



Cabinet

Tuesday, 30 May 2023

Dear Councillor

You are advised that the attached documents form part of the main agenda papers for this meeting.

Please ensure you bring them with you to the meeting.

Yours faithfully

A handwritten signature in black ink, appearing to read 'S Walsh', written in a cursive style.

S Walsh
Service Manager (Communities)

List of documents attached

7. Parking Enforcement Policy March 2023

(Pages 3 - 34)

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Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Cabinet

Date: 30 May 2023

Reporting officer: Nick May, Parking & Environmental Enforcement Services Manager

Subject: Environmental Enforcement Strategy

Purpose and summary of report:

To report a revision of the 2019 Parking Enforcement Policy. This policy sets out how the council enforces both on and off street parking contraventions and the subsequent administration processes. The policy sets out the legislative requirements of civil parking enforcement.

Recommendations:

1. The report seeks Cabinet's views on the revised Parking Enforcement Policy and approval to implement and publish the policy.

Key Implications:	
Item	Implications
Legal	On-street Parking enforcement is a statutory function for Gravesham Borough Council under an agency agreement with Kent County Council. Parking enforcement of both on and off street restrictions is decriminalised and enforcement is conducted under Civil Parking Enforcement (CPE).
Finance and Value for Money	All income received from Penalty Charge Notices is ring-fenced and must be used for transport related functions and projects and is also used to contribute to the running of the parking service.
Corporate Plan	#1 People – A sound and car parking offer

Climate Change	<p>Parking Enforcement ensures the free flow of traffic which helps reduce congestion and in turn vehicle emissions.</p> <p>Car parks offer a number of Electric Vehicle Charging Points which promote EV ownership.</p>
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1. Background

- 1.1 In 2019, following a Local Government Ombudsman recommendation our first Parking Enforcement Policy was published.
- 1.2 The Policy ensures clarity, consistency, and transparency within the Council's parking enforcement processes. The Policy also sets out what we can and cannot enforce and legislative requirements and constraints.

2. Parking Enforcement Policy

- 2.1 The policy revision period is three years and therefore an updated policy has been produced.
- 2.2 The 2023 policy incorporates technological changes to the parking service such as virtual parking permits and ANPR/Barrier car park payment systems.
- 2.3 It also highlights legislative changes since 2019.
- 2.4 Cabinet is asked to comment on the draft policy prior to its implementation and publication.

3. Appendices

- 3.1 Appendix 1 – Parking Enforcement Policy 2023

4. Background Documents

- 4.1 Parking Enforcement Policy 2019 - <https://www.gravesham.gov.uk/directory-record/107/parking-enforcement-policy>

Lead Officer: Nick May, Parking & Environmental Enforcement Services Manager

Email: nicholas.may@gravesham.gov.uk

Secondary Implications	
Risk Assessment	Proper management of parking on public roads and within GBC owned off street car parks is essential to ensure the smooth flow of traffic, reduce inconsiderate parking and to allow drivers to park near their destinations.
Data Protection Impact Assessment	<i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i>

	<p>a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data? A definition of each type of data can be found on the Information Commissioner's Office website via the above links. No</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? Click here to start typing</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk. Click here to start typing</p>
Equality Impact Assessment	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>
Crime and Disorder	<p>Parking Enforcement is a Civil Parking Contravention. Gravesham Borough Council undertakes on and off street parking enforcement throughout the Borough. On Street enforcement is carried out on behalf of Kent County Council under Part 6 of the Traffic Management Act 2004. The Regulations made under the Act and the procedures included in Statutory and Operational Guidance are confirmed within this policy.</p>
Digital and website implications	n/a
Safeguarding children and vulnerable adults	No direct implications.

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Gravesham Borough Council

Parking Services

Enforcement Policy

March 2023

Document Control

Responsible Department	Parking Services
Author	Nick May, Parking & Environmental Enforcement Services Manager
Consultation	n/a

Revision History

Date	Previous Version	Description of Revision
March 2023	n/a	Policy reviewed every three years & when there is a change in legislation.

1. Background

Gravesham Borough Council undertakes on and off street parking enforcement throughout the Borough. On Street enforcement is carried out on behalf of Kent County Council under Part 6 of the Traffic Management Act 2004. The Regulations made under the Act and the procedures included in Statutory and Operational Guidance are confirmed within this policy.

Enforcement of unpaid penalties is through civil rather than criminal processes. There are both statutory and non-statutory processes for the registered keeper to object to a penalty being imposed. If all such challenges are rejected by the Council the registered keeper can formally appeal to an independent tribunal. These appeals are dealt with by independent legally qualified adjudicators through the Traffic Penalty Tribunal (TPT) service.

2. Purpose of Enforcement Policy

The purpose of the Policy is to:

- Ensure clarity, consistency and transparency within the Council's parking enforcement processes.
- Provide staff with clear guidelines on service standards whilst ensuring they can apply fairness, discretion and flexibility in the issuing of penalty charge notices or in dealing with any subsequent challenges and representations.
- Supporting effective parking management.
- Ensure that the needs of disabled people, motorcyclists, bus and coach users and operators, pedestrians, cyclists and local businesses are taken into account.

The policy will apply to:

- On and off-street parking enforcement (including penalty charge notice issuing criteria).
- Management of the administration processes following the issue of a penalty charge notice

3. Parking Enforcement Objectives

Gravesham Borough Councils Parking Service objectives are to:

- Deliver a high quality parking service to all users in a fair and consistent manner.
- Improve traffic conditions and road safety, thereby making the Borough a more pleasant and environmentally safe place to live and visit.
- Safeguard the needs and requirements of residents, businesses/organisations and shops, thereby helping sustain the Borough's economic growth.
- Increase and improve pedestrian and cyclist mobility and safety to ensure that the Borough is accessible to all.
- Ensure that residents and visitors with disabilities are able to have equal access to the Borough's facilities.
- Manage and reconcile the competing demand for kerb space.

This will be achieved by:

- Robust on and off street enforcement and issuing Penalty Charge Notices in regard to contraventions observed.
- Enforcement of parking regulations fairly, lawfully and without discrimination.
- Management of the Borough Council's car parks.
- Management of Residents' permit parking schemes and Permit Parking Areas (PPA's).

- Monitoring the adequacy of signs and markings and the reporting of deficiencies and damage. Ensuring signs and lines adhere to Traffic Signs Regulations and General Directions 2016.
- Checking the pay & display machines are in working order and are fit for purpose.
- Ensuring payment solutions are fit for purpose and use the latest payment technologies, such as pay by phone, contactless and google/apple pay alongside cash payments.
- Regularly review parking restrictions across the Borough and conduct consultations where changes to the Traffic Regulation Order (TRO) may be required.
- Ensure Gravesham's map based TRO is publically available on our website to ensure transparency and openness with the parking restrictions and parking schemes in the Borough.

4. The Parking Service

The Parking Service consists of two teams: front line enforcement, which is undertaken by Civil Enforcement Officers; and the back office administration and notice processing team:

- **Civil Enforcement Officers (CEO's)**

These officers are the public face of the Council's Parking Service and therefore the Council consider it essential that they present a professional image of the service. The Council's aim is for parking enforcement to be effective, efficient and fair and, equally importantly, that it is seen to be so.

