised in the relevant car park.

Emergency Duties

Any vehicle which is directly involved in an emergency duty may need to park in contravention. Evidence should be requested to corroborate the emergency being undertaken.

- Plumbers, Electricians, Gas fitters, etc.

An emergency is considered to last if 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.

- Medical Emergency

Doctors, nurses, midwives, carers engaged on emergency duties are, wherever possible, expected to park legally in accordance with local restrictions.

Regular or programmed visits will not be considered an emergency.

Emergency Vehicles

Emergency vehicles (the same meaning as in Regulation 3(2) of the Road Vehicle Lighting Regulations 1989) are exempt from the regulations providing that they are being used in connection with official duties.

Empty PCN carrier

See [Penalty Charge Notices – Removed from Vehicle / Not Received](#)

Enforcement Agents

An Enforcement Agent was previously known as a certificated bailiff and is certificated by the Court.

Enforcement Agents carrying out orders of the Court are not exempt from Parking Restrictions unless normal loading provisions apply. 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 CEO should issue a PCN.

See [Clamping and Removals](#).

Expired Permits

Any vehicle displaying an expired permit will be issued with a PCN.

Footway and Verge Parking

Where a waiting or loading restriction exists on the highway, the footway/verge should it form part of the adopted highway is also covered by the same restriction, from the highway boundary to the centre line of the road.

CEOs will be able to issue PCNs at these locations.

CEOs may issue a PCN to a vehicle parked with two or more wheels on a footway or grass verge, where a Traffic Regulation Order for prohibition of footway or verge parking is in place. Hardened verges between properties for access/egress should not be enforced, but if unsure of a scenario, then please check with carparkingissues@nelincs.gov.uk.

Where a waiting restriction is not in place on the highway, nor a Traffic Regulation Order for prohibition of footway or verge parking, a PCN cannot be served.

Within an area covered by a Traffic Regulation Order for prohibition of footway or verge parking there may be streets which have been officially exempted from this order for road safety. If a street is exempted from the restriction, this will be signed as such.

Funerals and Weddings

CEOs should generally exercise discretion and respect where a funeral or wedding is taking place and should be prepared to give advice where necessary on the best parking arrangements.

There is an exemption from the parking regulations for official wedding and funeral vehicles.

Funerals – The hearse and cortege vehicles.

Weddings – Bridal Vehicles

Vehicles belonging to mourners or wedding guests should not park in contravention of any parking restriction. If vehicles are stopped to allow people to board or alight, they will be entitled to the exemption for boarding and alighting.

Garages – Vehicles Left Unattended

When a garage employee parks a vehicle on a highway, in contravention of a parking restriction, whilst maintenance of the vehicle is being carried out (i.e., to facilitate vehicle movement within the workshop) any PCN issued will remain the responsibility of the vehicle owner.

Glaziers

For safety reasons and the transportation of glass, glaziers' vehicles will often need to be parked close to the premises on which they are working. PCNs will be issued to vehicles that are not actively involved in the work.

Goodwill

Where it may be in the public interest, consideration for cancellation may be given by ENGIE's Parking Manager or senior management within NELC.

Hackney Carriages / Private Hire Vehicles (PHVs)

Hackney Carriages and Private Hire vehicles operating within North East Lincolnshire Council, like all vehicles can stop to allow passengers to board or alight for as long as is reasonably necessary. It is not an exempted activity to assist passengers into premises and to leave the vehicle unattended, except in cases where the passenger may require escorting because of age and/or infirmity.

Once the relevant observation period has expired, a licensed Hackney carriage or Private Hire Vehicle which has been left unattended may be served with a PCN.

Hackney Carriages and Private Hire Vehicles operators 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). PHVs are not allowed to ply for hire on the street or display a "TAXI" sign. They can only handle pre-arranged pick-ups.

When considering challenges/representations it should be noted that when a Hackney Carriage or PHV is called to an address to pick up passengers the driver should be allowed time to announce his/her arrival.

