

SAFE WELL PROSPEROUS CONNECTED

Civil Parking Enforcement Policy

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1. Introduction

The council's ambition for North Lincolnshire is for it to be the Best Place to Live, Work, Visit and Invest. This vision is underpinned by 4 key outcomes, that ensure people are:

- Safe
- Well
- Prosperous
- Connected

The Council will, through the implementation of the Civil Parking Enforcement Policy work to create a safer Place for residents and visitors to North Lincolnshire. The Civil Parking Enforcement Policy contributes towards the council's outcomes and priorities in the following ways:

- To provide safer roads, through the enforcement of on-street parking restriction
- To provide safer spaces, through the use of the Park Mark scheme which recognised safe off-street parking provisions
- To integrate traffic management policies with effective on-street enforcement
- To provide dedicated on-street and off-street parking enforcement.
- To allow the council to be responsive to changing priorities, local factors and demand for parking.
- To provide definitions of parking exemptions or dispensations where appropriate.
- To allow free moving traffic

Further details on the council plan can be found at;

<https://www.northlincs.gov.uk/your-council/council-plan/>

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

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

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

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

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

This policy covers both on and off-street enforcement activities. All council staff involved in parking enforcement shall have regard to this policy.

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

2. General note

Unless otherwise stated, the guidance detailed within this document applies everywhere within the Civil Enforcement Area (CEA) and Special Enforcement Area (SEA), which includes all on-street restrictions and council owned off-street car parks within the Borough of North Lincolnshire, with the exception of a small number of exempted roads, details of which are listed in Appendix A to this policy.

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

CEO's are expected to advise members of the public who query the following information when issued with a Penalty Charge Notice (PCN):

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

CEO's will not -

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

Civil Parking Enforcement (CPE) was introduced in March 2010. Since then there have been regular Traffic Regulation Order (TRO) changes and will be continually amended as the need arises. As such, some drivers will not have received tickets in the past when parked illegally in that same location. CEO's are likely to receive complaints from motorists that have regularly parked in a particular place and never been issued with a ticket'. In these circumstances, the driver should be aware that:

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

3. Enforcement

3.1. Penalty Charge Notice (PCN)

The council has the power to enforce parking penalties under the Traffic Management Act 2004. The penalties are issued by way of a 'penalty charge notice' (PCN). These parking penalties are not treated as criminal offences.

3.2. Duplicate Penalty Charge Notices

If a vehicle is parked in contravention for more than one day , and has already received one PCN, a second PCN will be issued the following day.

3.3. Enforcement Agents (Bailiffs)

Where a PCN remains unpaid. The matter may be referred to an enforcement agent to recover any outstanding debt. The enforcement agent is not employed by the council and will be acting under a warrant in pursuing any debt owed to the council.

Enforcement agents vehicles are only exempt from parking regulations where they are actively being used for the removal of goods from a property. An enforcement agent calling to collect on a warrant (where goods are not being removed from the premises) is not exempt and unless there is any indication that goods are to be removed (when the normal loading provisions will apply) the CEO will issue a PCN.

3.4. Clamping & removal

North Lincolnshire Council does not currently clamp or remove vehicles which are parked in contravention. However, the council may remove any vehicles or that are classed as persistent evaders.

A persistent evader is defined as a keeper or identified driver of a vehicle that has three or more recorded contraventions or PCN's that have not been paid on expiry of the statutory appeal period.

The Traffic Management Act 2004 gives the council the power to remove any vehicle that belongs to or is driven by a persistent evader and impound it. The registered keeper of the vehicle is then responsible for providing proof of ownership and paying a statutory removal and storage fee before the vehicle is released.

A registered keeper or known driver of a vehicle will continue to be classed as a persistent evader whilst there are more than three Penalty Charge Notices outstanding against it.

3.5. CCTV Enforcement

Under the Traffic Management Act 2004, local authorities are permitted to issue PCN's using evidence gathered by CCTV cameras. The cameras used must be of an approved standard. On witnessing a contravention, a PCN is posted out to the registered keeper of the vehicle.

At present, North Lincolnshire Council does not enforce using CCTV cameras.

3.6. Drive Away Vehicles

Under the Traffic Management Act 2004, Local Authorities have new powers to issue PCN's by post on occasions when the vehicle is driven away before the notice has been issued. This type of Notice is known as a Regulation 10 PCN.

