
WEST SUSSEX PARKING POLICY

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1. Introduction

This Parking Policy sets out how the County Council, working in partnership with the seven district and borough Councils in West Sussex, enforces on and off-street parking restrictions. The County Council has adopted the powers for parking enforcement, countywide, through the introduction of Civil Parking Enforcement (CPE).

The policy seeks to reflect the latest national legislation and guidance while recognising local needs and conditions across the county and has been prepared with the support and co-operation of the following West Sussex local authorities:-

- Adur District Council and Worthing Borough Council (Joint services although separate councils)
- Arun District Council
- Chichester District Council
- Crawley Borough Council
- Horsham District Council
- Mid Sussex District Council
- West Sussex County Council (as Highway Authority)

2. Background

The Secretary of State for transport has issued Statutory guidance that sets out how the Government believes that all English Local Authorities, both inside and outside London, should be setting their parking policies and, if appropriate, enforcing those policies.

While non-metropolitan District and Borough Councils in England are not able to apply for CPE powers the guidance stipulates that there should be very close co-operation between District and Borough Councils and their County Council. The guidance goes on to suggest that a District or Borough Council might, under an agency agreement, carry out on and off-street parking enforcement on behalf of a County Council.

In most areas with two tiers of local government it is the District or Borough Council that own and operate most local authority off-street car parks. Where a District or Borough Council also acts as an agent for their County Council, there should be significant efficiency gains in having a unified CPE operation.

Accordingly, the County Council has followed this model when introducing CPE in West Sussex between 2006 and 2010 and on-going operations in each District and Borough focus upon the provision of a unified parking service, combining on-street and off-street management and enforcement that is accessible and effective, at a local level.

West Sussex is divided into seven Civil Enforcement Areas (CEAs), which are contiguous with the District and Borough boundaries. The County Council is the Enforcement Authority for the enforcement of all decriminalised on-street parking regulations within the CEAs. The Police remain responsible for parking enforcement in those roads and areas that are excluded from the CEAs and for some other areas of enforcement. The County Council is also the Enforcement Authority for any off-street parking areas and car parks that it operates or controls.

The District and Borough Councils are the Enforcement Authorities for off-street car parks and parking areas that they operate or control. Through the use of Agency Agreements, they have also been delegated the responsibility for the on-street enforcement service and provision of a Controlled Parking Zone (CPZ) management service. Under these joint working arrangements, the County Council is not responsible for the issuing or determination of Penalty Charge Notices (PCN) and any appeal against the issue of a PCN is made to the relevant District or Borough Council.

3. The West Sussex Parking Policy in Context

A wide range of national legislation, local policy and guidance documents have helped the County Council to develop its approach to parking management and enforcement in West Sussex. These documents enable it to understand the current situation, the challenges it faces and the options it has for tackling them. Whilst the County Council is careful to recognise the particular needs of communities within West Sussex, these documents are important as they provide the County Council with the broader tools it needs to produce the right parking management approach for West Sussex as a whole.

3 (a). National Legislation

Road Traffic Regulation Act 1984

The Road Traffic Regulation Act is a piece of primary legislation that allows highway authorities to lawfully restrict and manage traffic (including cycling and walking – both considered ‘traffic’). In particular it sets out (in Part I) how TROs can be employed to limit or prevent the use of the road by a particular form of traffic.

It is under this Act therefore, that local authorities in West Sussex will establish parking arrangements either on street or in car parks, introduce parking bays, specify the type of vehicles that may use them and the conditions for their use, and specify what charges are to be made (e.g. charges for permits, charges for pay and display machines). TROs may also place restrictions on moving traffic, such as banned turns and one-way streets.

The Traffic Management Act 2004

The Traffic Management Act (TMA) sets out a statutory and network management duty for all local authorities to ensure the effective management of their road networks and car parks and details the mechanisms through which this is to be achieved. Of particular importance is Part 6 which provides for the civil enforcement of parking and traffic contraventions. This primary legislation came into effect in 2008 and determines the enforcement mechanisms that can be used. The County Council has adopted these powers for parking enforcement, countywide, through the introduction of CPE and has applied for Moving Traffic Enforcement powers.

