

DEPARTMENT OF REGULATORY SERVICE

Car Parking – Notice Processing Officer Guide



Notice Processing Officer Guide



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1. INTRODUCTION

This procedure is divided into two parts the first part contains an introduction, the parking enforcement procedure of East Lindsey District Council and specific examples of how the procedure is applied. The second is a list of definitions explaining terms that are commonly used in parking enforcement.

The contents of the procedure have been designed from: Current East Lindsey District Council practices, accepted best practice and common practice among local authorities that the current Car Park Manager has worked for.

In formulating this procedure due regard was paid to the Council's Equality Policy, the Human Rights Act and the Government's Enforcement Concordat currently being reviewed by Regulatory Services.

1.1 Procedure

This procedure is primarily concerned with:

- Who can and cannot park in restricted areas and when they may do so.
- How appeals and dispensations are dealt with including, how the Council will make every effort to treat people fairly, equally and with respect taking full account of their personal circumstances.
- The conduct of the Council's staff and the manner in which it carries out car park enforcement.
- Service standards that will be adopted by East Lindsey District Council when carrying out parking enforcement, which are in addition to the normal accepted process.

It is impossible to qualify every case and there will always be occasions when either the Car Parking Attendant (CPA), or the Car Park Manager (CPM), will consider individual cases and circumstances on its individual merits and not issue an Excess Charge Notice (ECN) or cancel it.

This Procedure will be subject to regular Review and will reflect current best practice.

Procedure Statement of East Lindsey District Council for Parking Enforcement.

East Lindsey District Council is committed to making sure that it provides Equality of Opportunity in how its services are delivered. This commitment has been translated into its Core Values by ensuring that different groups and individual needs are reflected in the delivery of services.

The staff of East Lindsey District Council will ensure that they offer all necessary assistance to any person to ensure that they are aware of, and can avail themselves of, all services and rights due to them.

Parking Enforcement within the District of East Lindsey Council will:

- Maintain and, where possible, improve the flow of traffic, thereby making the district a more pleasant and environmentally safe place to live and visit.
- Take into account the needs of local residents, shops and businesses; thereby sustaining the district's economic growth.
- Actively support the needs of disabled people bearing in mind that, in some cases, they are unable to use public transport and are entirely dependent upon the use of a car. This will ensure that people with disabilities are able to have equal access to facilities within the district.
- Actively discourage incorrect parking that causes obstruction to other motorists, pedestrians, cyclists and people with disabilities. This will ensure that the district remains accessible to all equally and safely.

The procedure shall be regularly reviewed and will take into account:

- Existing and predicted levels of demand for parking.
- The availability and pricing of off-street parking.
- The accuracy and quality of existing signs and plates.
- The levels of compliance that East Lindsey District Council considers to be acceptable and the level of enforcement necessary to achieve them.
- The views of the public who will be actively consulted on all matters relating to the extension of parking restrictions.
- The views of Lincolnshire Police.
- The views of Lincolnshire County Council
- The provision of suitable parking facilities for disabled people.

- The provision of suitable parking facilities for cyclists and motorcyclists and Motor Homes.
- Consideration of the Council's overall aims with regard to the environment, fear of crime within the district and the sustained economic growth of the district.

2. SPECIFIC PROCEDURE

2.1 Abandoned Vehicles

Where a vehicle remains parked for a period during which multiple ECNs are issued (multiple = 2+) for the same offence. The CPA will report the vehicle as potentially abandoned and it will be dealt with by the Council's abandoned vehicle section under the provisions of Refuse Disposal (Amenity) Act 1978.

Criteria used in identifying Abandoned Vehicles:

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

Whilst the vehicle is being dealt with as potentially abandoned no further ECN's will be issued.

Issued ECNs will be enforced against the driver of the vehicle in the normal way.

2.2 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 car park restriction. The exception to this is when a driver has to collect a key to unlock a barrier that prevents access. This however, should take no longer than our 10-minute observation period.