A Regulation 10 PCN can be issued in the following circumstances:

- Vehicles that drive away before the PCN has been affixed to the vehicle or handed to the driver.
- Vehicles that are parked in contravention in such a place that is dangerous or impractical for a CEO to issue a PCN.
- Vehicles parked in, or overlapping a bus stop.
- Vehicles parked on a Clearway.

3.7. Drivers in Vehicles

Where a vehicle is parked in contravention of the restrictions and the driver is sitting in the vehicle, the CEO will ask the driver to move the vehicle and park legally (except in bus stops or at pedestrian crossings and school zigzags where the contravention has already occurred); issuing a PCN only if this request is not met. Where a passenger is present in the passenger seat there is no requirement to ask them to move the vehicle and normal enforcement should continue.

3.8. Requests for Enforcement

From time to time, members of the public may approach CEO's to request the enforcement of a particular restriction.

Where a CEO is approached whilst he/she is patrolling an area, providing that the request relates to a neighbouring road or the same road and will normally not involve them leaving their allocated beat, the CEO should generally comply with the request.

If the request will mean that the CEO will have to travel a considerable distance or leave their beat for a significant period of time, then they will note the request and ensure that this issue is addressed as soon as possible.

3.9. Weather (Inclement)

Inclement weather conditions are not an excuse for contravening parking restrictions. Indeed, in some conditions where visibility is reduced, it can be particularly dangerous to park in contravention of restrictions. However, during periods of heavy snow, where signs and lines may be obscured, CEO's will take account of this when deciding whether a PCN should be issued. North Lincolnshire Councils signs and lines policy can be found at <https://www.northlincs.gov.uk/transport-and-streets/traffic-signs-road-markings-and-road-studs/>

3.10. Abandoned Vehicles

It will not necessarily be apparent a vehicle parked in contravention of parking restrictions has been abandoned. Therefore, a PCN will normally be issued in the first instance. Vehicles can be parked in contravention for more than one day before being moved. Therefore, further PCNs may be issued to a vehicle on subsequent days, before it is considered abandoned.

Where a CEO feels a vehicle has been abandoned no further PCN will be issued and the vehicle reported to Environmental Health to investigate further. At which point the council may remove any vehicle that is deemed to be abandoned.

For more information or to report an abandoned vehicle go to;

<http://www.northlincs.gov.uk/planning-and-environment/environmental-crime/fly-tipping-and-waste-management/abandoned-vehicles>.

4. Appeals

All appeals or objections to a PCN must be made in writing. This can be by either one of the following routes;

- The council's web site:- <https://www.northlincs.gov.uk/transport-and-streets/civil-parking-enforcement>
- Letter addressed to:-

Parking Services
Church Square House
PO Box 42
Scunthorpe
North Lincolnshire
DN15 6XQ

4.1. Objections

This is an informal stage of appeal which can be made when a parking fine (Penalty Charge Notice) is first received.

Where an objection to a PCN is received, it will be investigated and considered in-line with the council's agreed procedures (available at <https://www.northlincs.gov.uk/transport-and-streets/civil-parking-enforcement>). Following any investigation the person making the objection will receive a written response to inform them of the decision.

If an objection is accepted the PCN will be cancelled. If it is rejected there is the option either to pay the PCN, (if the objection was received within 14 days of the PCN issue date then a further 14 days to pay at the reduced rate of £25 or £35 will be offered), or wait for the Notice to Owner to make a formal representation. The discounted rate will not apply if payment is made after this 14 day period or if a formal representation is made.

4.2. Representations

This is a formal stage of appeal which can only be made after receiving a 'Notice to Owner'. The 'Notice to Owner' is sent to the owner/keeper of the vehicle registered at DVLA (regardless of who was driving).

Representations must be made in writing using the Notice to Owner form and will be considered by an independent officer from Parking Services. A formal written response will be made within 56 days from the date of receipt of the representation. Where a response is not made within 56 days the penalty charge notice will be cancelled.

Representations should be made on one of the statutory grounds below.

- The contravention did not occur
- I was not the owner/keeper of the vehicle at the time of the contravention
- The vehicle had been taken without my consent
- We are a hire firm and have supplied the name of the hirer
- The penalty charge exceeded the relevant amount
- There has been a procedural impropriety on behalf of the council
- The traffic order was invalid

If none of these grounds apply a representation can still be made asking that mitigating circumstances be taken into account.

4.3. Adjudication appeal

If a representation is rejected this can be appealed to the Traffic Penalty Tribunal (TPT). Appeals cannot be made to the TPT unless the owner has first made a formal representation to the enforcement authority. Further information about the TPT can be found on the Traffic Penalty Tribunal website.