Under the TMA the Secretary of State for Transport can make CEA Orders, permitting authorities to enforce contraventions of parking controls within a designated CEA. Such contraventions are not criminal offences subject to a Fixed Penalty Notice (FPN) but are enforced through civil procedures. These procedures replace the criminal law procedures previously applied by the Police and may be used both for on-street parking and in car parks.

The TMA regulates the application of civil enforcement by authorities and underlies the processes explained in detail in Parts 4 and 5 of this Policy. Some of the regulations that additionally accompany the Act are:-

- The Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2015
- The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations
- The Civil Enforcement of Parking Contraventions (England) General Regulations 2007
- The Civil Enforcement Officers (Wearing of Uniform) (England) Regulations 2007
- The Civil Enforcement of Parking Contraventions (Approved Devices)(England) Order 2007
- The Civil Enforcement of Parking Contraventions(Guidance on Levels of Charges) (England) Order 2007
- The Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2015
- The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022

- The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022

The Deregulation Act 2015

Under the Deregulation Act cameras can now be used for certain restrictions and a 10-minute mandatory grace period has been introduced for parking bays.

The Traffic Signs Regulations and General Directions 2016 (“TSRGD”)

The Traffic Signs Regulations and General Directions is the law that sets out the design and conditions of use of official traffic signs that can be lawfully placed on or near roads in Great Britain (England, Scotland and Wales). The Traffic Signs Manual is a companion guide to the TSRGD which sets out dimensions and other details for using the authorised signs and markings.

Apart from the very limited flexibility allowed by the TSRGD, the County Council does not have any discretion in the use of signs and lines. It must use those specified in the regulations. Should it propose to use a different type of sign, or alternative wording, other than the appropriate sign, or wording, as indicated in the regulations, the sign must receive prior approval from the DfT before it can be used. Any sign that does not conform to the regulations or has not been granted approval by the DfT is not enforceable.

The recent revision of the TSRGD has simplified and relaxed some of the requirements of earlier legislation but still allow most markings to be used in their previous form. However, significant changes are:-

- terminal markings (“T-bars”) are no longer a legal requirement for yellow lines, but it will normally be appropriate to use them.
- a single diagram number (1028.4) now covers most parking bays whether or not they are parallel to the kerb and whether or not they are divided into individual spaces.
- the use of double lines to mark the ends of a run of spaces is now discontinued and a single line is used instead.
- Detailed guidance on signing and lining is set out in Appendix 6 and is based on standard practice developed under the earlier regulations, where this is still consistent with the current legislation. For areas where increased flexibility is now allowed, reference should be made to the TSRGD.

- The DfT publishes a 'Know Your Traffic Signs' guide which can be downloaded from their web site. This guide illustrates and explains the traffic signs that a road user is most likely to encounter. Pages 39 to 54 are especially relevant to CPZs.

A thorough knowledge of all traffic signs is essential for all road users, not just new drivers or riders, and this guide is a useful companion to ensure their knowledge is up to date. The Official Highway Code contains most of the commonly used road signs which are prescribed by the Traffic Signs Regulations, but it does not give a comprehensive explanation of our signing system. The Guide should be used to complement The Official Highway Code, while the Regulations themselves provide the definitive legal guidance.

Before any PCN is served a Civil Enforcement Officer (CEO) will check that the signs and lines relating to the contravention are in place, clear and correct. There are circumstances where minor sections of lines may be missing, this does not necessarily invalidate the restriction. Any defects, missing or obscured signage/lines will be reported by the CEO to the appropriate local authority who will then liaise with the County Council.

3 (b). Statutory Guidance

Under powers given by the TMA, the Secretary of State has issued both Statutory Guidance to authorities on how CPE should be implemented and administered. Some of the principles that the DfT endorse, and which underpin the guidance are:-

- The public have a right to expect fair and efficient enforcement.
- There is a need for public confidence in the scheme.
- Authorities must have appropriate back office systems in place including properly trained staff.
- Notice to Owner backlogs must be avoided.
- Representations must be dealt with quickly and efficiently.
- Mitigating circumstances must be properly considered.
- Properly reasoned decisions must be given in response to representations.
- Local Authorities must be sure of their ground before they contest appeals.