CEOs shall issue a penalty charge notice where they believe a parking contravention has occurred. They shall have authority to exercise discretion if there is significant doubt as to the contravention or where they consider that it would not be possible to enforce the penalty charge notice. As per Traffic Management Act 2004 guidance, CEOs will also try to get the driver to move off of a restriction where possible, prior to a PCN being issued.

All Civil Enforcement Officers are 'in house' members of Gravesham Borough Council staff and trained to the same standards, by way of an in-house manual, formal training qualifications and on-going monitoring.

- **Administration Team (back office staff)**

Officers within the Administration Team have the authority to deal with informal challenges and formal representations which are administered and managed by using a framework developed by the South East Parking Managers Group.

Recognising that this policy is providing guidance only and cannot cover all conceivable situations, the Administration Team have authority to exercise discretion and make the necessary decisions with regard to accepting or rejecting informal challenges or formal representations.

5. The Penalty Charge Notice Process

This section provides an overview of Civil Parking Enforcement, from issue of a penalty charge notice to closing the case.

Issuing of Penalty Charge Notices (PCN's)

PCN's (sometimes referred to as Parking Fines or Parking Tickets) are issued by authorised Civil Enforcement Officers who are employed by Gravesham Borough Council.

PCN's are either issued-

- ❖ At the scene of the contravention by the CEO, by being affixed to the vehicle or handed to the person appearing to be in charge of the vehicle
- ❖ By Post, if the CEO was prevented by someone from serving it at the scene; or
- ❖ The CEO had begun to prepare a PCN but the vehicle was driven away before it was finished and issued.

Penalty Charge Notice – Discount Period

If a penalty charge notice is paid within 14 days from the date of issue a discounted amount of 50% is accepted in full settlement.

If a challenge is received from the keeper within 14 days of issue of the penalty charge notice the discounted period is frozen pending the Council's decision. A challenge received during this period is referred to as 'informal representation'. If the challenge is rejected the discount period restarts from the date of the notice of rejection. This information is included within a rejection letter.

An informal representation (challenge) against the penalty charge notice can be made before the Council has issued a 'Notice to Owner' (this does not apply when a penalty charge notice has been issued by post). Where a challenge is received within the 14 day discount period and is rejected the owner will be given 14 days from the date of the rejection letter to make payment at the discounted rate. If a challenge is received later than 14 days from the date of the penalty charge notice the procedure is the same, but the discounted period is not restarted, and the full amount is payable if the challenge is rejected. When a challenge is accepted a letter confirming cancellation is sent and the case closed.

Where a challenge is received more than 14 days from issue of the penalty charge notice the discount period is not frozen and the full amount becomes payable in the event of the challenge being rejected.

Further detail on the grounds for which a challenge may be rejected is detailed at section 14.

Driver & Vehicle Licensing Agency (DVLA) Enquiry

If no payment has been received within 28 days after the issue of the PCN, irrespective of whether the driver/owner has previously challenged the charge, Parking Services will obtain the details of the registered owner/keeper of the vehicle from the Driver Vehicle Licensing Agency (DVLA). Under the Traffic Management Act 2004, the registered owner/keeper of the vehicle is the person responsible for payment of the charge, regardless of whether they were the driver of the vehicle at the time the PCN was issued.

Notice to Owner (NtO)

A Notice to Owner (NtO) is sent to the registered owner/keeper upon receipt of these details from DVLA.

The purpose of the Notice to Owner is to ensure that the vehicle owner is aware that the penalty charge notice remains unpaid and to advise the owner that if neither payment is made nor representations submitted a Charge Certificate will be served increasing the penalty charge by 50%. It also provides the opportunity for a formal

representation to be made against the issue of the penalty charge notice. At NtO stage the payment outstanding on the PCN will be at the full amount.

Formal Representation

Within 28 days from the date of the Notice to Owner (NtO) being issued the owner may submit a formal representation against the issue of the penalty charge notice.

If received within the given timescale, the penalty charge notice is put on hold which stops any further action being taken until a decision is made. Once a decision has been made the appellant will be notified in writing of the outcome. If accepted, the penalty charge notice will be cancelled and no further action will be taken. If rejected, a formal notice of rejection will be served and the appellant will be given 28 days to pay the outstanding balance or submit an appeal to the Traffic Penalty Tribunal (Further details can be found below on the role of the Traffic Penalty Tribunal).

Charge Certificate

If no appeal is submitted to Traffic Penalty Tribunal and the PCN remains unpaid a Charge Certificate will be sent. This informs the vehicle owner that the penalty charge has been increased by 50% and that action will be taken to recover the amount due through the County Court if it is not paid within 14 days.

Order of Recovery and Witness Statement

If the penalty charge notice remains unpaid the Council will register the debt with the Traffic Enforcement Centre at Northampton County Court who will grant an Order for Recovery. This action will increase the charge by £9.00. The Order for Recovery will be sent to the owner and within 21 days the owner may send a Witness Statement to the Traffic Enforcement Centre to refute the need to pay the penalty charge. A Witness Statement can only be submitted on the following grounds:

- ❖ The 'Notice to Owner' was not received.
- ❖ Representations were made to the Council but did not receive a response in the form of a Rejection Notice.
- ❖ An appeal was made to the adjudicator against the Council's rejection but the owner received no response to the appeal; or that the appeal had not yet been determined; or that the appeal had been determined in the appellant's favour.
- ❖ That the penalty charge to which the Charge Certificate relates has been paid.

If Northampton County Court accepts the Witness Statement, this does not cancel the PCN but will put the charge back to the NtO stage and the Council will re-send the NtO to the registered keeper.

Warrant of Execution

Where the owner has been served with an Order for Recovery for the unpaid penalty charge and fails to pay the charge or to complete a Witness Statement, the Council will make an application to The Traffic Enforcement Centre to issue a Warrant of Execution.

Once the Warrant of Execution has been issued the debt will be passed to an Enforcement Agent (formally Bailiff) working on behalf of the council to collect the debt.

Enforcement Agents (EA)

A warrant of execution authorises the EA to collect payment of the debt or to seize and sell goods belonging to the owner to the value of the outstanding amount and to charge fees associated with executing the warrant. While the case is with the EA the owner must make payment to the EA, the Council will not accept such payments during this stage.

Out of Time (Late) Witness Statement

An out of time (late) witness statement is a statement made outside of the timescales stated on the Witness Statement. To make one of these statements the registered keeper will need contact the Traffic Enforcement Centre (TEC) at Northampton County Court directly. Once TEC have received the Out of Time Witness statement, they will notify the council who will in turn instruct the Enforcement Agent to freeze any further enforcement action until TEC make a decision on whether to reject or accept the statement. If rejected the EA can recommence enforcement action. If TEC accept the statement, this does not cancel the fine, but the council will instruct the EA to return the case to the council and EA fees will be removed. The council will then contact the registered keeper to advise on what happens next.

6. Representations and Appeals

An important aspect of the parking enforcement process is the ability of motorists and owners to have their objections heard and considered fully and impartially.