2.3 Broken Down Vehicles ('Vandalised Vehicles')

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

- Garage Receipt, on headed paper, properly completed and indicating repair of the alleged fault within a reasonable time of the contravention.

- Till receipt for purchase of seemingly relevant spare parts purchased on or soon after the date of contravention.
- Confirmatory letter from the RAC, AA or other similar motoring organisation. They may not necessarily issue a written report at the time of repair as they often now use electronic signature equipment, however, the driver can request a printed copy or letter from them.
- Confirmation from the CPA that the vehicle was obviously broken down.

A note left in the windscreen, stating that 'the vehicle has broken down', will not be accepted by the CPAs as a reason for not issuing an ECN.

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

2.3a FLAT BATTERY

- The receipt for the purchase of a new battery or parts that could cause a flat battery (alternator, solenoid etc.), should be requested. The receipt should not pre-date the date of the contravention or postdate it by an unreasonable length of time.
- In cases where it is alleged that the vehicle was bump/jump started and no other evidence received, the ECN should be enforced. (NB. Vehicles with automatic transmission cannot be bump started).
- If no evidence is forthcoming, the ECN should be enforced.
- Consideration should also be given as to how the vehicle became wrongfully parked in the first instance, i.e. was it pushed from an unrestricted area or was parked in contravention of a restriction before the breakdown occurred?

2.3b 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 an ECN will be issued and will be cancelled only if it subsequently transpires that the driver was: elderly, disabled or infirm and had gone to obtain assistance. In such instances evidence from the assisting party is required.
- If the wheel could not be changed because of a mechanical difficulty, evidence must be produced from the attending breakdown service supporting this.
- Failure to carry a spare wheel is not sufficient reason to cancel an ECN.

2.3 c OVERHEATING

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

2.3d RUNNING OUT OF PETROL

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

NB. If it is apparent from previous records that the same driver is continuously trying to avoid liability for ECNs by claiming that his/her vehicle is broken down, this should be considered when deciding on whether or not to accept their appeal.

Where appeals are accepted on the second or subsequent occasion the driver should be informed, in writing, that due consideration to previous incidents will be taken into account should another contravention be committed for the same reason.

3. APPEALS AGAINST ISSUE OF AN ECN

The driver of the vehicle may make a written appeal against the issue of the ECN. Within this appeal (s)he can mention any mitigating circumstances as well as challenging the validity of the ECN.

The Council will respond, in writing, within 7 working days of receipt of the appeal and must either give notification of acceptance of the appeal and cancellation of the ECN or rejection of the appeal.

If an appeal is rejected the written notification from the Council must give precise reasons why this decision has been reached. Providing the written appeal was received within 7 days of the ECN being issued the discounted rate will be restarted and last for 7 days from the date of the rejection notice.

If an appeal is received later than 7 days from the date of the ECN issue it will be dealt with in the same way, but if the appeal is rejected the discounted period will not be restarted and the full amount will be payable. This fact should be included within the notice of rejection.

3.1 Appeals Accompanied By Payment

To avoid the loss of the discount period drivers may opt to enclose settlement of the ECN with an appeal. In such circumstances East Lindsey District Council must act in good faith and deal with the appeal in a fair and equitable manner. At the same time the Council must comply with its own financial regulation regarding the banking of cheques. The following has been agreed with the Council's Internal Audit Department:

Appeals accompanied by a payment will be separately logged, will be dealt with as a priority and wherever possible responded to within a maximum of two working days. If the appeal is successful the payment will be returned to the driver with the letter of acceptance. If the appeal is unsuccessful the payment will be immediately banked and the driver duly notified that we have accepted it in full or part settlement as part of the rejection notice.

Where an investigation is required that will take more than two days a letter should be sent to the driver stating this and informing him/her that

'In accordance with the Council's Financial Procedures' the payment has been banked pending the outcome of the investigation.