5. Community Wardens/Civil Enforcement Officers (CEO's)

5.1. Body worn Cameras

CEOs wear body worn video cameras to record any interaction with members of the public. This is for the security of our staff and also those with whom they have any interaction.

5.2. Abusive & Violent Behaviour

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

CEO's who experience abusive behaviour will make a full record in their pocketbook directly quoting what is said. Threatening or intimidating behaviour is subject to the council's operating procedures and will be treated as serious incidents. The council will fully support the CEO in the prosecution of individuals who assault or harass them in the performance of their duties, and will enlist the support of Humberside Police to take legal action in such an event.

6. Enforcement periods

6.1. Hours of Enforcement

Enforcement will be carried out during the hours of control, which vary according to the restriction. Relevant signs or information boards in each location will provide details of the hours of enforcement in each location. It should not be assumed that the council does not enforce at certain times if CEO's are not visible.

6.2. Bank holidays/Christmas

All waiting restrictions are active on statutory Bank and Public Holidays and will be subject to enforcement activity. The council will also enforce on its off street car parks on Bank or Public Holidays.

However, the council appreciates that the Christmas period has to be treated sensitively where loading/unloading of presents may take place and residents park their vehicles overnight. No enforcement will therefore take place on Christmas Day.

7. Blue Badges/Disabled bays

People with mobility problems and severe health problems may be eligible for a Blue Badge. These can be obtained from North Lincolnshire Council subject to application criteria.

Blue Badges issued by any other local authority (including other countries in the European Union) are also valid in North Lincolnshire.

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

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

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

Blue Badge holders are not permitted to park:

- Where loading restrictions are in force, or in loading bays.
- On bus stops which are subject to a bus stop clearway order, or on any clearway.
- On school zigzag areas.
- In taxi ranks.
- On zigzag markings adjacent to zebra or other pedestrian crossing facilities.
- Where it is not safe to do so, such as a brow of a hill or junction (enforcement by the police, not local authority)

If a CEO suspects that a Blue Badge is being used fraudulently, he/she will make a detailed note of the circumstances and the badge details and forward these details to the relevant enforcement body.

If, on appeal to the council, it is established that the person is a valid Blue Badge holder, but has simply failed to display it, then provided there have been no previous similar contraventions, the PCN will be cancelled. If there is evidence of a previous cancellation the PCN will stand.

Further blue badge guidance can be found at;
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839392/rights-and-responsibilities-easy-read.pdf

8. Pay & Display parking

8.1. Displaying pay & display tickets

Pay and display tickets should be displayed in the vehicle's front windscreen so that the CEO can read the details easily. Full instructions for display are located on the ticket itself.

However, if the CEO can read a valid pay and display ticket, a PCN will not be issued for failure to display in accordance with these provisions..

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

Motorists wishing to park across a number of days should contact Parking Services by email (parking.services@northlincs.gov.uk) for further advice.

Pay and display tickets are vehicle specific and not transferable between drivers. A PCN will be issued to any vehicle displaying a ticket from another vehicle.

Drivers who Pay-by-Phone will not need to display a ticket as their paid for time will be recorded and visible to the CEOs via their portable device.

8.2. Pay-by-Phone

Drivers may pay for parking using their mobile phone and bank card, instead of coins.

The benefits of this service include the need to no longer carry change to park; visit a parking machine or display a parking ticket in your vehicle.

When registering for the service you will be asked to provide the number plate, colour and make of your vehicle, and your payment card details.

To pre-register, customers must download the free RingGo app or visit www.myRingGo.co.uk/register. Once registered, payment for parking is completed via the app, by calling, texting or going online.

Alternatively customers can register at the same time as wishing to park, either by using the RingGo app or by calling 0203 046 0010.

8.3. Pay and Display Machine Faults

All pay and display machines are checked daily by CEO's.

If a pay and display machine is found to be faulty or not in use, it is the driver's responsibility to either obtain a ticket from another ticket machine in the same parking place (where provided) or pay by phone, or use an alternative car park.

8.4. Pay and Display tickets – expired time

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

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

However, some drivers do make a mistake in using the machine, and if a vehicle is displaying two pay and display tickets that have been issued within 5 minutes of each other (both for the same day), a PCN will not be issued. In these cases, the total amount of time shown on the pay and display tickets will be allowed.