Statutory Guidance

The Statutory Guidance has the force of law and must be closely adhered to. Failure to do so may invalidate a local authority's enforcement and recovery of PCNs. The document is entitled "The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions" and may be downloaded from the following link –

<https://www.gov.uk/government/publications/civil-enforcement-of-parking-contraventions/guidance-for-local-authorities-on-enforcing-parking-restrictions>

Traffic Penalty Tribunal Reports

The TMA also allows for an independent adjudication service in relation to PCNs which is called the Traffic Penalty Tribunal (TPT). Each year they issue an annual statistical report presenting information on PCNs referred to them during the financial year. They also produce reports highlighting import issues, explaining cases and adjudicators reasoning. These reports will assist each authority to continuously review any policy and procedures and have more of an understanding about the service.

The Blue Badge Scheme

The scheme is administered in West Sussex by the County Council. It processes applications, conducts medical assessments, and issues badges to those people who meet the eligibility criteria set by the DfT. The scheme offers certain parking concessions for badge holders which can be used by both the driver and accompanying passengers to park close to the intended destination. The scheme relates to on street parking only and there is a separate scheme for certain central London boroughs.

Concessions vary outside England and users are advised to check concessions apply where. The blue badge is part of a wider parking card scheme and an informal reciprocal agreement applies with other European Union countries (post-BREXIT rules may apply). Other countries may recognise the UK badge but holders should check with the authorities in the country they are visiting.

The badge is given for the use of the holder and can only be displayed if they are travelling in the vehicle or if the holder is being collected or dropped off. The badge must be displayed on the dashboard or fascia of the vehicle or where it can be clearly read through the front windscreen. If there is no dashboard or fascia then it must be placed where it can be clearly

read from the outside of the vehicle. The front of the badge with the hologram faces upwards with the picture side facing down. Where there is a timed restriction then the accompanying timeclock will need to be displayed.

Blue Badge holders in West Sussex may park with their badge being displayed in the following:

- Designated disabled parking bays.
- Pay & Display parking places with no time limit.
- For up to 3 hours on a single or double yellow line where no loading restrictions are in force and showing their timeclock set at the time of arrival.

Blue Badge Holders may not use a badge to park in the following areas:

- Places where a ban on loading/unloading is in place, as indicated by kerb markings and/or signs.
- Parking places for specific users such as residents only bays or loading bays.
- Pedestrian crossings and other areas indicated by zig zag markings.
- Clearways and bus stop clearways

CEOs have both the power to inspect and retain a blue badge. Where a CEO has reason to believe that a blue badge is being used contrary to what is allowed then a PCN may be served. If they believe that it is being used fraudulently then a PCN may be served and the badge retained by the officer.

3 (c). Local Policy

The Integrated Parking Strategy 2022 - 2027

As the Highway Authority for West Sussex, the County Council is committed to an active role in the overall management of public parking throughout West Sussex and this is set out in the Integrated Parking Strategy (IPS) 2022 - 2027.

Through the IPS, the County Council seeks to ensure that the supply, regulation, enforcement and cost of all types of parking in West Sussex is managed and controlled in ways which are consistent with its other transport, economic and environmental policies. Managing the demand for car use through the control of on-street parking is supportive of measures to tackle congestion and pollution, promote alternative modes of transport, enhance the economic viability and vitality of town centres and improve road safety and residential amenity.

'Integrated', in the case of the IPS, refers to the coming together of various parking functions that are the separate responsibility of the County Council and the District and Borough Councils, and the close liaison between those authorities to provide a coordinated and joined-up parking service.

By definition, the objectives of the IPS are broad, encompassing a range of policy influences, namely Traffic Management, Community, Economic, Health and Wellbeing, Location, Enforcement and Financial.