Should the appeal be upheld the Council would immediately make arrangements for a refund to be issued to the driver. Any letter of acceptance or rejection sent to the driver must make specific reference to the fate of the payment.

3.2 Complaints Against Parking CPAs

Allegations that a CPA has made an error whilst issuing an ECN will be investigated under the normal appeals procedure and a formal written notice of acceptance or rejection will be sent within the stipulated timescale.

Any allegation of misconduct or rudeness made against a member of the enforcement staff will be investigated in accordance with the Council's corporate procedures. The findings of the investigation will be communicated to the complainant, in writing, within the stipulated timescale.

3.3 Council Officers & Members on Duty

Staff or members using their own cars to carry out their official council duties must display a staff parking permit whilst parked. Permits are only valid during periods when official duties are being carried out. Permits used at other times will be withdrawn and an ECN issued. At all other times staff and members must comply with the restrictions by purchasing a pay & display ticket. Failure to comply with any of the foregoing will result in an ECN being issued.

Request for Cancellation of an ECN will only be considered when supported by written confirmation from the relevant Head of Service.

3.4 Court Attendance – Jury Service Parties, Legal Representatives or Witnesses

The courts will not pay any ECN issued to a witness or Jury member whilst carrying out their legal duties even if the court delays them.

In such circumstances the Council will enforce ECNs 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.

3.5 Court Attendance – Defendants in Criminal Cases

The conditions applying to Jury Members and Witnesses equally apply to defendants. However, there have been instances when 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 ECN issued will not be enforced providing supporting evidence is supplied by the defendant's legal representative.

3.6 Dental/Doctors Appointments

If the claim is made that, due to a delay in the appointment time or that treatment took longer than anticipated and this resulted in an ECN being issued for overstaying the parking time purchased on arrival, consideration should be given to the validity of the claim.

Such claims should be supported by written confirmation from the dentist or doctor that the delay was caused for reasons outside of the driver's control. However, the Council must be satisfied that the parking time purchased was reasonably sufficient to allow for normal delays experienced whilst attending such appointments.

3.7 Description of Vehicle – on ECN

When issuing an ECN the CPA will note the make, colour and registration number of the vehicle, which will appear on the ECN.

3.7a Incorrect Colour

If the colour is incorrectly recorded consideration should be given to cancellation of the ECN as follows:

- **Similar Colours:** Similar colours are often mistaken for each other especially in poor light. Many metallic colours can be seen differently by different people i.e. Silver as Blue, Black as Grey. Solid colours such as white differ widely from model to model and can be seen as Cream. Many blues can be seen as green and vice-versa. Where there is a close relationship between the colours then the ECN should be pursued.

- Widely differing Colours: A blue car recorded as a red car, should be given serious consideration to the cancellation of the ECN. It should also highlight other issues, or the possible indication of a re-spray not advised to DVLA.

3.7b Incorrect Make

Although many manufacturers produce different models that look very similar it would be very difficult to enforce an ECN issued to a Vauxhall which turned out to be a Ford. In such cases serious consideration must be given to cancelling the ECN.

3.7c Tax Disc Number

The one thing that is unique to the vehicle is the tax disc number, which is recorded by the CPA at the time of the ECN issue. If these match then the Council have good grounds to pursue the ECN, however care must be taken as there may be a possibility that the disc has been forged, using a colour copier.

3.8 Disabled Drivers/Passengers

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

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

Providing the Disabled Badge is clearly and properly displayed the Badge Holder can park in Council Pay & Display Car Parks for the time specified on their pay and display ticket (Foreshore car parks) or up to 3 hours free with clock and badge (Amenity car parks). However the driver must be parked in a designated disabled bay.

3.9 Location – Incorrect

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

3.10 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 an ECN, then due consideration should be given to its cancellation. When considering this the representation should be accompanied by any supporting evidence from the police, or motoring organisations.