The process of dealing with challenges and representations against the issue of penalty charge notices will therefore be carried out in a fair, unbiased and equal manner. The process includes the ultimate right of all appellants to refer the matter to an independent arbitrator, the Traffic Penalty Tribunal.

The procedure for dealing with parking appeals is set down in Part 6 of the Traffic Management Act 2004 and the vehicle owner may dispute the issuing of a penalty charge notice at three stages:

Gravesham Borough Council has a cancellation policy relating to PCN's which was developed by the Kent Parking Managers Group.

Traffic Penalty Tribunal (TPT)

The Traffic Penalty Tribunal (TPT) exists as an independent body to determine appeals against Penalty Charge Notices. If a driver chooses to appeal to the TPT then he/she forfeits the right to pay the charge at the reduced rate. The service is free to motorists and appeals may be made either by post, in person either at a personal hearing or over the telephone. The TPT has the power to award costs, either to the appellant or to the Council, if either party are found to have behaved in a vexatious or frivolous manner, but these powers are rarely exercised. The Adjudicator's decision is final and neither the Council nor the driver of the vehicle can argue their case in another court at a later date.

More information on the Traffic Penalty Tribunal can be found on the website www.patrol-uk.info.

7. Paying Penalty Charge Notice & Instalment Arrangements

Gravesham Borough Council has adopted penalty charges of £70 (more serious breaches) and £50 (less serious breaches) as per Council Decision Notice 19/2008 (both of which may be discounted by 50% if payment is received within 14 days of issue of the penalty charge notice).

Online: By credit or debit card at www.gravesham.gov.uk/parking

Phone: By credit or debit card, 24 hours a day on 01474 33 77 88

Post: By cheque, payable to Gravesham Borough Council to: Gravesham Borough Council, Parking Office, Civic Centre, Windmill Street, Gravesend, Kent DA12 1AU.

As a general rule the Council neither offers extension of time in which to pay penalty charge notices nor enters into instalment payment arrangements.

Exceptions may be made in cases where a debtor can demonstrate a financial hardship, or where they are genuinely trying to resolve payment of a number of outstanding penalty charge notices (more than two).

Applications for payment by instalments must be in writing. The application must include a proposal for payment and be accompanied by evidence supporting the claim of financial hardship and/or that the person is trying to resolve the debt. This should include a breakdown of income and outgoings.

If an instalments arrangement is agreed, any outstanding penalty charge notices included in the arrangement will be put on hold until the arrangement ends. However, failure to make payment as agreed, or where further penalty charge notices are incurred, the instalment arrangement will end and the debtor will be given 28 days to pay in full before commencing with further recovery action.

Note that where Enforcement Agents are already involved in pursuing the debt the owner must deal with the Enforcement Agent regarding instalment arrangements and not the Council.

Further information on Gravesham Borough Councils Corporate Debt Strategy can be found on our website - <https://www.gravesham.gov.uk/directory-record/78/corporate-debt-strategy>

8. Parking Enforcement – On and Off Street

‘On-street’ relates to enforcement of traffic regulation orders on the public highway. This includes restrictions such as yellow lines, disabled bays, loading bays, taxi ranks, bus stops, school zig zag markings and permit parking areas.

‘Off-street’ relates to enforcement in the Council owned and maintained car parks and off street parking places.

The Annual Report published by the Parking Service which is available to view on our website includes a full list of restrictions the team enforces.

Enforcement on Private Property

Enforcement of parking restrictions placed on private property are outside the scope of the Council's enforcement operation. However, landowners may employ private enforcement contractors to enforce parking restrictions on their land.]

9. Penalty Charge Notice (PCN)

Parking restrictions are enforced by the issuing of a penalty charge notice (PCN). Gravesham Borough Council has adopted penalty charges of £70 and £50 as per Council Decision Notice 19/2008

Higher level PCN's for more serious breaches are £70 and are issued for more serious contraventions such as parking on double yellow lines. Lower level PCN's are £50 and are issued for less serious breaches such as parked with an expired pay & display ticket. Both levels of PCN will be discounted by 50% if payment is received within 14 days of issue of the PCN.

The PCN can be served in two ways-

- ❖ **Regulation 9 PCN** – This is the most common way the CEO will issue a PCN. This occurs when the CEO has observed the vehicle parked in contravention of the Traffic Regulation Order. The PCN will either be affixed to the windscreen of the vehicle (if the driver cannot be found) or handed to the driver if the driver is located.
- ❖ **Regulation 10 PCN** – A Regulation 10 Penalty Charge Notice is sent in the post to the registered keep/owner of a vehicle rather than fixed to the vehicle or handed to the driver.

Vehicle owner's details will be obtained from DVLA in order to send out a Regulation 10 notice if:

- our Civil Enforcement Officer attempted to serve the PCN by affixing it to the vehicle but was prevented from doing so by someone
- our Civil Enforcement Officer was unable to serve the PCN due to the vehicle being driven away

Regulation 10 Penalty Charge Notices have been introduced to reduce the number of evaded notices and to support CEOs. Motorists who try to prevent a PCN being served by driving away or behaving in a threatening or abusive manner towards a CEO will still receive a PCN in the post.

Improving compliance with parking regulations will contribute to improved road safety, reduce public transport journey times and less congestion.

10. Regulation 10 PCN by Approved Device

The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (amended as per the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022) allows for a PCNs to be issued by an approved device (ANPR camera) to vehicles that are parked on:

- ❖ a bus stop clearway or bus stand clearway.
- ❖ Bus lane.
- ❖ a Keep Clear zig-zag area outside schools.
- ❖ Red route (London only).
- ❖ parking withing a mandatory cycle lane.

Gravesham Borough Council do not currently undertake enforcement of contraventions detected with a camera and associated recording equipment. Policy on camera enforcement is therefore not included within this document.

In 2022 the Department for Transport enacted Part 6 of the Traffic Management Act which came into effect on 31 May 2022. This legislation gives councils more powers to enforce moving traffic offences by approved devices (ANPR cameras). Offences include-

- ❖ driving through a 'No Entry' sign.
- ❖ turning left or right when instructed not to do so (making banned turns).
- ❖ entering yellow box junctions when the exit is not clear.
- ❖ driving where and when motor vehicles are prohibited.
- ❖ driving on routes that are for buses and taxis only.

Kent County Council as Highway Authority will be taking on these new enforcement powers and have not delegated authority to district councils for these moving traffic offences. The above listed parking contraventions will therefore now fall within KCC's remit to enforce.

11. Penalty Charge Notice Evidence Gathering

Before issuing a penalty charge notice the Civil Enforcement Officer must ensure that:

- ❖ All relevant road markings, signs and plates are in place and clearly visible/readable.
- ❖ The nearest pay and display ticket machine is working and, if not, that there is working equipment within a reasonable distance.
- ❖ There are no visible pay and display tickets.
- ❖ That a RingGo pay by phone session has not been purchased.
- ❖ There are no permits, dispensation or badges on display which exempt the vehicle from the restriction.
- ❖ They switch on their body worn video camera to capture any relevant evidence.