Hatched Markings in Car Parks

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

Idling

Idling is the act of leaving a vehicle's engine running while it is stationary. Idling increases the amount of exhaust fumes in the air. These fumes contain a number of harmful gasses which are bad for the environment. Exhaust fumes also contain a range of other harmful gasses that are linked to asthma and other lung diseases. Drivers must not leave a parked vehicle unattended with the engine running or leave a vehicle engine running unnecessarily while that vehicle is stationary in a public car park. Where possible drivers will be asked to switch off the engine. In cases where this is not possible, or the driver refuses to comply a PCN will be issued.

Incorrect Advice

Drivers should check all parking related signs and lines when parking to ensure that they park within the rules. Unsupported appeals of claims of misguidance regarding parking restrictions will be upheld. Supported claims will be investigated and supporting evidence maybe considered. Each case will be treated on its own merits.

Jury Service

The length or timing of any court hearing or trial cannot be guaranteed and often Jury members and/or

witnesses find that they are unable to leave court to purchase further pay and display time in a car park. In such circumstances the council will enforce PCNs against the keeper unless evidence is produced to support the fact that they were delayed to an extent that could not have been reasonably foreseen, e.g., moved to a hotel overnight.

Late Representations

NELC may disregard any representations which are received by it after the end of the period of 28 days beginning with the date on which the relevant NtO was served. Authorities have the discretion to accept late representations when a vehicle owner gives a valid reason for the delay and has strong grounds for representations.

Location incorrectly stated on PCN

When an incorrect location of a contravention is stated on a PCN, then the PCN should be cancelled.

Limited Waiting Bays

Limited waiting bays situated on street in North East Lincolnshire, provide for various waiting times from 30 minutes to 2 hours, accompanied by a no return rule. The no return rule prohibits drivers leaving a parking space and returning to the same set of parking bays before the period specified on the time plate.

PCNs will be issued to vehicles which have been observed parked for longer than the maximum period permitted, provided that they have over-stayed by a minimum of the 10 minutes grace period, and for returning within the no return period.

Photographs are not taken of the vehicle at the time it is first observed, as at this time it is not parked in contravention of the restriction in place. However, the CEO will, on first witnessing a vehicle parked in a limited waiting bay, note the time, vehicle registration, location and wheel valve positions (based on a clock face) in their Hand Held Computer (HHC). If a vehicle is observed again in the same parking place, then the valve positions will be noted once again. Should a CEO observe a vehicle in the same parking place and the valves positions remain the same, but the time permitted has passed, the vehicle will be deemed to have overstayed and a PCN may be issued. Should a CEO observe a vehicle in the same parking place and the valves positions have changed and it has returned before it was permitted to do so, a PCN may also be issued.

Evidence collected in the form of wheel valve position logs will be used to establish that the contravention occurred.

Loading / Unloading

Unless there is a specific signed and marked loading prohibition (with the exception of a Restricted Parking Zone which only requires signage at the entrance of the zone), vehicles are permitted to park in contravention of waiting restrictions, including Resident Permit only zones, whilst carrying out the legitimate activity of loading or unloading, including delivering and collecting. The exemption applies for so long as the activity is necessary.

The CEO will allow if is reasonably necessary subject to evidence of such activity. This includes taking goods into (or from) premises and placing them in (or removing them from) premises. It also allows for dealing with paperwork, such as delivery notes or other reasonable delays directly connected with the activity.

It will be considered whether the loading activity warranted the use of a vehicle. Typically, this would

be the case where the items are heavy and/or bulky. This can refer to non-commercial and private activity.

If having made a constant observation for a minimum of five minutes, and no activity is observed the CEO will issue a PCN. If the CEO observed no activity, the PCN has been lawfully issued since it is reasonable to believe that a contravention has occurred. The burden of proof that the exemption applied then falls on the driver.

Relevant documents should be requested for consideration. For example, a collection or delivery note verifying the address in question, the date and time of the activity and indicating the nature of the delivery/collection. The exemption may apply if the motorist can demonstrate that the use of the vehicle was necessary rather than convenient. Overall, it is important to consider the case on its individual merits and to consider all the evidence presented.