3.11 Meter/Pay & Display Machines – Did Not Realise There Was One There

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

3.12 Meter/Pay & Display Machines – Not Working

Where it is claimed that a machine is not working then reference must be made to both the maintenance records, the CPA's notes and machine test records (machines are tested before every patrol). If it is confirmed that the machine was not working at the time then consideration should be given to cancelling the ECN.

3.13 Mitigating Circumstances

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

3.13a Delays

Delays due to queues at shops, banks etc., meetings taking longer than expected, caught up in crowds etc. are not considered as valid reasons to cancel an ECN. An allowance should be made for such delays when purchasing parking time as they are a regular occurrence and part of normal life. (See emergencies below).

3.13b Children/Elderly People

- Claims are often made by people, accompanied by young children or elderly people, that they were delayed because of them. Again this should not be considered as a reason to cancel an ECN because allowance should be made for this when purchasing parking time. (See emergencies below).
- Claims that ECN's issued whilst children were being dropped-off or collected from schools etc. should not be cancelled unless a reasonable amount of time was not allowed by the CPA. The normal 10-minute observation period should be enough time in such circumstances.

3.13c Emergencies

An emergency is an unforeseen situation that prevented the driver from moving his/her vehicle. They are usually of a medical nature and leniency should be exercised where it can be seen that the driver could not have foreseen the situation. Wherever possible such claims should be supported by independent evidence.

3.14 Excess Charge Notice - Early Issue of

Claims that an ECN was issued before the time that an offence is deemed to be committed requires careful investigation.

The issue of ECNs is currently by handheld computer conducted by each CPA. They will always impose a 10-minute observation period on certain offences prior to an ECN being issued. The normal procedure is for a CPA to note the observation details on a red warning notice, then to continue with his/her patrol before returning to the vehicle to complete the issue of the ECN. In all such cases a minimum of ten minutes must be allowed between observation and issue.

3.15 Police Officer Or CPA Gave Permission To Park

Where details of the officer concerned are given, confirmation should be sought prior to cancellation of the ECN.

Where these details are not given then the ECN should be enforced unless they are supplied subsequently.

3.16 Pregnancy/Mothers With Young Children

Generally pregnancy is not considered to be a disability and delays caused by young children should not normally lead to the cancellation of an ECN.

However, this is a sensitive area and each case should be treated on its merits. i.e. If the delay was short (up to 10 minutes) or was caused by a minor medical emergency, child being sick or mother feeling unwell, leniency should be shown.

3.17 Vehicle Not at Scene

Where a driver receives a payment reminder and claims that his/her vehicle was not parked in the area at the time a written request should be made to the driver to confirm the make, colour and tax disc serial number relative to the vehicle.

If these match the records of the Council the ECN should be enforced. If they do not then the ECN should be cancelled. The key element is the tax disc number, which is unique to the vehicle.

Should the driver refuse to supply the required information written application should be made to DVLA to supply the number of the last tax disc issued to the vehicle. A reference for this can be obtained from the VQ5 document received when they supplied the keeper's details.

4. DISPENSATIONS & SUSPENSIONS

4.1 Dispensations

The following vehicles will receive automatic dispensation from Off Street parking charges:

- Police, Fire Brigade or Ambulances whilst attending emergency situations.
- Vehicles involved in contracted Highway Maintenance where there is a need for them to be parked adjacent to the work site and have applied and been granted permission.
- Livered Council vehicles carrying out statutory duties such as Refuse Collection, Street Cleansing and verge maintenance.
- Vehicles displaying valid disabled (blue) badge and time disc/machine ticket, see section 3.8.

Dispensation permits may be granted for the following:

- Funerals – For the hearse and cortege vehicles.
- Weddings – Bridal Vehicles.
- Maintenance to adjacent buildings.
- Furniture Removals.
- Any other reason accepted by the Council such as charity events

Applications for dispensation permits must be received at least 10 working days prior to the required date and must be made to the Council's Car Parks Department at the Town Hall, Skegness. The Council's decision on issuing dispensation permits is final.