The Civil Enforcement Officer will carry out appropriate observations in regard to loading, unloading, vehicle positions; including valve positions, in accordance with the criteria set out in this document.

Civil Enforcement Officers must take photographic evidence showing that a penalty charge notice has been affixed to a vehicle together with any other photographs to show that no relevant permits/tickets/badges had been on display. Photographs are also taken in appropriate instances to show the contravention which has taken place (i.e. vehicle parked out of bay or on a yellow line), together with any other appropriate supporting evidence at the officer's discretion. In some circumstances, with Regulation 10 PCN's all photographic evidence detailed above may not be possible to gather.

As per the Traffic Management Act 2004 if the driver of a vehicle can be located they will be given the opportunity to move the vehicle off the restriction/contravention and prior to a PCN being issued. If the driver fails to move the vehicle the PCN will be issued.

Where a new restriction or scheme has been introduced, enforcement may not automatically start. Warning notices may be issued in the first week of the go live date.

12. Parking Contraventions - Specific Penalty Charge Notice Issuing Criteria

Parking Restrictions

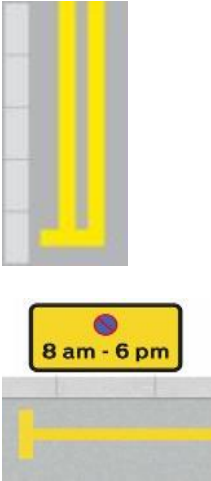
The hours during which restrictions are in force can vary and the responsibility lies with the motorist to take care when and where they park. Restrictions are generally as follows:

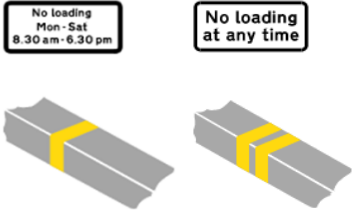

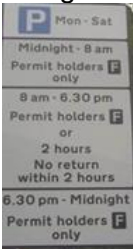
- ❖ Resident parking schemes, Permit Parking Areas
- ❖ Single and Double Yellow Lines
- ❖ Loading Prohibitions
- ❖ Pedestrian areas
- ❖ Pedestrian crossings
- ❖ Designated Loading Bays
- ❖ Disabled Bays
- ❖ Taxi Ranks
- ❖ School Keep Clear Markings
- ❖ Bus Stops
- ❖ On Street Pay & display areas
- ❖ On street time limited bays
- ❖ Car Park restrictions/tariffs.

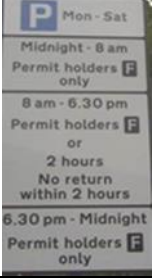


There is a single, nationwide list of contraventions and associated code numbers, which is revised from time to time. Not all contraventions are necessarily applicable in every authority's enforcement area (where a particular contravention is not covered by a Traffic Regulation Order in that area).




Contraventions which are applicable within the Borough are listed below (please note that the list covers the majority of contraventions but not all). The table includes the penalty charge notice issuing criteria with which the Civil Enforcement Officer must comply in regards to the parking contravention.


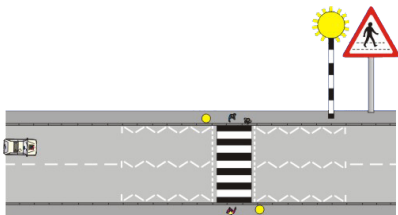
On-Street

Code	Contravention Description	Enforcement Criteria
01	<p>Parked in a restricted street during prescribed hours</p> 	<p>Observe the vehicle for 5 minutes to ascertain if loading or unloading is taking place (zero tolerance and zero observation may be used around schools). Shopping is not considered as loading therefore time is not given to enable drivers to make purchases.</p> <p>Instant issue of a penalty charge notice after 5 minutes observation period if no loading/unloading seen. If activity observed, allowed as long as necessary.</p> <p>Disabled Blue Badges holders exempt for 3 hours. Badge must be valid and displayed correctly including time clock. If clock not set correctly PCN will be issued.</p> <p>If vehicle overstays the 3 hours a PCN will be issued.</p> <p>Double yellow lines and single yellow lines are enforceable from the middle of the highway to the highway boundary line. This will include footways and pavements as well as verges.</p>

<p>02</p>	<p>Parked loading/unloading in a restricted street where waiting and unloading restrictions are in force</p> 	<p>Instant issue of a penalty charge notice. No observation time needed.</p> <p>If picking up/setting down of passengers is observed, sufficient time should be allowed for this.</p> <p>Blue Badge holders are not exempt and a penalty charge notice should be issued.</p>
<p>05 06</p>	<p>Parked after the expiry of paid for time</p> <p>Parked without clearly displaying a valid pay & display ticket or voucher</p> 	<p>Instant issue of a penalty charge notice. No observation time needed.</p> <p>Blue Badge holders are exempt, badge must be valid and displayed correctly. Time clock not required.</p>
<p>12</p>	<p>Parked in a residents or shared use parking place or zone without either clearly displaying a valid permit or voucher or pay and display ticket issued for that place, or without payment of the parking charge</p> 	<p>Observe for 5 minutes to ascertain if loading or unloading is taking place.</p> <p>Visual inspection to be undertaken of windscreen and vehicle interior before issue of a penalty charge notice.</p> <p>Blue Badge holders are exempt. Badge must be valid and displayed correctly. Time clock not required.</p>
<p>19</p>	<p>Parked in a residents or shared use parking place or zone either displaying an invalid permit or voucher or pay and display ticket , or after expiry of paid for time</p>	<p>Observe for 5 minutes to ascertain if loading or unloading is taking place.</p> <p>Visual inspection to be undertaken of windscreen and vehicle interior before issue of a penalty charge notice. Validity of any displayed permits to be checked.</p> <p>Blue Badge holders are exempt. Badge must be valid and displayed correctly. Time clock not required.</p>

		
22	<p>Re-parked in the same parking space within one hour (or other specified time) of leaving</p>	<p>During initial observation, record all relevant details including valve position of each wheel as a 12 hour clock.</p> <p>On re-inspection, valve positions to be checked. Instant penalty charge notice after vehicle checks made.</p> <p>Blue Badge holders are exempt, badge must be valid and displayed correctly. Time clock not required.</p>
23	<p>Parked in a parking place or area not designated for that class of vehicle</p>	<p>Instant issue of a penalty charge notice. No observation time needed.</p> <p>Blue Badge holders are not exempt and a penalty charge notice should be issued.</p>
25	<p>Parked in a loading place during restricted hours without loading</p> 	<p>Observe vehicle for 5 minutes (car) or 10 minutes (goods vehicles) to see if loading/unloading can be seen. If no activity after observation period, issue penalty charge notice.</p> <p>Blue Badge holders not exempt.</p>
26	<p>Parked more than 50cm from the edge of the carriageway and not within a designated parking place (Double Parking)</p>	<p>Enforcement only undertaken if obstruction is caused to passing vehicles (especially emergency and public transport vehicles).</p> <p>Instant issue of a penalty charge notice.</p> <p>Blue Badge holders not exempt.</p>
27	<p>Parked adjacent to a dropped footway (kerb)</p> 	<p>The contravention of parking adjacent to a dropped kerb applies where a vehicle parks on the carriageway next to a place where the footway, cycle track or verge has been lowered to the level of the carriageway.</p> <p>Enforcement action against vehicles parked across tactile paving with an instant penalty charge notice issued.</p> <p>Parking across private driveways to properties not enforced by GBC and requests referred to Kent Police as an obstruction issue.</p>