A further set of priorities and policies, when applied together, help deliver these objectives and these are as follows:

- Service Integration - The County Council, together with the District and Borough Councils, will take all reasonable steps to provide a cost-effective and efficient parking service.
- Effective Enforcement - Civil Parking Enforcement will be quality based and information readily available to help road users understand that enforcement is as fair, accurate and expeditious as possible.
- Asset Maintenance - Parking signing and lining defects will be corrected as soon as possible after being reported.
- Parking Management - Management of all on-street parking spaces will complement other transport and planning policies to discourage car use in congested urban areas, balance the needs of various competing user groups and maintain the economic viability of those areas.
- Parking Charges - On-Street parking charges will be reviewed regularly and set at an appropriate level to cover operating costs and influence parking demands, consistent with traffic management and environmental objectives.
- Controlled Parking Zones - A Controlled Parking Zone policy framework will set out an appropriate set of rules for the consideration, implementation, review and removal of Controlled Parking Zones.
- Verge/Pavement Parking - The County Council will maintain a locally responsive approach towards verge and pavement parking, enabling it to draw on a range of options to manage issues in local communities.
- Blue Badge Scheme - The County Council will promote improved access for Blue Badge holders through the provision of designated on-street spaces and the detection and investigation of Blue Badge misuse.
- Additional Enforcement Powers - The County Council will consider widening its parking enforcement powers, including for moving traffic, in order to improve compliance, improve road safety, reduce public transport journey times and reduce congestion.

- Technology and Innovation - The County Council will embrace technological innovations which help customers to better access services and aid the efficiency of parking operations.
- Financial and Operational Accountability - The County Council and the District/Borough Councils will be open and transparent about how the Civil Parking Enforcement Service works and how decisions are made.
- Best practice and Lobbying - As a member of the British Parking Association, the County Council will continue to add its voice to those of other local authorities when lobbying Government or responding to government consultations on parking issues.

The Controlled Parking Zone Policy 2022

The strategic management of on-street parking remains important for the County Council as the level of development and number of vehicles in West Sussex continues to increase.

Traditionally, most of the parking issues raised with the County Council concern either a lack of available parking space for particular users or inconsiderate and dangerous parking, or a combination of the two. Increasing the amount of on-street parking space is rarely possible or financially viable and so the County Council has to try and find ways to make the best use of the limited existing space, providing parking for those that most need it while not ignoring the broader requirements of all road users e.g. access and safety.

In addition to the progression of Traffic Regulation Orders (TRO), Controlled Parking Zones (CPZ) are a vital component of the County Council's approach to on-street parking management and are a key demand management tool, in that they can control and manage parking over a wide area. CPZs are designed to prevent or manage all day on-street parking by non-residents, make it easier for residents, shoppers and visitors to park, enhance road safety and reduce congestion and pollution.

The County Council's CPZ Policy Framework 2022 sets out rules for the consideration, implementation, review and removal of CPZs, including how decisions will be made by the County Council on whether particular proposals should be progressed. The framework also incorporates a programme for CPZ development.

In West Sussex, CPZs have already been established in Billingshurst, Bognor Regis, Chichester, Crawley, East Grinstead, Horsham and Worthing.

4. Parking Enforcement in West Sussex

The purpose of this part of the policy is to explain the guidelines under which CEOs in West Sussex will operate and the criteria under which they may serve PCNs. These guidelines have been designed to ensure that parking controls are enforced in accordance with the regulations and in a reasonable manner. Legal guidelines will often allow a CEO to issue a PCN as soon as the regulations have been breached. However, the County Council understands the need for enforcement to be seen as fair and reasonable and has therefore issued these additional guidelines.

It must be appreciated that these guidelines may not apply to all circumstances (for example, where a vehicle is parked dangerously or inconsiderately) and are subject to change if circumstances vary or parking needs require changes to be made. More broadly, it is important to note that any of the policies and practices set out in this document may be subject to review, variation and amendment if parking patterns and other circumstances change.

General Aims

The primary aim of parking enforcement in West Sussex is to achieve the following;

- Encourage a high level of compliance by motorists with the parking controls and waiting and loading restrictions.
- Integrate traffic management policies with effective on-street enforcement.
- Ensure the equitable distribution and management of the availability of parking space.
- Be responsive to changing priorities, local factors and demand.
- Provide parking permits, exemptions, dispensations and waivers for residents and businesses, the disabled, and others as appropriate.

A good CPE regime is one that uses quality-based standards that the public understands, and which are enforced fairly, accurately and expeditiously. Parking enforcement in West Sussex will therefore be 'fair but firm' and community support for or acceptance of parking controls is conditional upon achieving this balance in the enforcement operation. This policy establishes the "ethos" of CPE and seeks to minimise the potential for misunderstanding and dispute over specific parking issues.