If granted, dispensations will be issued to the applicant by way of written authority/permit, which must be clearly displayed in the vehicle whilst parked. The patrolling CPA will hold a copy or details of the dispensation and a further copy kept, with the application, by the Car Parks administration department.

A charge, per vehicle per day, may be made except in the cases of Wedding and Funeral vehicles.

4.2 Suspensions

Designated parking bays may be suspended for the following reasons:

- To allow maintenance of adjacent property where highway access is required for deliveries, essential vehicles, skips etc. (Cars will not be considered as 'essential vehicles' and will be expected to park in accordance with parking restrictions).
- Maintenance to highway trees.
- At the request of the Police.
- For security reasons.
- Any other reason accepted by the Council.

Applications for suspensions must be received at least 10 working days prior to the required date and must be made to the Council's Car Parks Department. The Council's decision is final.

If granted suspensions of parking bays/spaces will be clearly signposted or identified by means of temporary signs or barriers. These will indicate exact location and extent of the suspension and the start and finish dates and times. These signs will be displayed at least five days before the suspension comes into operation.

A charge per bay/space, may be made and is payable upon application.

4.3 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 a parking restriction, e.g. 'Valid ticket not displayed' or 'Parked after the period of time paid for', any resultant ECN 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. Where written evidence of the arrest cannot be supplied, confirmation should be obtained from the relevant Police Station, by the Council, before the ECN is cancelled. Failure to supply or obtain supporting evidence of the arrest will lead to the ECN being enforced.

4.4 Emergency Duties

Doctors, nurses, midwives engaged on emergency duties are, wherever possible, expected to park legally in accordance with local restrictions. Should an ECN be issued it will be cancelled only upon evidence of the emergency being provided.

Regular or programmed visits will not be considered an emergency.

4.5 Exempt Vehicles

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

- Marked Fire Brigade Vehicles
- Marked Police Vehicles
- Marked Ambulances.

The following vehicles are exempt in the circumstances described:

- Local Authority vehicles which are liveried, or have a valid permit, (or those of their contractual agents), whilst being used to carry out statutory duties (i.e. Refuse Collection, Street Cleansing, Highway Maintenance), or whilst carrying out duties that require the vehicle to be in close proximity (i.e. verge grass cutting), including CPA vehicles.
- Electricity Board, Gas Board, Water Authority, British Telecom or other telecommunications (and/or their appointed contractors), whilst actively laying or undertaking repairs to pipes, cables or other apparatus.

All exempt vehicles should be liveried, not private cars or unmarked vans and the exemption does not apply to sub contractor's vehicles unless specified above or unless displaying a valid permit.

4.6 Government Department Vehicles

Unless the reason for parking the vehicle was under exceptional circumstances ECNs issued to vehicles owned or operated by Government

Departments should be enforced. They are not exempt purely by virtue of the fact that they are operated by a Government Department.

If the vehicles are involved in exceptional activities such as surveillance by Customs & Excise or the Benefits Agency evidence to support this, in the form of a written statement from a senior manager on headed notepaper must be supplied.

Wherever possible Government Agencies involved in such activities should be encouraged to give the Council advance notice and details of the vehicle(s) involved.

4.7 Hiring Agreement

It is within the legislation that, in the case of a hired vehicle, responsibility for an ECN is that of the hirer of the vehicle at the time. Consequently, in this case, the responsibility does not rest with the registered keeper, the Hire Company, providing they make formal representation to the Council.

This representation must be accompanied by a copy of the relative hire agreement.

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

4.8 Intervention in the Appeal Process by Members and Other Officers

The process of dealing with appeal against the issue of ECNs will be carried out in a fair, unbiased and equal manner.

To preserve the integrity of these procedures they will be managed by the Car Parks Manager and no undue external pressure shall be brought, by either Members of the Council or other senior officers, designed to unduly influence the decisions by virtue of their position alone.