Apart from the North Promenade car park, loading or unloading exemptions do not apply in off-street parking places. This should be carried out wherever possible within a marked bay.

Lighting and Traffic Signal Engineers

Vehicles belonging to lighting and traffic signal engineers will be exempt from parking restrictions when undertaking work on lighting columns or traffic signal equipment. If the CEO sees no evidence of such work being undertaken, then a PCN will be issued after the normal observation period.

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 challenges/representations, they should be accompanied by any supporting evidence from the police, motoring organisations or an appropriate witness. Consideration should also be given if the vehicle was parked legally in the first instance.

Maximum Size and Weight of Vehicle

If it is not possible to park wholly within a marked bay then an additional pay and display ticket should be purchased for each additional bay, or part of, in which the vehicle is parked.

Unless the signage states otherwise, the maximum weight of a vehicle that is permitted to park in a pay and display bay in an off-street parking place is 2 tonnes.

Medical or other conditions

If you have diabetes, there is a risk of developing hypoglycaemia and 'severe hypoglycaemia' (a diabetic emergency that will affect your fitness to drive). Hypoglycaemic episodes can be very sudden events, with symptoms ranging from feeling nauseous to a loss of concentration, and potentially loss of consciousness. An episode of 'severe hypoglycaemia' means the affected person may need assistance from another person. Diabetes can be treated with insulin, tablets and/or diet control – it all depends on the individual. The treatment aims to control your blood glucose levels and attempt to avoid the extremes of hyper and hypoglycaemia.

If a PCN is challenged under the grounds of diabetes, the circumstances should be akin to a medical emergency at the time the contravention occurred.

Medical Emergency

When claims have been made that the driver or passenger became ill or suffers from a medical/recognised condition which resulted in the issue of a PCN then, wherever possible, written

corroboration in the form of a medical letter/prescription or witness statement should be supplied with the appeal.

Mitigating Circumstances

Where claims of mitigating circumstances are sought, then each case will be treated under its own merits.

Motor Homes

There are currently no designated parking spaces for motor homes within NELC Off Street parking places. However, they can park in Burgess Street car park, Grimsby and in the HGV area of Grant Street car park, Cleethorpes. Conversely, sleeping, camping, cooking or any form of human habitation is prohibited.

Motorcycle Bays

Motorcycles may park free of charge in any council Off Street parking place provided they either park wholly within a marked motorcycle bay or any other marked bay within the car park. They may not park on hatched areas where they may cause an obstruction to either pedestrians or other vehicles using the car park.

Any other vehicle (including motorcycles with sidecars) observed parking in a motorcycle bay, will be issued with a PCN.

Motorcycles are legally defined as powered two wheeled vehicles. Quad Bikes are classed as motor vehicles, not motorcycles. They are not permitted to park in any Council Off Street parking place.

Overseas Registered Vehicles

PCNs will be issued to vehicles displaying a non-UK numberplate if they are parked in contravention.

If a PCN remains unpaid, then this will have to be written off. The DVLA will hold no records for vehicles registered outside of England and Wales.

The Driver and Vehicle Licensing Agency (DVLA), Her Majesty's Revenue and Customs (HMRC) and the police are joining forces to identify and act against overseas motorists who drive in the UK illegally. Regardless of their country of origin, or that of their car, it is the responsibility of every driver to ensure that they are obeying the laws that govern roads in the UK, and that includes abeyance of the laws on taxation, registration and insurance as well as those on safe driving.

An overseas registered vehicle can be used in the UK for six months if it is fully taxed in the home country. After this, the vehicle must be registered with the DVLA.

Parked Outside Bay Markings

If a vehicle is parked with one complete wheel outside a marked parking bay, a PCN will be issued. Parking in such a manner can make it difficult for another vehicle to park in an adjacent parking space or can cause an obstruction as a result. All vehicles must be parked wholly within a marked bay.