8.5. Maximum Size of Vehicle

Unless the signage states otherwise, the maximum unladen weight of a vehicle that is permitted to park in a pay and display bay in an off-street car park is 3500 Kg. Passenger vehicles, which can carry not more than 12 passengers and the driver, are also permitted.

All vehicles must park wholly within the bay markings. CEO's will issue PCN's to vehicles that do not comply with these requirements. If a vehicle is too large to park wholly within one bay, a parking ticket should be purchased and displayed for each additional bay, or part thereof, in which the vehicle is parked.

9. Discretionary parking

There is no automatic exemption for certain vehicles to park in contravention of the regulation. However, CEO's will exercise discretion in circumstances detailed below, where necessary, will give advice on the most convenient and sensible parking arrangements.

If a CEO is not able to satisfy themselves that one of the required circumstances are met a PCN may be issued if the vehicle is parked in contravention. Any person receiving a PCN in these circumstances will need to provide supporting evidence for consideration via the

normal route of appeal. Where the supporting evidence confirms that the criteria for a dispensation can be met the PCN will be cancelled.

9.1. Funerals and Weddings

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

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

Where there are no safety or congestion issues, a PCN will not be issued to any essential vehicles.

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

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

In some circumstances the council will be aware of large funerals or weddings and will have advised the CEO's accordingly before they take place.

9.2. Trades persons

The council recognises that trades persons carry out essential services and may need to park close to the premises where they are working.

There is no automatic exemption for the vehicles of trades people. However, CEO's will exercise discretion where trades people require continued access to equipment permanently located in their vehicle, or for safety reasons their vehicle must be in close proximity to where they are working. Such trades people will include but not limited to;

- Window cleaners with water pumps located in their vehicle.
- Drain cleaning companies where the removal of effluent that can be a danger to public health.
- Glaziers, where it would be unsafe to carry the glass over large distances.

Other trades people such as Builders and Scaffolders are generally exempt from parking restrictions whilst loading and unloading equipment from the vehicle. In all other circumstances, a permit/dispensation must be obtained.

CEO's will issue a PCN to vehicles that are not engaged in actively loading/unloading or work that is covered by a permit/dispensation.

9.3. Carers and Health Care Workers

There is a presumption that health care workers and carers will park in accordance with parking regulations, whenever it is reasonable and practical to do so. There is no automatic exemption from parking restrictions for health care workers. It is accepted and understood that, in certain circumstances, health care workers may need to park in contravention of parking restrictions (for example, to park immediately outside a property that has loading restrictions in place, in order to deliver medicines or medical equipment that cannot be otherwise delivered without compromising patient safety). In such cases, a dispensation may be granted (see Dispensations).

9.4. Royal Mail Vehicles

Under North Lincolnshire Council's TRO's, vehicles belonging to the Royal Mail and other companies engaged in the delivery of postal packets (to or from post boxes and business premises), are exempt from enforcement and may load or unload where others are not permitted. However, CEO's will issue a PCN if they believe that such vehicles are not actively engaged in delivery.

9.5. Skip Licences

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

Further details available at;

<https://www.northlincs.gov.uk/transport-and-streets/roads-and-footpaths/#1605087825034-9c21e06b-d314>

9.6. Diplomatic Vehicles

PCN's will not be issued in the normal manner to vehicles parked in contravention and displaying diplomat plates, as they are exempt from parking regulations.

9.7. Emergency Vehicles

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

PCN's will not be issued to these vehicles. If it is obvious that the driver is not engaged on official duties a PCN may be issued.

9.8. Work carried out on the highway/ Statutory Undertakers

These vehicles will not be issued with a PCN if the vehicle is being used in direct connection with works on the highway and appropriate signage is in place. An engineer must be seen to be present and working at the vehicle to prevent a PCN being issued. If there is no activity then the vehicle should be enforced in the normal way.

Examples of essential works include the following:

- Servicing and maintaining street furniture
- Maintenance of utility boxes
- Vehicles performing highway maintenance
- Graffiti removal
- Removal of fly-tipped material
- Work to utilities – Gas, Water, electricity, telecommunications
- Street Lighting
- Traffic signal Engineers

If it is not clear to a CEO that the vehicle is carrying out essential work on the highway, then a PCN may be issued if the vehicle is parked in contravention. Upon receipt of an appeal, such notices will be cancelled if the appeal is supported by evidence of essential work being carried out on the highway. Once any essential work has been completed, the vehicle must be moved, as it is no longer exempt from enforcement and will be treated as such.

If no permit is displayed then a PCN will be issued.