4.9 Legislation

The legislation governing parking enforcement is The Road Traffic Regulation Act 1984.

If a driver is querying the legislation it should be explained to him/her in simple terms. There is no need to supply specific reference unless especially requested.

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

If the driver is specifically querying the authority behind a specific restriction then reference should be made to the relevant Traffic Regulation Order, held by the Council. Prior to any correspondence with the driver this order should be checked to ensure the validity of the ECN. If any doubt exists then the ECN should be cancelled and the decision communicated to the driver.

4.10 Mis-spelling Of Drivers Name

The mis-spelling of the drivers name and/or address on correspondence does not invalidate it or discharge the liability of the person receiving it. The onus is still on the genuine driver to deal with the matter.

If any mis-spelling is discovered then alterations must be made immediately to ensure that future correspondence is sent out correctly.

When the mis-spelling is severe and is radically different from the correct spelling consideration should be given to the cancellation of the ECN.

4.11 Motorcycle Bays

These are not mandatory bays but are exemptions to the normal restrictions in car parks. Consequently any vehicle, other than a motorcycle, parked in such a bay is parked in contravention of the surrounding restriction, which is 'Not of a specified class'. These bays are indicated and clearly signed.

4.12 Police Officers on Duty

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

Requests for cancellation of any ECN issued to an unmarked police vehicle must be made by the officer's area superintendent or equivalent. They

should contain confirmation that the officer was on official business and that it was inappropriate for the vehicle to be parked elsewhere.

4.13 Unauthorised Movement of A Vehicle

Movement of any vehicle by the police is considered to be authorised.

Unless there is clear evidence that a vehicle has been moved by an unauthorised person then all ECNs should be enforced.

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

4.14 Vandalised Vehicle

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

This evidence should be from either:

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

CPA observation must also be considered providing that it clearly states the extent of the damage.

Failure to provide supporting evidence or the absence of CPA observation will lead to the ECN being enforced.

5. EXCESS CHARGE NOTICES

5.1 Notice of Offence

These can be issued by the CPAs under the Road Traffic Regulation Act 1984 s.35. The main offences are as follows:

1. Valid parking ticket not clearly on display
2. Parked after the period of time paid for
3. Parking in a position other than in one of the parking bays
4. Parking for longer than the maximum permitted period
5. Parking a vehicle not of a specified class or in a specified position (eg some parking bays are marked for coaches, motorcycles only)
6. Parking a vehicle which is not displaying a disabled person's badge or clock in a parking bay indicated as available only for a disabled person's vehicle
7. Failure to observe, or proceed in accordance with, signs or surface markings
8. Parking an unlicensed or uninsured vehicle
9. Sleeping or camping
10. Preparing or consuming food (except within the vehicle)
11. Servicing or washing vehicle
12. Selling goods or services
13. Driving dangerously or in such a manner as to cause a nuisance or annoyance
14. Revving an engine or sounding a horn in such a manner as to cause a nuisance or annoyance

Contravention of any of the above may render the person responsible liable to a fine on conviction

5.2 Observation Period – Prior to Issue of ECN

Prior to the issue of an ECN the CPA will allow a period of at least 10 minutes to elapse after the expiry of a ticket displayed on the vehicle, or (where no ticket is displayed) 10 minutes after first observing the vehicle wrongly parked. A red warning notice will be placed on the vehicle during this time.

The details of the vehicle will be noted by the CPA when first seen.

The CPAs will be able to continue with their patrols and then return to the offending vehicle.

5.3 Excess Charge Notice (ECN)/Notice of Offence

Issued at the time of the alleged offence and must be affixed to the vehicle within a sealed plastic carrier or handed to the driver – failure to do either will invalidate the ECN or Notice of Offence.