A PCN will only be issued to a vehicle if one complete wheel of the vehicle is outside the markings, or the vehicle is overhanging out of the bay excessively and deemed to be causing an obstruction.

Pay and Display Ticket Machines – Not Working/Not Aware

If a machine is known to be out of order this will be immediately bagged or a notice placed onto the machine, requesting that another machine be used (if applicable) by Parking Services. The appropriate repair action should be taken.

No enforcement should take place if only one machine is available in that car park and is known to have been out of order during that day. If more than one machine is available for use in that car park, then it is expected that an alternative machine should be used to purchase a ticket.

A phone call should be made by the driver before leaving the vehicle if experiencing difficulties obtaining a ticket. There is a telephone number on every tariff board for a member of the public to report an alleged fault. During working hours if a driver calls and reports a fault, he/she will be advised to use another pay and display machine nearby, where this option is available. Outside of working hours, options will be relayed to leave a voicemail reporting a fault or alternatively faults can be reported via email at Parkingenforcement@nelincs.gov.uk.

In cases where it is claimed that the machine was out of order, and no phone call or email communication was received, the challenge should be upheld. Unless there is another relevant report for the date of the contravention or a discrepancy with the income for the machine in question.

Claims from motorists that they did not see or realise that they had to use an alternative pay and display machine should be dismissed providing that they are clearly sign posted.

Pay and Display Tickets

Pay and Display requires the purchase of a ticket at the time of parking for time required. Tickets must be obtained and clearly displayed before leaving the car park. All tickets display the expiry date and time, along with the fee paid and car park reference. The car park fee tariff is displayed adjacent to each machine and on the ticket machine itself.

Pay and Display Tickets must be:

1. Clearly displayed whilst the vehicle is parked
2. For the date shown
3. Un-expired
4. For the car park indicated - not transferrable between car parks
5. For the vehicle indicated - where applicable
6. For no longer than the permitted stay

Challenges/representations made because the driver did not have change will not be upheld.

For the avoidance of doubt 'correctly displayed' means that the pay and display ticket must be displayed forward-facing inside of the windscreen so that all of the information printed on the ticket is clearly visible through the front windscreen.

Challenges/representations made because of delays returning to the car park will be dealt with in accordance with 'mitigating circumstances'.

Challenges or representations made on the grounds that a ticket had been purchased but had fallen out of view may be allowed upon proof of purchase of a ticket. However, the onus lies on the motorist to avoid this. Second and subsequent PCNs received for the same vehicle registration number and the same appellant should be upheld. A warning that any similar PCNs received may not be cancelled, should have already been given in writing. If a period of 3 years has elapsed between when the first
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PCN cancelled and a subsequent PCN issued, then consideration will be given for cancellation.

When considering upholding a subsequent PCN for the non-display of a ticket, special detail should be paid to checking that the previous PCN was the same driver/appellant, as the vehicle could have been sold in this period.

When a pay and display ticket is submitted/verified in relation to a challenge to a PCN, where applicable the VRM on the ticket supplied should match the VRM details for the vehicle which received the PCN. Minor differences will be considered.

The Civil Enforcement Officer should observe a vehicle for 5 minutes before serving a PCN.

If a Civil Enforcement Officer is issuing a PCN for being parked after the expired period of paid for time, then the mandatory grace period applies and a PCN should not be served before the 10 minutes grace has ended.

Only one pay and display ticket should be displayed, per parking bay used, at all times. Where a driver may have made a mistake in using the machine, and subsequently obtained a second pay and display ticket, only the latest expiry time on display will be considered. The total amount of time shown on both pay and display tickets will not be combined to allow additional time to park.

Pedestrian Crossings

CEOs should issue a PCN immediately to any vehicles seen parking on the keep clear zig-zag markings. The Police may also enforce this contravention through the issue of a Fixed Penalty Notice (FPN) and an endorsement on the driver's licence. If a FPN is issued for this contravention, it must take precedence over the PCN as it is a criminal matter, and the PCN will be subsequently cancelled.