9.9. Breakdowns/Accidents

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

If the driver is present with the vehicle, then the CEO will allow a reasonable time, not exceeding 24 hours, for it to be removed. In cases of genuine breakdown, the motorist will be able to make a written appeal to the council and it will be dealt with depending on the circumstances and supporting evidence, such as recovery note or repair invoice.

10. Parking bays/markings

10.1. Lines and Signs

Before any PCN is issued, the CEO must be satisfied that the required lines and signs are present and are not incomplete or obscured.

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

However, if there are small lengths of yellow lines missing (less than the length of a small car), the CEO will issue a PCN as normal, and report the defective section for remedial action.

Any damaged lines and signs are noted by CEO's when on patrol.

10.2. Parking Outside Bay Markings

On-street areas - A PCN will only be issued to a vehicle if one-third of the vehicle is outside the markings and/or the vehicle is causing a possible obstruction. The exception being bus stops where only one wheel touching the bus stop clearway markings will result in the CEO issuing a PCN. This is because buses, particularly low-floor buses, need the whole area of the bus stop kept clear to manoeuvre into position.

Off-street car parks – Vehicles parked outside the marked bay in a car park will normally be issued with a PCN unless, in the opinion of the CEO, the position of the vehicle does not make it difficult for another vehicle to park in an adjacent parking space.

Vehicles should only be parked in marked bays and should not be parked anywhere else in an off-street car park.

In all cases, photographs will support the PCN.

10.3. Motorcycle Bays

Motorcycles are legally defined as powered two wheeled vehicles. Trikes and quad bikes are classed as motor vehicles, not motorcycles.

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

Motorcycles are not allowed to park in a non-dedicated motorcycle bay without purchasing and displaying a ticket.

11. Highway Parking

11.1. Double Parking (parking away from the kerb)

This activity causes a clear health and safety issue to both pedestrians and other road users. Where a vehicle is parked more than 50 centimetres away from the kerb a PCN will be issued.

11.2. Limited Waiting Bays

There are a number of limited waiting bays in North Lincolnshire. These provide for various waiting times (usually 1 or 2 hours / no return within 1 or 2 hours) unless displaying a valid Residents' Parking Permit where the waiting bay is within a Residents' Parking Scheme (see Residents' Parking Schemes).

PCN's will be issued to vehicles parked for longer than the maximum period permitted, provided that they have over-stayed by a minimum of 10 minutes, or for returning within the no return period.

11.3. Footway (Pavement) Parking

Vehicles parked on pavements can cause particular problems for people in wheelchairs or with visual impairment, and also those with pushchairs.

If there are waiting restrictions (yellow lines) on the highway adjacent to the footway then a PCN can be issued by the CEOs on any vehicle contravening the waiting restrictions. Waiting restrictions apply from the centre of the carriageway to the back of the adopted footway.

If there are no waiting restrictions on the highway adjacent to the footway then the Council have no powers to act. The parking of vehicles on the footway is a danger to pedestrians, it also constitutes obstruction of the highway and can lead to damage, which are both offences under The Highways Act 1980. Incidences of such parking should be reported to the Police, for enforcement action to be taken commensurate with their other duties.

11.4. Verge Parking (inc. Grass)

The parking of vehicles on ornamental grass verges generates many complaints from residents, causes damage and rutting of the verges, risks damaging unprotected underground services, and spreads mud onto adjacent roads and footpaths.

Drivers should be aware that Police Officers or Authorised Officers of the Council do have powers to act against verge parking where existing restrictions do not exist (unrelated to parking contraventions covered by the Traffic Management Act 2004) which may result in a financial penalty.

Where appropriate the council's highways department will use Community Protection Warnings (CPW) and Community Protection Notices (CPN) to deal with vehicles persistently parking on verges and in doing so impacting on those living in the area.

A Penalty Charge Notice (PCN) may also be issued for the contravention of parking on a verge where there are existing restrictions (e.g., yellow lines, or a footway/verge parking ban) adjacent to the verge.

11.5. Yellow Line restrictions

All yellow line restrictions apply from the centre of the carriageway to the highway boundary. Therefore, include footpaths and verges.

11.6. HGV Parking on Residential Streets

The Councils CEOs cannot take any action against heavy goods vehicles (HGVs) parking up overnight on the public highway unless there is a Traffic Regulation Order in operation that prohibits the vehicle from doing so.