		Blue Badge holders not exempt.
30	Parked for longer than permitted	<p>Valve positions to be checked.</p> <p>A grace period of 10 minutes is permitted after the limited waiting time has ended.</p> <p>Instant issue of a penalty charge notice after this period.</p> <p>Blue Badge holders are exempt, badge must be valid and displayed correctly. Time clock not required.</p>
40	<p>Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge.</p> 	<p>Visual inspection to be undertaken of windscreen and vehicle interior for evidence of a blue badge</p> <p>If no badge is displayed or an invalid badge is displayed, instant issue of penalty charge notice.</p> <p>If badge cannot be read (upside down or obscured) penalty charge notice to be issued.</p> <p>Suspected fraud or misuse of badge to be reported.</p> <p>Time clock not required.</p>
45	<p>Parked on a taxi rank</p> 	<p>Rank is for 'Hackney' carriages only. Private hire vehicles are not permitted to stop.</p> <p>Vehicles to be moved on if driver present, otherwise instant issue of a penalty charge notice.</p> <p>Blue Badge holders not exempt.</p>
47	<p>Stopped on a restricted bus stop/stand</p> 	<p>Buses/coaches only, Instant issue of a PCN, to all other vehicles.</p> <p>Blue Badge holders not exempt.</p>

48	<p>Stopped in a restricted area outside a school</p> 	<p>Instant issue of a PCN.</p> <p>Blue Badge holders not exempt.</p>
99	<p>Stopped on a pedestrian crossing or crossing area marked by zigzags</p> 	<p>Instant issue of a PCN.</p> <p>Blue Badge holders not exempt.</p> <p>(Note: If Police have already taken action no penalty charge notice to be issued-criminal action takes precedence.</p>

Off-Street (Car Parks)

Code	Contravention Description	Enforcement Criteria
71	Parked in an electric vehicles ^{tt} charging place during restricted hours without charging.	<p>Instant issue of a Penalty Charge Notice</p> <p>Blue badge holders not exempt.</p>
80	Parked for longer than the maximum period permitted	<p>A grace period of 10 minutes is permitted after maximum period permitted.</p> <p>Instant issue of a penalty charge notice.</p> <p>Blue Badge holders are exempt. Badge must be valid and displayed correctly. Time clock not required.</p>
81	Parked in a restricted area in a car park	<p>Instant issue of a penalty charge notice.</p> <p>Blue Badge holders not exempt.</p>
82	Parked after the expiry of paid for time	<p>A grace period of 10 minutes is permitted after the pay & display ticket expires.</p>

		<p>Instant issue of a penalty charge notice beyond this period.</p> <p>Blue Badge holders are exempt. Badge must be valid and displayed correctly. Time clock not required.</p>
83	Parked in a car park without clearly displaying a valid pay & display ticket	<p>5 minute observation period to be given to ensure driver is not purchasing a pay and display ticket.</p> <p>Visual inspection to be undertaken of windscreen and vehicle interior before issue of a penalty charge notice.</p> <p>Validity of any displayed tickets to be checked. If unable to verify or read face down tickets a penalty charge notice to be issued.</p> <p>Blue Badge holders are exempt. Badge must be valid and displayed correctly. Time clock not required.</p>
85	Parked in a permit bay without clearly displaying a valid permit	<p>Visual inspection to be undertaken of windscreen and vehicle interior before issue of a penalty charge notice.</p> <p>Validity of any displayed permits to be checked- penalty charge notice to be issued for invalid permit.</p> <p>If unable to verify or read face down permits a penalty charge notice to be issued.</p> <p>Suspected fraud or misuse of permit to be reported.</p> <p>No observation period, instant penalty charge notice issued.</p> <p>Blue Badge holders not exempt</p>
86	Parked beyond bay markings	<p>At least one wheel should be outside bay/space.</p> <p>Where a series of vehicles have straddled the bay markings and it is not possible to identify which vehicle first caused the effect a penalty charge notice should not be issued.</p> <p>Two or more bays to be affected before issue of a penalty charge notice.</p> <p>No observation period, instant penalty charge notice issued.</p> <p>Blue Badge holders not exempt</p>
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	<p>Visual inspection to be undertaken of windscreen and vehicle interior for evidence of a blue badge</p> <p>If no badge is displayed or an expired badge is displayed, instant issue of penalty charge notice.</p>

		If badge cannot be read (upside down or obscured) penalty charge notice to be issued. Suspected fraud or misuse of badge to be reported.
91	Parked in an area not designated for that class of vehicle	Visual inspection to be undertaken of windscreen and vehicle interior before issue of a penalty charge notice. Zero observation period. Blue Badge holders not exempt.
92	Parked causing an obstruction	Instant issue of a penalty charge notice. Blue Badge holders not exempt.

13. Specific Enforcement and Appeal Criteria

The following sets out how we will deal with various enforcement issues and situations of vehicles parked in contravention of local restrictions in Gravesham. This is not meant to be an exhaustive list and there will be occasions where either the Civil Enforcement Officer or back office staff will need to consider a case on its individual merits and need to apply a common sense/gained experience approach on whether to issue a penalty charge notice in the first instance and then subsequently, on appeal, whether to cancel or accept the appeal.

Abandoned Vehicles

Where a vehicle remains parked for a period during which multiple penalty charge notices are issued for the same offence (a maximum of three) a Civil Enforcement Officer reports the vehicle as potentially abandoned and information is passed to the appropriate Council officer.

Criteria to be used in identifying Abandoned Vehicles are:

- ❖ General poor condition of vehicle, for example multiple flat tyres.
- ❖ No evidence of movement.
- ❖ Untaxed
- ❖ Multiple penalty charge notices attached to the vehicle.

Whilst the vehicle is being dealt with as potentially abandoned no further penalty charge notices are issued.

Bank Holidays - Restrictions Applicable

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

In the Council's pay and display car parks restrictions and conditions of use are displayed.

Motorists should not assume that restrictions do not apply to Bank Holidays unless this is specifically stated in the relative signage.

Blocked Access

Drivers who claim they are unable to gain access to their private or commercial property are not entitled to park in contravention of any parking restriction as an alternative parking option. Where access to the highway is being blocked and no parking restriction is in place, this is classed as an obstruction on the highway which is a Police responsibility to enforce and should be reported to Kent Police on the non-emergency number 101.

Blue Badge Drivers and Passengers

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

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

Failure to display the badge/clock correctly will result in a PCN being issued. When considering appeals from badge holders in these circumstances, the Council will take into account previous contraventions and if no previous contraventions for incorrectly displayed badge have occurred in the previous year the appeal will be allowed on one occasion and a warning given with advice on how badges should be displayed. If however previous PCN's have been cancelled for failure to display the badge/clock correctly further PCN appeals will be rejected.