This is a no stopping restriction and if the vehicle parked in contravention moves off before a PCN is issued then the notice will be served on the Registered Keeper of the vehicle by post.

The CEO should make contemporaneous notes of the incident as a witness statement may be required and wherever possible photographic evidence should be obtained.

See item [Service of a PCN by post.](#)

PCN - Early Issue Of

Any claims that a PCN was issued before the time that a contravention is deemed to have taken place requires careful investigation. The issue of PCNs is controlled by handheld Computers carried by each CEO. These computers have built in clocks, which are calibrated each morning prior to commencement of the patrols. Where appropriate the CEO will impose an observation period prior to allowing a PCN to be issued. These times will appear on the PCN itself as "Observation time and "Contravention time". The computer system will prevent any subsequent alteration to these times. The normal procedure is for a CEO to enter the observation details into the computer, then to continue with his/her patrol before returning to the vehicle to complete the issue of the PCN. In most cases an observation and issue time will be recorded unless the contravention does not require an observation period.

Penalty Charge Notices – Removed from Vehicle / Not Received

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

The council is obliged to accept a reduced penalty, where payment has been received by the end of fourteen days (following service of the Notice). Thereafter, the penalty will revert to its original amount. Liability for the Notice served is not affected by the non-receipt by the driver.

If the council receive formal representations claiming that the PCN was not received, the council will examine the evidence recorded by the CEO. If it is accepted that the PCN was not received the council will write to the registered owner of the vehicle to inform them that if the PCN is paid within 14 days of issue of this letter, the PCN rate will be discounted by 50 per cent and will be accepted in full settlement if paid within the specified timescale.

Permission to Park

Only where permission has been granted by a Police Officer in uniform or a CEO in uniform to park, and confirmation of this is provided, should consideration be given to cancellation of the PCN. Where these details are not given then the PCN should be enforced unless the confirmation evidence is supplied subsequently.

Permits

Permits in the form of physical or an electronic permit are only valid for the location for which they are issued, for the period specified, subject to the provisions pertaining to surrender or withdrawal and for the registration mark of the vehicle in respect of which the permit has been issued.

Failing to clearly display a permit (unless issued electronically), exhibiting an expired permit, using a permit in another location or on a vehicle other than that indicated may be subject to a PCN which should not be cancelled unless there are mitigating reasons.

Permit Only Bays/Car Parks

Within certain car parks, parking bays may be marked for specific permit holders only. A PCN will be served to any vehicle observed parked in a permit holder only bay, without clearly displaying a valid permit or e-permit.

Challenges or representations made on the grounds that the driver was a permit holder, but this had fallen out of view will not be upheld. The onus lies on the motorist to ensure a valid permit is clearly displayed.

Motorists are notified on signage within the car park if a car park is restricted to permit holders only. A PCN will be served to any vehicle observed parked in a permit holder only car park, without clearly displaying a valid permit.

Picking Up/Dropping off Passengers

Except on designated clearways, School keep clear restrictions and pedestrian crossing zig zags, any vehicle may be allowed a reasonable amount of time to pick up or drop off passengers irrespective of any waiting or loading restriction in force. It is considered that two minutes is a reasonable amount of time for picking up or setting down passengers, unless this involves young children, the elderly or disabled persons.

Motorists may stop to pick up or drop off passengers on yellow lines or in any parking bay situated on street. There is no statutory maximum time allowed for this activity, and it will depend on the individual circumstances. In the case of able-bodied passengers, it would take little time, but if passengers are elderly, disabled or carrying luggage it would clearly take longer. The time to be allowed is simply the time that it takes to get in and out of the vehicle and load or unload luggage.

It is not a legal requirement that the vehicle must not be left unattended as the motorist may need to accompany a child or elderly/disabled person away from the vehicle. If the vehicle is unattended and the CEO has no reason to believe that the driver is involved in picking up or setting down, a PCN should be issued.