Enforcement activity in West Sussex will therefore continue to comply with the following general principles:

- Fairness in applying the legislation and securing compliance.

- Focusing enforcement action where necessary.
- Consistency of approach.
- Transparency about what enforcement action is taken and why.
- Recognition that an effective relationship between all areas of the enforcement operation is needed.

4 (a). Civil Enforcement Officers

CEOs play a key part in ensuring that roads are safe and help reduce congestion. They work as part of a team and assist in supporting other council services.

Responsibilities

A CEO's main responsibility is to encourage compliance and help keep traffic flowing. They provide a reassuring presence in local areas and will be able to offer advice and guidance to the public.

CEOs can do the following:

- Serve PCNs.
- Advise drivers if they are in the vehicle that they are contravening a restriction and if they continue to park they may receive a PCN.
- Issue warning notices (this is under strict management control and only for clear auditable specific purposes).
- Inspect and confiscate Blue Badges once received training from WSCC.
- Report any problems with signs, lines and ticket machines, or any other matters requiring the Council's attention that they observe in the course of their duties.

In the event of a PCN being served, CEOs will be able to do the following:

- Explain why it was served including pointing out the information on the controls.
- Advise on legal places to park.
- Explain the procedure for a motorist to write in.
- Record and detail any conversations, activities or additional soft evidence.

CEOs cannot do the following:

- Offer an opinion on the regulations or the parking enforcement regime and the way in which it operates.
- Comment on another officers PCN.
- Comment on the quality of the lines and signs or the functionality of any equipment.
- Comment on the issue of whether or not other PCNs have been issued in the same location.
- Comment on any difficulties other motorists may experience in the area.
- Indicate that a PCN should not have been issued.
- Accept money hospitality or gifts.
- Deal with parking offences that involve penalty points such as blocking a road or obstruction.
- Use their discretion unless there are specific circumstances – see below (this is so that all motorists are treated fairly).
- Direct any traffic.
- Issue tickets where the restriction does not allow them to.
- Cancel PCNs.
- Provide change to a motorist (because they do not carry money on them).

Areas of enforcement where discretion may be applied.

There are a number of areas (subject to change) where a PCN can be served but the use of discretion is routinely applied to assist the motorist. These include the following:

- A warning notice will be given for a lead in time period for a new permit restriction/ zone.
- If the Council is contacted about a Wedding/Civil Partnership/Funeral in advance then the charge is waived for a suspension of a bay for the lead car.
- Additional visitors permits are issued in the event of a funeral free of charge (maximum of 20).
- Where the vehicle driver is present, they should be asked to move and an instant PCN should be issued if the request is ignored.

CEOs will remain visible to members of the public where they can and are supplied with government supported uniforms. CEOs are not given targets and are not paid for the amount of PCNs that they serve.

Uniform Policy

When exercising specified functions a CEO must be in full uniform; those functions being the following:

- Serving PCNs.
- Authorising or carrying out the immobilisation or removal of vehicles within a CEA

The uniform must comply with any specification provided by/agreed with WSCC.

4 (b). Penalty Charge Notices (PCNs)

Evidence

In order to serve a PCN a CEO needs to have reasonable cause to believe that a contravention occurred. The reasonable cause is a consolidation of different types of primary evidence which are referred to as contemporaneous notes, meaning that they are taken at the time.

Examples of primary evidence include the following:

- The signs & lines and their position in relation to the vehicle.
- Details of tyre valve positions and from which side they are on.
- The location of the vehicle.
- The position of the vehicle.
- That no exemptions are taking place.
- No payment has been made where applicable.
- That any statutory observations have been made.

Examples of supporting evidence include the following:

- Details of observations and what type.
- Details of the number of photographs taken.
- Details of any other PCNs that may be present on the vehicle.
- Description of the person who appeared to be in charge of the vehicle.
- Evidence that the CEO has checked all windows and foot-wells of the vehicle.
- Details of any notes/permits/tickets /waivers/Blue Badges displayed on the vehicle.

- Details of any conversation had with the driver, passengers, or any other person with the vehicle or a record that the vehicle was unattended and the driver was not seen by the CEO.