The ECN will identify:

1. The date & time of the alleged offence
2. The make & colour of the vehicle
3. Location of vehicle
4. Details of alleged offence
5. Details of excess payable
6. Instruction on how and where to pay
7. Instructions on how an enquiry or appeal against the issue of an excess charge may be made

The Notice of Offence will identify:

1. The Date & Time of the alleged offence
2. The Make & Colour of the vehicle
3. Location of vehicle
4. Details of Alleged Offence

5.4 Parking CPAs' Pocket Book/Notebook

The Parking CPAs shall maintain a separate pocket book in which they shall note daily details of their patrols, ECNs issued etc. They will be made available in the event of an ECN being challenged and will assist the investigation of any appeal received by East Lindsey District Council.

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

name, the serial number of the previous book and the serial number of the next book written on the front cover.

Off shift CPAs should leave their current pocketbooks in their mailboxes.

5.5 Pay & Display Tickets

East Lindsey District Council's Pay & Display car parks require the purchase of a ticket at the time of parking for the amount of time required. All tickets display the expiry date and time on them along with the fee paid and car park machine number. The current car park tariff is clearly displayed adjacent to each machine.

Pay & Display Tickets must be:

- Clearly displayed whilst the vehicle is parked. (Metric tickets are designed to adhere to the windscreen of the car using a peel off, adhesive backing. BriParc tickets must be left on the vehicle dashboard so that all of the details can be seen from the outside of the vehicle).
- Displayed with the date shown.
- Un-expired.
- For the car park indicated

ECN's will be issued for:

- Failing to display a valid ticket clearly.
- Displaying a ticket that has expired.

Appeals made because the driver failed to correctly display a valid ticket even though one was in the driver's possession might not be allowed, as it is incumbent upon the driver to ensure that the ticket is clearly displayed throughout the time that the vehicle is parked. First time offenders will be dealt with sympathetically, second or third incidents may indicate the driver is sharing a ticket. Notice Processing Officers are to interrogate the database for persistent offenders before reaching a decision.

Appeals made because the driver did not have change will not be upheld. Appeals made because of delays returning to the car park will be dealt with in accordance with 'mitigating circumstances' above.

5.6 Excess Charge Notice – Discount Period

The ECN rate is set at £60 and is subject to regular review. If the ECN is paid within 7 days of issue a discounted amount of £30 will be accepted in full settlement of the matter.

If an appeal is received from the driver within 7 days of issue of the ECN the discounted period will be frozen pending the Council's decision. Should the appeal be rejected the discount period will restart from the date of the notice of rejection.

If the appeal is received more than 7 days from issue of the ECN the discount period will not be frozen and the full amount of £60 payable in the event of the appeal being rejected.

If a reminder is sent to the driver who subsequently states that the ECN was not received at the time of the offence, the discounted amount will be accepted if paid within 7 days. This should be communicated in writing to the driver with the restarted discount period starting from the date of the letter. When it is claimed that the ECN was not received the computer system will be interrogated to ensure that no such claims have been made previously by the same person. If there is a history of such claims the discounted period should not be restarted and the full amount paid.

5.7 Excess Charge Notice – Time to Pay/Instalment Payments

As a general rule the Council will neither offer extensive time in which to pay ECNs nor will it enter into instalment payment arrangements.

Exceptions to this are only made in cases of demonstrated, genuine financial hardship.

- Application must be in writing and will be responded to within 7 working days.
- The application must contain proposal for payment and be accompanied by any evidence supporting the claim of financial hardship.
- The Council's response will signify acceptance or rejection of the proposal.

A rejection will be accompanied by the Council's counter proposal which will be the final offer based on:

- Where the debt involves multiple ECNs the Council will expect the settlement of at least one per month.
- Payments will be applied to the oldest ECN first thereby preventing the payment of discounted ECNs first.
- Otherwise a minimum payment of £10 per week, plus a £5 administration fee for setting up the agreement. This must be paid with the first payment.
- Wherever possible payment to be made by post-dated cheques to be held by the Council for presentation on the due dates.
- Non-payment of any cheque will result in enforcement action being recommenced and all un-banked cheques being returned to the drawer with a letter stating that the arrangement is cancelled.
- The Council will maintain a separate active file for each arrangement reached, which will be reviewed each month.