If a vehicle is required to be parked on a waiting restriction for the purposes of picking up or dropping off a passenger, who requires escorting from a nearby property, because of age and/or infirmity, then it is reasonable under the circumstances, as long as it has been left for no longer than was reasonable, for the vehicle to remain unattended.

Consideration should be given to any voluntary service provided for the elderly and sick so that they can be transported to and from hospitals. Sufficient time may be required to enable the driver to make his/her presence known to the passenger(s) on collection.

Also, should it be necessary to assist the passenger(s) between the vehicle and their home, considering that they may be elderly, infirm, disabled, or unwell. This may well involve sufficient time to ensure that the passenger is comfortably settled within his or her own home prior to departure by the driver.

Documentary evidence should be supplied confirming the date, time, and the pick-up and drop-off locations for the trip.

Notwithstanding the above, if a predetermined period of inactivity has been observed by the CEO, a PCN will be issued.

Police Vehicles

PCNs should not be issued to marked police vehicles when on official duty.

If a PCN is served to an unmarked police vehicle, then written confirmation should be requested from a senior officer, that the vehicle was engaged on official duties.

Pregnancy – Parents with Young Children

Generally, pregnancy is not considered to be an exemption 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 caused by a minor medical emergency, child being sick or pregnant women feeling unwell, leniency should be shown. If the delay was caused by the parent not allowing additional time enough to deal with young children or her own condition, both of which they are fully aware of, then the PCN should be enforced.

Prison

Where the registered keeper liable for payment of the PCN is expected to be absent for a long period of time due to a prison sentence, consideration may be given for cancellation. Evidence of a prison number and sentencing will need to be provided.

Public Service Vehicles (PSVs)

1. In service PSVs may stop anywhere to allow passengers to board the vehicle where there is a specific exemption in place.
2. Out of Service PSVs are not permitted to park in contravention of any restrictions and will be treated the same as any other vehicle

3. PSVs are not permitted to park in contravention of any restriction for any length of time prior to, or after, passengers have boarded/disembarked

Reserved Bays in public Off Street Parking Places

If a vehicle is observed parking in a designated reserved bay without the relevant reserved bay permit on display or a reserved virtual permit, then it will be liable for a PCN.

Resident Permits

Resident permits are subject to the terms and condition of use which can be viewed on the council's website. They may be in the form of physical or an electronic permit. They are only valid for the location for which they are issued, for the period specified, subject to the provisions pertaining to surrender or withdrawal and for the registration mark of the vehicle in respect of which the permit has been issued. In exceptional circumstances at the absolute discretion of the council, the vehicle registration mark may be omitted in the form of physical permit.

Failing to display a permit (unless issued electronically), exhibiting an expired permit, using a permit in another location or on a vehicle other than that indicated may be subject to a PCN which should not be cancelled unless there are mitigating reasons.

Resident Permit Parking Schemes

There are areas which are subject to a residents' parking permit restriction in North East Lincolnshire. These schemes ensure that residents within these locations have access to parking spaces in the area surrounding their property. To be able to regulate these schemes, permits are available to properties within the area of the scheme. A valid permit must be clearly displayed at all times in the relevant position (in respect of a physical permit - means exhibited on the windscreen, dashboard or fascia of the vehicle with the front side facing forwards on the nearside of and immediately behind the windscreen or in a conspicuous position on the vehicle orientated so that the whole of the information on the front of the Permit is clearly legible from the outside of the vehicle (unless issued electronically), to the vehicle in respect of which it was issued).

If a vehicle is not displaying a valid permit, then a PCN will be issued for the appropriate contravention.

Blue Badges are not permitted to be used to park on yellow lines falling within a resident parking scheme.

For further details please refer to the Residents Parking Policy

<https://www.nelincs.gov.uk/streets-travel-and-parking/parking/residents-parking-scheme/>

Royal Mail and Universal Service Provider Vehicles

Royal Mail and Universal Service Provider vehicles being used for the collection or delivery of postal packets are exempt from waiting restrictions if they can be seen to be actively involved in any such activity. If a vehicle is parked for longer than the observation period with no activity observed

and the CEO has reason to believe that they are not being used in collection or delivery of postal packages then they should issue a PCN. Cancellation of a PCN will only be considered if written confirmation is received from a manager that the vehicle was actively involved in the collection / delivery of mail.