This restriction will have to be correctly signed to indicate to the driver that the restriction is in operation. However, if the HGV's are over 7.5 tonnes then they require an operator's licence. This licence is granted to the company by the Local Traffic Commissioner and, when granted, there are a few conditions attached. One such condition is that the vehicle should be garaged overnight either at its operating centre, or as a visitor to another operating centre or at an approved lorry park.

If a resident is experiencing problems with HGV's parking overnight in their street, then they can either contact the Traffic Manager of the company, using the contact details which are usually displayed on the cab door of the vehicle, explaining the nature of the complaint, the registration number of the vehicle concerned and the time and dates; or contact the North East Regional Traffic Commissioner to report potential abuse of the license. The Local Transport Commissioner's officer for the North East Region is: Local Traffic Commissioner Hillcrest House 386 Harehills Lane Leeds LS9 6NF Email: enquiries@otc.gov.uk Phone 0300 123 9000

12. Permits/Passes/Dispensations

Very exceptionally, dispensations may be required for vehicles, where the driver wishes to park in circumstances that would ordinarily be in contravention of parking restrictions, but for which there is no exemption listed in the council's On-Street Parking Order.

To apply for a dispensation, the council should be contacted on-line at;
<https://www.northlincs.gov.uk/transport-and-streets/car-parks-season-tickets-permits-and-exemptions/#1602604885551-bb16488e-c0b1>

Any vehicle granted a dispensation must clearly display the notice in the windscreen. The notice will contain details of the registration number, date(s) and time(s) to which the dispensation relates and the location at which it is valid.

Any vehicle not parked in accordance with the terms of the dispensation will be issued with a PCN.

Residents or businesses may apply for a dispensation in exceptional circumstances. Suspensions may be arranged in the following circumstances:

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

Applications for a dispensation will need to be accompanied by proof of the reason for the dispensation. The applicant should request the Dispensation at least five working days in advance of the event, providing the exact location the dispensation is required. House numbers, if relevant, should be included.

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

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

12.1. Residents' Parking Schemes

There are a number of residents' parking schemes in North Lincolnshire. These schemes are required to ensure that residents within these locations have access to parking spaces in the area surrounding their property.

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

Residents' parking schemes may include limited waiting restrictions (this will be confirmed by the signage on the street). These restrictions allow vehicles not covered by the residents' parking scheme to be parked from time to time.

If a vehicle is not displaying a valid permit and overstays the waiting limit on the street (where applicable), then a PCN will be issued for the appropriate contravention.

12.2. Expired permits

Any Vehicle displaying an expired permit will be given a one-month grace period in which to renew their permit. The CEO will not issue a PCN during this period.

12.3. Season Tickets

Season tickets, are valid in long-stay car parks only and can be purchased from the council at <http://www.northlincs.gov.uk/transport-and-streets/parking/parking-season-tickets-parking-permits-and-exemptions>.

12.4. Display of Permits

Parking Permits are valid in specific car parks. A PCN will be issued to any vehicle not bearing a valid permit, or parked outside the designated areas within the specified car parks.

12.5. Obscured/Incorrectly Validated Permits

If a parking permit is not clearly displayed in a vehicle, a PCN will be issued. The CEO will make a note about the obscured section of the permit and ensure that the appropriate photograph is taken.

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

13. Schools/Crossings/Pedestrians

13.1. Schools and School Zigzags

Yellow lines and zigzags are placed outside schools for the safety of children. It is an offence to stop on the zigzag area where a TRO is in place. There will be no period of observation before the issue of a PCN to any vehicle that is in contravention of parking restrictions on zigzags, where a TRO is in place or yellow lines within 100m of a school. This includes school coaches.

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

13.2. Dropped Crossings

A dropped crossing is defined as a part of a footway that has been dropped (by the council) to give access to a driveway beyond the footway or to provide a road crossing point for pedestrians, cyclists, wheelchair users etc. The council has powers to issue PCN's where vehicles are parked across dropped crossings.

In enforcing this contravention, priority will be given to those locations where there is deemed to be the most significant road safety risk, generally at crossings provided for pedestrians, cyclists, wheelchair users etc. to cross the road.

13.3. Pedestrian Crossings

The council does enforce parking on zigzag markings at pedestrian crossings, and due to the road safety implications, there will not be any observation time allowed.

13.4. Cycle Tracks/Lanes

Parking in a mandatory cycle lane (i.e. a cycle lane separated from the main carriageway by a solid white line) is a contravention for which a PCN will be issued.