Broken Down Vehicles

Not all vehicle breakdowns are visible to the CEO and therefore claims of alleged breakdown are accepted if they appear to be unavoidable and supporting evidence in the form of one or more of the following is produced:

- ❖ Garage receipt, on headed paper, properly completed and indicating repair of 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 the contravention.
- ❖ Confirmatory letter/documentation from the RAC, AA, garage or other motoring organisation.
- ❖ Confirmation from a Civil Enforcement Officer that the vehicle was obviously broken down or was seen to be towed away.

A note left in the windscreen of the vehicle stating that "the vehicle has broken down" is not necessarily accepted by a CEO as a reason for not issuing a PCN.

If the vehicle has specific damage such as Road Traffic Collision damage or a flat tyre then the CEO will make a note of this and take photographic evidence.

Builders/Tradespersons

Residents Permit Parking Zones - All trade vehicles parked within a residents permit parking zone are required to have a virtual daily visitor permit assigned to their vehicle, which the

resident can allocate on their online account. If no virtual visitor permit is assigned parking will only be allowed whilst loading/unloading of tools and materials is taking place. At all other times the vehicle must be moved to an unrestricted parking area.

Permit Parking Area (PPA) - All trade vehicles parked within a PPA are required to have a virtual visitor waiver permit assigned to their vehicle, which the resident can allocate on their online account. If no visitor permit is available parking will only be allowed whilst loading/unloading of tools and materials is taking place. At all other times the vehicle must be moved to an unrestricted parking area.

Yellow line restrictions - Parking is only allowed whilst loading or unloading of tools and materials are taking place. At all other times vehicles must be moved to an unrestricted parking area.

Care Organisations, Doctors and Social Services

Numerous care organisations operate within the Borough as well as privately arranged care providers. Although some organisations, Doctors, Nurses, Midwives or Social Service Departments may display their own badges or permits in their vehicles, these are not valid as authority to park. CEO's will use their discretion when they see such badges in vehicles. If a PCN is issued to a vehicle that was being used by a Doctor etc. who is on call visiting a patient then discretion may be used in the subsequent appeal and the PCN may be cancelled.

Clamping and Removing

Consideration will be given to the use of clamping and removal of vehicles where the circumstances allow – for example, where the vehicle is a persistent offender and repeatedly breaks parking restrictions and it has not been possible to collect payment for these contraventions. Any such action onstreet would require the consent of Kent County Council, on whose behalf Gravesham Borough Council are acting.

Enforcement Agents working on behalf of the Council to recover unpaid PCN debt do have the legal powers to immobilise and /or remove vehicles. The Enforcement Agent will use these powers when dealing with customers that have an outstanding warrant and the debtor is purposely avoiding making contact.

Complaints against Civil Enforcement Officers

Allegations that an Officer has made an error whilst issuing a penalty charge notice are investigated under the normal 'Challenge' and 'Representations' procedures.

Any allegation of misconduct or rudeness made against an Officer is dealt with under Gravesham Borough Council's formal complaints and / or disciplinary procedures.

Council Officers and Members on duty

All council officers and Members on official duty are expected to fully comply with parking regulations and the terms and conditions of their virtual car par permit.

Parking on yellow lines – Officers and Members are not permitted to park on yellow lines whilst carrying out their official duties.

Challenging a PCN – if a Council Officer or Member receives a PCN, they have the right to appeal and must put their challenge/appeal in writing in line with the processes and procedures outlined in this Policy.

Dental/Doctors' Appointments

Challenges or representations that are made against an issue of a penalty charge notice claiming that, due to a delay in an appointment time or that treatment took longer than anticipated, resulted in a contravention of overstaying in a pay and display car park are given due consideration (in pay & display car parks only, not applicable in the ANPR controlled car parks).

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

Description of Vehicle and location of vehicle on Penalty Charge Notice

When issuing a penalty charge notice the Civil Enforcement Officer is required to note the make, colour and registration number of the vehicle, which is printed on the notice. The officer will also note other details such as position of tyre valves, permit details etc. which shall form part of the supporting records.

Incorrect vehicle colour - If the colour is incorrectly recorded, due consideration may be given to cancellation of the penalty charge notice as follows:

Similar colours can be mistaken for each other especially in poor light. Where there is a close relationship between the colours a penalty charge notice will be pursued.

Where there is wide difference (i.e. a blue car recorded as a white) cancellation of the penalty charge notice may be given serious consideration.

Incorrect vehicle make - Different manufacturers do produce models that look similar, but it would be very difficult to enforce a penalty charge notice issued to a totally different make of vehicle. In such instances due consideration is given to cancelling a penalty charge notice

Incorrect Location - When a penalty charge notice is issued the location of the vehicle is stated on the notice. If the location is recorded incorrectly the penalty charge notice may be cancelled.

Diplomatic Vehicles - Diplomatic vehicles are not exempt from parking restrictions. A Civil Enforcement Officer will therefore issue a penalty charge notice to such vehicles if normal criteria requirements are met.

If a DVLA response shows that the vehicle has diplomatic privileges (a 'D' plate), the penalty charge notice is not subject to the enforcement procedure because many diplomats are not subject to civil jurisdiction.

Vehicles with an 'X' plate indicate that the owner is an embassy employee and, as such, does not have diplomatic immunity. In these instances the Council applies the normal enforcement procedures.

Discretion

The Secretary of State for Transport considers that the exercise of discretion should, in the main, rest with back office staff as part of considering challenges against PCNs and representation against a NtO. This is to protect CEOs from allegations of inconsistency, favouritism or suspicion of bribery. It also gives greater consistency in the enforcement of traffic regulations.

Drink Driving or Other Arrest

If as a direct result of being arrested or detained by the police a driver of a vehicle has been forced to leave a vehicle in contravention of a parking restriction a resultant penalty charge notice may not be pursued, if the view of officers is that the driver has not had time to remove the vehicle upon release from custody.

Where challenges against the issue of a penalty charge notice are made on arrest claims the Council requires the driver of the vehicle to provide supporting documentation/evidence of the arrest. Failure of the driver to supply or obtain supporting documentation/evidence leads to the penalty charge notice being pursued.

Dropping Off and Picking Up

Except on designated clearways, and zig-zag areas at schools and pedestrian crossings 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 it involves young children, the elderly or disabled persons.

Emergency Duties

It is accepted that persons engaged on emergency duties (i.e. Doctors, nurses, midwives) may need to park in contravention of parking controls in some instances.

Attendance to emergency call outs by plumbers, electricians, gas engineers etc. are considered to last as long as it takes to make the premises safe i.e. turn off the main supply, after which the Council would expect that the vehicle be moved to a permitted parking place before any subsequent repairs are undertaken.

Foreign Vehicles

Foreign registered vehicles are not exempt from parking regulations and Civil Enforcement Officers should issue a penalty charge notice to such vehicles if normal criteria requirements are met.

Footway Parking

Civil Enforcement Officers can only issue a penalty charge notice to a vehicle parked on a footway where there are single or double yellow lines on the carriageway adjacent to where the vehicle is parked. Waiting and loading restrictions (yellow lines) cover the whole highway, which includes footways and verges. A penalty charge notice can therefore be issued to a vehicle parked on a footway if it is adjacent to the single or double yellow line restriction.