Running out of Fuel/Charge

Unless the driver has provided evidence that the vehicle ran out of fuel/charge due to an electrical or mechanical fault, the PCN should be upheld, as this was not due to circumstances outside of the driver's control.

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.

CEOs will issue a PCN to vehicles that are not actively engaged in; loading/unloading or constructing/dismantling scaffolding or essential work. In some instances, the vehicle may be covered by a dispensation or waiver (see 'Trade Waivers or Dispensations'). Scaffold Lorries should be parked legally, if they are not engaged in these activities and they are not entitled to the exemption whilst making assessment visits to a site.

School Keep Clears

Keep clear restrictions are placed outside schools for the safety of children. You cannot wait or stop a vehicle on the zigzag area. There will be no period of observation before the issue of a PCN to any vehicle that is in contravention of parking restrictions on zigzags outside a school. This includes school coaches.

If a vehicle is observed in contravention and drives away before a PCN can be served, then the notice will be served to the Registered Keeper of the vehicle by post. At certain school sites cameras (approved devices) may be placed to detect vehicles in contravention of the school keep clear restrictions.

See Item [Service of a PCN by post.](#)

Security Vehicles

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

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

Staff Permits (Council and Partners)

The onus is on the employee to provide the correct VRM for the relevant digital permit.

Where hard copy permits are used then they must be clearly displayed, legible and not faded and be used by the employee who has applied for the permit, unless in a documented car share application. Failure to do any of the above may result in the issue of a PCN which may only be cancelled in exceptional circumstances.

Suspended Bays

On Street parking bays can be suspended for work on the highway, skips, special events, deliveries, funerals or weddings and removals.

Vehicles must not park in any area of a parking bay which has been officially suspended. Signage will

be in place before and during the suspension period, to notify the public of the date and time of suspension.

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

Taxi Ranks

If a licensed Hackney Carriage is left unattended on a rank, it is liable to receive a PCN.

A taxi can wait within any of the council's authorised taxi Ranks, whereas private hire vehicles are not. Equally any taxi that cannot get onto the rank to queue is not permitted to wait outside the rank, and as such a PCN should be issued in these instances.

It is an offence to leave a Hackney Carriage in a rank under the Town Police Clauses Act 1947 Section 62. Taxi ranks are solely for the purpose of "plying hire" of Hackney Carriage Vehicles. Therefore, a driver is always required to be present.

Trade Waivers or Dispensations

A dispensation authorises a vehicle (or vehicles) to park in contravention of a parking restriction. It allows parking where alternative arrangements cannot reasonably be made, for example where waiting is restricted. A dispensation does not permit general parking or allow the vehicle to remain in the restricted/prohibited area once the dispensation purpose has been fulfilled. At that time, the motorist is required to lawfully park elsewhere.

Requests for dispensations should be made at least 48 hours in advance of the date required, to Parking Services who have discretion to approve or reject such requests considering the location, existing parking controls and parking issues.

A parking waiver enables a vehicle to be parked as near as possible to the desired location, it does not allow parking on: -

- a loading restriction during its hours of operation (marked by yellow kerb lines)
- bus stops
- taxi ranks
- school keep clear markings
- verge and footway restrictions
- anywhere that would cause an obstruction or a road safety hazard

Vehicles must be moved on the instruction of a Civil Parking Enforcement Officer. Failure to comply with these conditions may result in a PCN being issued.

To apply for a Trade Waiver then please use the following link

<https://www.nelincs.gov.uk/streets-travel-and-parking/parking/trade-parking-waiver/>

Urgent Need for Toilet

This normally relates to people with a justifiable medical condition, or small children. It is reasonable,
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but not essential, to request a doctor's confirmation of any such medical condition.