Parking in an advisory cycle lane (i.e. a cycle lane separated from the main carriageway by a broken white line) is not a parking contravention for which a PCN will be issued, unless the cycle lane is covered by a parking restriction (e.g. yellow lines).

14. Grace/Observation periods

14.1. Grace Periods

A grace period will be applied on expiry of a pay and display ticket on an off street car park and also in cases where vehicles have over-stayed their time limit on limited waiting restrictions.

The grace period of 10 minutes will apply, to allow a driver to return to their vehicle within a short time period of the ticket or the restriction expiring. This will demonstrate a fair and reasonable approach to enforcement.

Where a driver is not displaying a valid pay and display ticket, a 10 minute observation period will apply (see Observation Periods). This allows the driver time to locate a machine and buy a ticket.

14.2. Observation Periods

When a vehicle is parked in contravention of the regulations, and depending upon the type of restriction, the CEO will observe the vehicle for a time before issuing a PCN.

An observation period is primarily designed to ensure that the vehicle is not engaged in an exempt activity, such as loading or unloading. An observation period is not a grace period (see Grace Periods)

A full list showing offence codes and observation periods can be found in Appendix B.

14.3. Loading/Unloading Guidelines

Any vehicle can load or unload continuously when parked in a loading bay or on a yellow line, which allows such activity.

If a CEO has reason to believe that any vehicle is loading or unloading, then a 20-minute period, to complete the loading / unloading, will normally be allowed.

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

If a CEO suspects a vehicle is parked in contravention and is not loading, he/she will observe that vehicle for a minimum of 5 minutes to ensure that this is the case. If no loading or unloading takes place during this observation period, a PCN will be issued.

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

Loading and unloading is permitted in the following locations, if safe to do so:

- In permit holder bays.
- On single or double yellow lines.
- In loading bays.

Loading and unloading is not permitted in the following locations:

- In a bus stop
- In a taxi rank
- On a Clearway
- In a Doctor/Hospital/Ambulance bay
- Where kerb markings indicate No Loading restrictions.
- On school zigzag markings where a TRO is in place.
- In a marked suspended bay.

- On single or double yellow lines, where it would be dangerous to do so.

14.4. Picking Up/Dropping off Passengers

Motorists may stop to pick up or drop off passengers on yellow lines, or in any parking bay, this may include loading bays or areas where there is a loading ban in operation. It is generally accepted that the maximum time allowed for this activity is 2 minutes in the case of able-bodied passengers.

There may be exceptions to this rule if the motorist must accompany a child or elderly/disabled person away from the vehicle, or if there is luggage to be set down and the 2-minute rule will not be applied rigorously in these circumstances. A PCN will not be issued where it is obvious that this activity is taking place.

In most cases, a CEO will issue a PCN to a vehicle that is contravening the regulations and where the driver is absent.

15. Coaches/Bus

15.1. Coaches

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

15.2. Bus Stops

Due to the congestion and inconvenience caused by vehicles parking in bus stops, there will be no observation time allowed and CEO's should issue a PCN to any vehicle in a bus stop. A full list of observation times to be applied in other circumstances is contained in Appendix B to this policy.

If a CEO witnesses a vehicle stopped in a bus stop and the vehicle moves off the CEO will issue a Regulation 10 PCN that will be served by post to the owner/keeper of that vehicle.

Vehicles that park or stand either partially or fully within the markings of a clearway bus stop / stand will also be issued with a PCN.

16. Taxis and Private Hire Vehicles

There is a difference between taxis and private hire vehicles.

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

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

Taxis and private hire vehicles, like all vehicles, may stop to allow passengers to board or alight for as long as is necessary, and this should be obvious to the CEO.

Where there are taxis waiting on an authorised taxi rank (private hire vehicles are not allowed on the ranks and will be issued with a PCN if observed doing so) it is not permitted for those taxis that cannot get onto the rank to queue outside the rank. CEO's will issue a PCN in these cases.

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

17. Miscellaneous vehicle issues

17.1. Foreign Registered Vehicles

PCN's will be issued to Foreign Registered Vehicles if they are parked in contravention.

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

17.2. Council Workers

Preferential treatment will not be given to council employees using their own vehicles for business purposes. If the driver is seen and claims to be a council employee, this will be noted by the CEO, but will not prevent the issue of a PCN. Emergency situations will be dealt with according to the circumstances.

It is council policy that any PCN's incurred to a council vehicle must be paid by the employee who was driving the vehicle at that time.