In some areas of the Borough there is a specific Traffic Regulation Order in place prohibiting footway parking.

If there are no single or double yellow lines in the road and the footway/verge is not covered by a specific Traffic Regulation Order prohibiting parking then only the Police can take action with vehicles that are causing an obstruction by parking on the footway/verge.

Funerals and Weddings

Vehicles actively involved in a funeral or a wedding should be given due consideration and respect and PCN's will not be issued.

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

If PCN's are inadvertently issued to vehicles associated with a funeral or wedding, mitigating circumstances will be considered upon receipt of an appeal.

Hackney Carriages and Private Hire Vehicles

Hackney Carriages and Private Hire Vehicles operating within the Borough are licensed by Gravesham Borough Council and carry a numbered license plate that must be displayed on the vehicle.

Hackney Carriages and Private Hire Vehicles, 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. If a licensed Hackney Carriage or Private Hire Vehicle is left unattended it shall be liable to receive a penalty charge notice

Civil Enforcement Officer's will exercise reasonable discretion to Hackney Carriages and Private Hire Vehicles when picking up or dropping off passengers to allow drivers reasonable time to announce their arrival and accept payment.

Hiring Agreement

In instances where a penalty charge notice has been issued to a hire vehicle it is the hirer who becomes liable for the penalty.

Consequently, in this instance, the responsibility does not rest with the registered keeper (the Hire Company) providing they make formal representation to the Council once the 'Notice to Owner' has been sent to them. The representation must be accompanied by a copy of the appropriate hire agreement.

In all cases the agreement must include:

- The name, address and date of birth of hirer.
- Details of the hirer's driving licence.
- Details of vehicle hired.
- Start and finish dates of hire period.
- A statement signed by the hirer accepting liability for penalty notices

Should any of the above be unclear, absent or in contradiction of the issue date/time of a penalty charge notice then Council policy is to enforce the notice against the Hire Company.

Incorrect recording of Keeper's Name

Incorrect keeper's name and or address on the Notice to Owner does not necessarily invalidate it or discharge the liability of the person receiving it. The onus is on the genuine keeper to deal with the matter. Keeper names and address are obtained from the DVLA and are supplied by the keepers themselves. It is therefore incumbent upon the keeper to ensure that these are correct.

In instances where incorrect details are discovered, alterations are made to the Council's records to ensure that future notices are sent out correctly.

Loading and Unloading

Loading and unloading is a valid exemption from certain parking contraventions.

This activity needs to be visible and the process (i.e. the delivery/collection and obtaining any necessary signature etc) needs to be continuous in order to satisfy the concessions for loading and unloading.

If, having observed the vehicle for a minimum of 5 minutes, no activity is observed, the Civil Enforcement Officer should issue a penalty charge notice. The burden of proof that the exemption actually applied then falls on the motorist who is given the statutory opportunity of so doing by making a challenge or formal representation.

Loading and unloading implies an item or items of bulk which cannot easily be carried from the nearest legitimate parking place.

Overall, therefore, Officers are empowered to consider a case on its individual merits and to take into account all the evidence presented. Appropriate evidence could, for example, be 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.

Lost Vehicle Keys

Where there is evidence that car keys have been lost, stolen or locked in a car thus preventing removal of the vehicle from a parking area which in turn resulted in the issue of a penalty charge notice, then due consideration is given to the cancellation of the notice.

In dealing with such a claim Officers should consider all relevant circumstances. For example if the vehicle was parked in a pay and display car park, did the loss of the keys prevent purchase of additional parking time? If the vehicle was parked on a yellow line, why was it parked there in the first place?

Medical Emergency

In claims made that the driver or passenger became ill or suffers from a condition involving such circumstances, Officers have the discretion, where it is evident that the driver could not have foreseen the situation. Officers may seek written corroboration in the form of witness statements or medically issued statements or certificates.

Missing, Obscured or Broken Road Signs or Markings

Yellow Lines - Where a short break occurs in a length of yellow lining (due to highway repair, manhole cover or grating etc) and it is clearly evident that the line is otherwise continuous a claim made against the issue of a penalty charge notice on these grounds is not regarded as valid.

Where lines are partially worn, but are still reasonably visible, a claim made against the issue of a penalty charge notice on these grounds is not regarded as valid.

Where a considerable length of yellow line (where it is not clearly evident that the line is continuous) is missing the restriction is not enforceable and as such no penalty charge notices should be issued. If a penalty charge notice is issued and a claim is made on these grounds the notice may be cancelled.

Signs - Signs accompanying restrictions must be visible at all times. Claims that a sign was obscured and could not be read because of graffiti, overhanging trees etc. may be treated on their individual merits. If upon inspection the claim is substantiated the penalty charge notice may be cancelled. If the sign can be easily read the notice is pursued.

If a sign is missing the restriction it relates to is not enforceable. If a penalty charge notice is issued and a valid claim is made on these grounds the notice may be cancelled.

Parked Across a Dropped Kerb and Parked 50cm Away from the Kerb (Double Parking)

During 2008 the Department for Transport undertook a consultation exercise as to whether restrictions on parking at dropped kerbs and double parking should be indicated with traffic signs and road markings. The response indicated clear overall support that signs and lines should not be required. As a result Regulations were amended to allow enforcement authorities to enforce prohibitions of parking at dropped kerbs and double parking without the need for Traffic Regulations Orders, traffic signs and road markings. Amended Regulations came into force on 1 June 2009, thus allowing enforcement authorities to enforce these parking restrictions from that date.

As these contraventions do not require a Traffic Regulation Order, the contraventions, exemptions and enforcement policy is detailed below-

Parked 50cm Away from the Kerb (Double Parking)

The contravention of double parking applies when a vehicle parks on any part of the carriageway and no part of the vehicle is within 50cm of the edge of the carriageway.

Although parking more than 50cm from the edge of the carriageway may not cause problems for smaller vehicles to pass, the passage of ambulances, fire engines, buses, waste collection vehicles and other essential vehicles could be obstructed. If a vehicle is seen either double parked or 50cm away from a kerb and is causing an obstruction to the free flow of traffic a PCN will be issued.

Exemptions to the contravention of double parking are:

- Vehicles which are parked wholly within a designated parking place or any other part of the carriageway where parking is specifically authorised
- Vehicles used by the fire, ambulance or police services
- Where loading or unloading is taking place
- Vehicles used for waste collection, building works or road works

Blue Badge Holders are not exempt from this restriction.

Civil Enforcement Officers will observe for such offences when patrolling their daily patrol route. When a complaint is received by the council regarding a single incident response will be subject to best efforts, subject to staff availability and/or being mobile.

Where there is a complaint (or series of complaints) regarding persistent and repeated offences, a patrol route may be modified on a temporary basis, again on a best efforts basis.

In determining allocation of resources, particular attention will be paid to offences that impede the passage of those with disabilities.

Parking at Pedestrian Dropped Kerbs (Tactile Paving)

The contravention of parking adjacent to a dropped kerb applies where a vehicle parks on the carriageway next to a place where the footway, cycle track or verge has been lowered to the level of the carriageway. Parking alongside a pedestrian dropped kerb can cause considerable inconvenience and put vulnerable road users at severe risk.