Utilities (Statutory Undertakers)

There is a statutory exemption for liveried vehicles being used in the service of gas, electricity, telecommunications, or water supply. These vehicles will be exempt from waiting restrictions in the following circumstances –

- If the vehicle is being used in direct connection with works on or above the highway.
- If the vehicle is being used in connection with an emergency (water leak, gas escape etc.).

If the vehicle is being used to deal with an emergency, it must be moved once the emergency has been dealt with.

CEOs will also issue a PCN where it is obvious that the vehicle is not actually being used in connection with work taking place on the highway or an emergency. Vehicles belonging to utility companies often display signs stating that emergency works are being undertaken. This is not in itself an indication that the vehicle is exempt, and if the CEO is not satisfied that the vehicle is exempt, a PCN should be issued.

Vehicles are not exempt for normal routine events, such as inspections or servicing.

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 who removed the vehicle from site

Failure to provide supporting evidence will lead to the PCN being enforced. Consideration should also be given as to how the vehicle became illegally parked in the first instance i.e., was it parked in contravention of a restriction before the vandalism occurred?

Vehicle Driven Away prior to PCN being served

If the CEOs handheld computer confirms that the vehicle drove away after the issue of the PCN had begun, the PCN will be served on the owner of the vehicle by post after obtaining the owner details from the DVLA. i.e., whilst details were being noted, but before the PCN could be served or being handed to the driver or affixed to vehicle. See [Service of a PCN by post](#) for further details.

Vehicle not at scene

Where claims are made that a vehicle was not parked in the area at the date/time a PCN was issued the keeper is requested to check the photographic evidence available and if they still dispute this is their vehicle, then they will need to supply a crime reference reporting that the vehicle has been cloned.

We may also consider photographs of the appellant's vehicle as evidence, but they should be aware that these may not be accepted if it is possible the differences could have been the result of vehicle modification.

Vehicle Stolen

For claims that a vehicle issued with a PCN has been stolen the owner must provide supporting documentary evidence in the form of a crime reference number and/or corroboration of the theft

from the insurance company.

Unauthorised use of a vehicle by another family member or a friend is difficult to substantiate and under these circumstances the PCN should be enforced unless it can be demonstrated that the matter was reported to the police prior to or just after the issue of the PCN.

Vehicles Left Unattended to Gain Access

When a driver leaves a vehicle parked in contravention to gain access to a property this should take no longer than necessary. In such circumstance's vehicles should not be left in contravention of a loading restriction. However, each case should be considered on its own merit and any extenuating circumstances considered.

Visitor Permits

Residents in the resident permit areas may apply to the council to purchase visitor permits. Primarily they are single use daily digital permits, which are electronic permits which sync the VRM to the CEOs handheld devices, removing the need for anything physical to be displayed in the windscreen. Visitor Permits in the form of books of scratch cards are still available to those residents who cannot access the internet to use the digital permits. Scratch cards are only valid in the zone specified on the permit.

The card must be clearly displayed on the dashboard of the visitor's vehicle so that it is visible to the CEO, and it must be scratched off correctly (day, date, month, and year). It must also clearly show the car registration number.

CEOs will issue a PCN to any vehicle not correctly displaying a scratch card or in possession of a virtual visitor permit as outlined above.

A PCN may be cancelled on the first occasion if only the day of the week or the year is omitted and all other details on the card displayed are correct. Any subsequent PCNs will not be cancelled.

The onus is on the resident to provide the correct VRM. Failure to do so may result in the issue of a PCN which may only be cancelled in exceptional circumstances

Yellow Lines in Off-Street Parking Places

Disabled badge holders are not entitled to park on yellow lines in off-street parking places.

Weather

There may be occasions where the lines or signage signifying a parking restriction may be obscured because of adverse conditions (e.g., leaves, snow, ice, or flooding).

In these instances, CEOs will assess the situation and determine whether a PCN should be served.

Window Cleaners

Window cleaners must not park in contravention unless they have applied for, and have been granted, a dispensation.

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.