In addition to the primary evidence, supplementary evidence will also be recorded in the form of photographs. Photographs are not a legal requirement but are there to support the primary evidence and are required by WSCC. If the CEO is unable to take photographs for any reason e.g. faulty camera or if the vehicle drives away then an explanatory note of the reasons will be recorded.

The CEO must also record the destination of the penalty charge and once the penalty charge is complete then the details will be checked before serving it.

Serving a PCN

A PCN is served by a CEO either by fixing the PCN to the vehicle (this is usually taken to mean placing the PCN on the windscreen of the vehicle, or another part of the vehicle where there is no windscreen) or by giving the PCN to the person appearing to the CEO to be in charge of the vehicle.

WSCCs policy is that the PCN should be affixed to the vehicle on the side nearest to the kerb and should not be fixed on the driver's side (assuming that the vehicle is not left hand drive nor facing the opposite direction). There are two exceptions to this and these are where the CEO was prevented from serving the PCN or where the driver of the vehicle drove away before the PCN could be served.

A CEO may serve a PCN if they have reasonable cause to believe that a vehicle is parked in contravention of regulations at that location. There are a number of contravention codes for which the vehicle may be served a PCN and these are shown in Appendix 3.

The policies on when to issue PCN's will be decided by the enforcing Council and are subject to review and change where appropriate. The details of a Penalty Charge are laid down in legislation and guidance.

If a driver refuses to accept the Penalty Charge Notice, the Civil Enforcement Officer can arrange for the Penalty Charge Notice to be served by post, this is known as a Regulation 10 Penalty Charge Notice.

Processing a PCN

Under the TMA 2004 it is the owner/keeper of the vehicle who is responsible for the PCN and not the driver. Both the driver and the owner/keeper are allowed to write in about the notice before the end of the period of the first 14 days, beginning with the date the Notice was served. This is known as an Informal Challenge but is not dealt with any lesser way than if it was a Formal Representation (after the Notice to Owner is sent).

Most drivers who wish to query the service of a PCN will do so with the time period allowed for discounted payments and should do so, in writing, to the address or online portal given on the back of the PCN.

If payment is not made and correspondence is received prior to the end of the 14 day statutory period allowed for payment of the discounted charge, Statutory Guidance directs that the Council must re-offer the discounted amount if the PCN is not cancelled as a result of the correspondence. This ensures that the driver is not disadvantaged by querying the service of the PCN, and often results in payment if drivers feel that their query has been fully responded to.

Although general enquiries regarding parking can be dealt with by telephone, all queries regarding the service of a PCN must be made in writing and audited against the case. It is recommended that all informal representations received are responded to within 14 days of receipt in accordance with Statutory Guidance.

Considering Cases

When evaluating and considering cases all cases will be dealt with on an individual basis. Below are some pointers that may assist when evaluating a case.

- Did the contravention occur?
- Is there evidence to support the case?
- Have all the exemptions been considered?
- Has the mitigation been taken into consideration?
- Have the TROs been referred to?
- Has a payment been made?
- Has the correspondence been received in time?

Mitigation

It is the responsibility of the Authority to consider any mitigation that the motorist may raise within their correspondence. This is not only laid down in legislation but is also frequently referred to by the Adjudication Service in outcomes of appeals and in their Annual Reports.

Mitigation is where a motorist believes that they have circumstances, other than legal ones, which merit the cancellation of the PCN. Mitigating circumstances can be anything such as the following:

- Assisting a person who has fallen over.
- A ticket having blown over.
- Someone being sick in a car.
- Unforeseen delays.

Wherever possible evidence will need to be provided, however it is the duty of the Enforcement Authority to consider all mitigation with or without evidence. Proof of mitigating circumstances can include the following;

- Medical Proof.
- Witness Statement.
- Letter from a school/GP practice/ Hospital.
- Pregnancy Card.
- Funeral details.

Situations may arise more than once and consideration must be given on each occasion including those related to the following:

- Crohn's Disease.
- Dementia.
- Colitis.
- Disabilities.

Payments

Postal payments are to be given an additional 3 days for any crossover in the post. Post-dated cheques are to be returned to the payee immediately with a covering letter.