In instances where a vehicle parks alongside a pedestrian dropped kerb the Council's policy is to issue a penalty charge notice to the offending vehicle, subject to the exemptions listed below.

Civil Enforcement Officers will observe for such offences when patrolling their daily patrol route. When a complaint is received by the council regarding a single incident response will be subject to best efforts, subject to staff availability and/or being mobile.

Where there is a complaint (or series of complaints) regarding persistent and repeated offences, a patrol route may be modified on a temporary basis, again on a best efforts basis.

In determining allocation of resources, particular attention will be paid to offences that impede the passage of those with disabilities.

Exemptions to the contravention of parking at dropped kerbs are:

- Alighting from a vehicle
- Vehicles used by the fire, ambulance or police services
- Where loading or unloading is taking place
- Vehicles used for waste collection, building works or road works

Blue Badge Holders are not exempt from this restriction.

Parking at Dropped Kerbs-Driveways to Residential Premises

Legislation also allows for enforcement by PCN when a vehicle is parked across a dropped kerb outside a residential property which allows vehicle access to a driveway, parking area or garage etc.

There are additional exemptions to residential driveways –

- Vehicles parked outside a driveway to residential premises with the occupier's consent (but see note below)
- Vehicles parked outside a shared driveway to residential premises by or with the consent of residents at those premises.

These exemptions mean that authorities should not take enforcement action where a vehicle is parked outside residential premises unless the occupier has asked the enforcement

authority to do so. Authorities will need to check that the individual making such a request is entitled to do so.

Due to the complications these exemptions can cause, the highway authority (Kent County Council) decided (decision January 2011) not to enforce at residential dropped kerbs and instructed the Boroughs that operate on their behalf not to enforce. Kent County Council have since decided that each authority can make a decision locally as to whether they will take enforcement action at residential dropped kerbs or not.

The enforcement of dropped kerbs at private residential properties by Civil Enforcement Officers is not carried out within the Borough of Gravesham for the following reasons:

- It would be difficult to resource by the parking team to ensure consistent and fair patrols of areas where there are dropped kerb to private properties.
- It would be difficult for the CEO, if a vehicle was found to be parked across a private dropped kerb, to ascertain if permission had been granted and therefore to know whether to enforce or not.
- As a dropped kerb effectively guarantees a parking space on the highway, because those without permission cannot park next to it, there is a risk that property owners could rent out that space.
- There is a risk that the authority could become embroiled in neighbourhood disputes.
- There is a risk that the service could be seen as an 'on demand' service for residents who have a dropped kerb.

Historically the Police have also been able to enforce parking across a private dropped kerb when a vehicle blocks a vehicle (that is parked on the driveway) from gaining access to the Public Highway. This parking offence is an obstruction to the Highway and the Police are still able to, and do currently enforce this restriction.

Pay and Display Tickets / RingGo

Motorists parking within the Council's pay and display car parks and on street pay & display areas are required to purchase a ticket at the time of parking for the amount of time required.

Tickets display the expiry date and time together with the fee paid and name of the parking place.

Pay and display tickets must be:

- Clearly displayed whilst the vehicle is parked.
- For the date shown.
- Un-expired.
- For the correct car park or on street pay & display area.
- For the correct vehicle

Parking time can also be purchased through the councils pay by phone provider, RingGo.

There is no physical ticket to display when using RingGo but the parking time needs to be purchased at the time of parking and cover the whole parking stay. The parking time also needs to be purchased for the correct parking zone and for the correct vehicle.

A PCN will be issued if the above criteria is not adhered to.

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 occurrences by the same owner may result in such challenges being rejected.

Challenges or representations made on the grounds that the driver did not have change are not accepted as valid reasons for not displaying a valid pay and display ticket.

Challenges or representations made because of delays returning to the car park are dealt with in accordance with the policies covered elsewhere in this document.

Where it is claimed that a machine was not working and it is subsequently confirmed (by maintenance records, Civil Enforcement Officer notes or machine test records) that the machine was not working at the time then the penalty charge notice may be cancelled.

However, if there was an alternative machine, in working order in the same car park, then it is reasonable to expect that the driver would use this machine. The matter is dealt with by Officers on its individual merits

Permission to Park given by Police Officer

A police officer in uniform can direct or give permission for a vehicle to wait or park where restrictions are in existence.

In claims made that permission was given to park/wait, confirmation from the police officer concerned is required prior to the cancellation of a penalty charge notice.

Permits

The council issues a number of different parking permits (resident, visitor, town centre worker, car park season permit).

Permits are subject to the terms and condition of use which are supplied at the time the permit is applied for. They are only valid for the area and vehicle for which they are issued and for the period specified.

All council parking permits are now virtual permits, failure to have a virtual permit assigned to the vehicle, having an out of date permit assigned to the vehicle, using a permit where it is valid are all offences and subject to the usual penalty notice processes set out in this policy.

The onus is on the permit holder to ensure the permit is assigned to the vehicle correctly.

Police Vehicles

Penalty charge notices are not issued to marked police vehicles when on official duty.

A request for cancellation of a penalty charge notice issued to an unmarked vehicle must be supported by confirmation from the officer's superior that the vehicle was engaged in such an assignment.

Pregnancy – Parents with Young Children

Generally pregnancy 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. If the delay was caused by the parent not allowing enough time to deal with young children or their own condition, both of which they are fully aware of, then the PCN will not normally be cancelled.

Requests for Enforcement

We receive regular requests for additional enforcement patrols for specific restrictions, roads or areas. Requests can be received by phone or in writing and are generally from residents or businesses in the area but can also be from Police, Emergency Services or organisations such as Schools.

We will investigate all requests and if it is an issue that that the CEO's can enforce then patrols of the reported areas will be made.

We do on occasions receive requests asking for immediate enforcement of a certain restriction where a vehicle is causing obstructions to traffic. Whilst we attempt to respond to these requests as a matter of urgency, it will depend on the resources we have available at the time and where they are in the Borough.

Stolen Vehicle

In claims that a vehicle issued with a penalty charge notice had 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 police and/or insurance company.

Taxi Ranks

A number of taxi ranks operate within the Borough. Vehicles, other than Hackney Carriages parked in such ranks are subject to the penalty charge notice procedures set out in this policy.

Zigzag markings outside schools

Zigzag markings outside schools are installed for the safety of children. Time plates showing the hours of operation will be in place on the marking.

Vehicles parked on restricted markings, during the times shown on the plate, are issued with a penalty charge notice which will not be cancelled under any circumstances (including that the driver was picking-up or dropping-off children).

Zigzag markings at pedestrian crossing

The Police still retain powers to enforce zigzag markings at pedestrian crossings. If the Council and the Police both take enforcement action, the criminal action takes precedence and a penalty charge notice issued by a Civil Enforcement Officer may be cancelled. In these instances if a penalty charge has been paid it can be refunded.

14. Policy Review

This policy will be reviewed every three years, or if there is a change in local circumstances and / or government policy and guidance.

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