5.8 Time/Date Calibration of Pay & Display Machines

Pay & Display machines are tested at the outset of each patrol to ensure that they are showing the correct time and date. This is done by obtaining a 'test ticket' from the machines. The 'test tickets' are kept as part of a daily report function.

5.9 Uniforms – Parking CPAs

East Lindsey District Council's CPAs will wear a uniform consistent with CPAs in other Local Authorities and will include;

- Safety Shoes
- Reflective High Visibility Vest and/or Coat.
- All CPAs will carry Council ID cards.

5.10 Visitor to Britain

If an ECN is issued to a vehicle displaying foreign registration plates it should automatically be recognised by the processing system as the registration number will not be in DVLA format. Consideration should be given to cancellation of the ECN but, should payment be made then it should be accepted in the normal way. Equally all correspondence and appeals should be dealt with in the normal way.

6. CAR PARK PERMITS

6a There are various types of permits issued to a vehicle in the form of window stickers or cards. They are valid in certain car parks in the towns listed below (see current permit information leaflet for specific car parks). The expiry is date printed on the face of the permit.

Skegness – Mablethorpe – Louth – Spilsby – Horncastle- Alford

- 6b Failure to display a permit is an offence and will result in an ECN being issued which should not be cancelled unless there are mitigating reasons why it was not displayed.
- 6c Use of a permit contrary to the terms and conditions which apply to it, or on another vehicle or after its expiry date is also an offence for which an ECN will be issued. Again the ECN should not be cancelled unless there are mitigating circumstances that account fully for the contravention.
- 6d Staff permits are valid for 4 years and are either 7 days (red) or 5 days (green). They are valid in any East Lindsey Car Park. Vehicles that park on a Saturday and Sunday with a five day permit will be issued an ECN which should not be cancelled unless there are mitigating circumstances. Failure to display a valid permit clearly or if the permit is invalid, or used contrary to the terms and conditions, will be issued an ECN

7. DEFINITIONS

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

DRIVER & VEHICLE LICENSING AGENCY (DVLA)

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

GOODS – DEFINITION OF WHEN RELATED TO LOADING/UNLOADING

In claims of loading/unloading permitted 'goods' are deemed to be any that are of sufficient bulk and/or weight that requires the vehicle to be parked adjacent to the point of collection or delivery.

If a delivery is being carried out to a trade or business premises by a commercial vehicle this will be seen as compliant with the above. The delivery/collection of small portable items, such as shopping, to or from a private vehicle will not constitute loading/unloading unless an elderly, disabled or infirm person is involved and enforcement of the restriction would cause hardship.

In all cases the vehicle should never be parked for longer than is necessary but allowance should be made for delivery notes etc. to be signed.

MANDATORY AND ADVISORY PARKING BAYS

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

NON-FEE PAYING ENQUIRY & RESPONSE TO DVLA – VQ4 & VQ5

When an ECN remains unpaid for 28 days East Lindsey District Council will make a non-fee paying enquiry to DVLA (VQ4) to ascertain the identity of the keeper of the vehicle. This enquiry is made in written form via post. The response (VQ5) from DVLA is also in written form via the post and can take weeks for a response.

REGISTERED KEEPER

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

REMINDER FOR PAYMENT

If an ECN remains unpaid for 28 days East Lindsey District Council will make an enquiry with DVLA to ascertain the identity of the registered keeper. Once this is done a reminder for payment will be sent to the keeper advising him/her that the ECN remains unpaid. The reminder will contain full details of the ECN issued and request payment within 14 days of receipt, or it gives the keeper the opportunity to formally give details of the driver or owner of the vehicle at the time the ECN was issued, which also must be done within 14 days of receipt.