17.3. Caravans and Trailers

A caravan or trailer is not classed as a motorised vehicle unless it is attached to a vehicle. As a result, it is not possible for the Council's CEO's to issue a PCN in these situations.

Caravans/trailers stored on the highway or public land constitutes an obstruction of the highway under section 137 of the Highways Act 1980. If a caravan or trailer is observed causing a nuisance then contact the Council's Highways department by e-mail at Highway.Maintenance@northlincs.gov.uk

APPENDIX A – EXEMPTED ROADS

A18 – County Boundary to Althorpe

A18 – Gunness to Ashby Road

A18 – A1029 to B1208

A18 – Wrawby to west of Melton Ross (inc spur to A15 and roundabout
M180/A180)

A18 – East of Melton Ross to County Boundary

A15 (N) – Humber Bridge to M180

A15 (S) – M180 to County Boundary

A180T – A15 (N) to A160T junction (parts within county boundary)

A160T – A180T to A1173

M180 (including the slip roads)

M181 (including the slip roads)

APPENDIX B – CONTRAVENTION CODES/OBSERVATION TIMES

Higher level Contraventions - On Street

Code	Description	Observation Time
01	Parked in a restricted street during prescribed hours	5 mins
01	Parked in a restricted street during prescribed hours (High risk - within 100m of a school)	0 mins
02	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force.	0 mins
12	Parked in a residents' or shared use parking place without clearly displaying either a permit or voucher or pay and display ticket issued for that place.	5 mins
16	Parked in a permit space without displaying a valid permit.	0 mins
18	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited.	0 mins
21	Parked in a suspended bay/space or part of bay/space or part of bay/space.	0 mins
23	Parked in a parking place or area not designated for that class of vehicle.	0 mins
25	Parked in a loading place during restricted hours without loading	5 mins (10 mins commercial)
26	Vehicle parked more than 50 centimetres from the edge of the carriageway and not within a designated parking place	0 mins
27	Parked adjacent to a dropped footway.	0 mins
40	Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge	0 mins
42	Parked in a parking place designated for police vehicles	0 mins
45	Parked on a taxi rank	0 mins

47	Stopped on a restricted bus stop or stand	0 mins
48	Stopped in a restricted area outside a school	0 mins
49	Parked wholly or partly on a cycle track.	5 mins
55	A commercial vehicle parked in a restricted street in contravention of the overnight waiting ban.	5 mins
56	Parked in contravention of a commercial vehicle waiting restriction	0 mins
61	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	0 mins
62	Parked with one or more wheels on any part of an urban road other than a carriageway (footway parking). Currently subject to clarification through legislation	0 mins
99	Stopped on a pedestrian crossing and/or crossing area marked by zig zags	0 mins

Higher level Contraventions - Off Street

Code	Description	Observation Time
70	Parked in a loading area during restricted hours without reasonable excuse	0 mins
74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	0 mins
81	Parked in a restricted area in a car park	0 mins
85	Parked in a permit bay without clearly displaying a valid permit	5 mins
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	0 mins
89	Vehicle parked exceeds maximum weight and/or height and/or length permitted in the area	0 mins
91	Parked in a car park or area not designated for that class of vehicle	0 mins
92	Parked causing an obstruction	0 mins

Lower Level Contraventions - On Street

Code	Description	Observation Time
19	Parked in a residents' or shared use parking place displaying an invalid permit, an invalid voucher or an invalid pay and display ticket	5 mins
22	Re-parked in the same parking place within one hour (or whatever return period is specified) of leaving	0 mins
24	Not parked correctly within the markings of the bay or space	0 mins
30	Parked for long than permitted (subject to them already being at least ten minutes over the prescribed limit)	0 mins
63	Parked with engine running where prohibited	5 mins

Lower level Contraventions - Off Street

Code	Description	Observation Time
73	Parked without payment of the parking charge	10 mins
80	Parked for longer than the maximum period permitted	10 mins
82	Parked after the expiry of paid for time	10 mins
83	Parked in a car park without clearly displaying a valid pay and display ticket or voucher or parking clock	10 mins
84	Parked with additional payment made to extend the stay beyond time first purchased	0 mins
86	Parked beyond the bay markings	0 mins
90	Re-parked within one hour of leaving a bay or space in a car park	0 mins
93	Parked in car park when closed	0 mins
94	Parked in a pay and display car park without clearly displaying two valid pay and display tickets when required	5 mins
95	Parked in a parking place for a purpose other than the designated purpose for the parking place	0 mins
96	Parked with engine running where prohibited	0 mins

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