Reoffering the discount amount

The discount amount will only be reoffered if the informal challenge is received within 14 days from the date of when the penalty charge notice was served. Consideration will also be given if an appeal is received after the notice to owner form has been issued on the grounds that the penalty charge notice was not received by the appellant, however it cannot be guaranteed that the discounted amount will be reoffered.

Procedures and Timescales

Once a PCN has been served the Council must follow the procedures and timescales stated in current legislation. These are summarised below.

Action (1) - Payment of a PCN following issue.

Timescale (1) - 28 Days from date of issue, discounted by 50% if it is paid not later than the last day of the period of 14 days beginning with the date on which the notice was served.

Action (2) - Informal representations against the issue of a PCN.

Timescale (2) - Should be responded to within a period of 14 days of receipt of the informal representation. However under legislation there is no fixed time for a response to be given.

Action (3) - Service of a NtO in respect of unpaid Penalty Charges.

Timescale (3) - On expiry of the above 28 day period and within a period of 6 months from the date of issue of the PCN (except in certain circumstances).

Action (4) - Representations against the issue of a NtO.

Timescale (4) - Should be made before the end of the period of 28 days beginning with the service of the NtO (i.e. the date it is received). The NtO should be sent by 1st class post.

Action (5) - Consideration of Representations.

Timescale (5) - The Council must ensure that a response is issued no later than 56 days from the date of receipt of the Representations (21 days is the recommended Statutory Guidance target).

Action (6) – Service of a Charge Certificate on either of the following:

1. non-payment.
2. receipt of NOR.
3. rejection of Appeal.
4. withdrawal of Appeal.

Timescale (6) –

1. On expiry of the 28 day period stipulated in the Notice to Owner.
2. On expiry of the 28 day period commencing with the receipt of the Notice of rejection of representations.
3. On expiry of the 28 day period commencing with the rejection of Appeal.
4. On expiry of 14 days after date of withdrawal.

If the increased charge is not paid within 14 days of service of the Charge Certificate, an application may be made to have the charge registered as a debt at Northampton County Court (the Traffic Enforcement Centre (TEC)).

Action (7) - Service of Order for the recovery of unpaid Penalty Charge.

Timescale (7) - On authorisation of the application at the County Court. Must be sent within 7 days of authorisation.

Action (8) - Submission of Witness Statement against the Order for the Recovery of the charge.

Timescale (8) - Within 21 days from the date of service.

Action (9) - Grounds under which a Witness Statement may be made.

Timescale (9) - Did not receive the NtO in question or Penalty Charge Notice (if relating to a Postal Penalty Charge Notice), Representations made to the Council – no Notice of Rejection received, Appealed to TPT but no response received, PCN was paid.

Action (10) - Service of Warrant of Control in respect of an unpaid Penalty Charge.

Timescale (10) - On authorisation of the application at the TEC. Must be issued within 7 days of authorisation.

FOAM (Fast Online Appeals Management)

Following successful trials in 2016, an online appeal system known as FOAM has now been made available for PCNs throughout England and Wales (outside London). It provides a quicker, simpler, and more efficient way of submitting, managing and determining PCN appeals. When a drivers' representations against the PCN are rejected, the NOR no longer includes a form for making an appeal but encourages the driver to use the online process on the TPT's website instead (the paper form is still available but only from the TPT by special request).

FOAM then guides the appellant through each stage of the process with email prompts and issues the local authority with "calls to action" through an online dashboard. Both parties submit their evidence to FOAM and have the chance to comment on one another's submissions. Any hearing requests take place once the authority has provided its evidence.

4 (c). Enforcement Policies

Abandoned Vehicles

The County Council, District and Borough Councils and Sussex Police have formed a partnership called Operation Crackdown for reporting and swiftly dealing with abandoned vehicles in West Sussex. A countywide contract for the removal and disposal of abandoned vehicles has also been procured.

A vehicle is normally considered abandoned when it is untaxed or SORNed on public land or if it is taxed but not moved for four weeks. It is worth noting that a vehicle not currently taxed but which is in regular use is not an abandoned vehicle.

An abandoned vehicle can be reported by using either of the following links - www.gov.uk/report-abandoned-vehicle or www.westsussex.gov.uk/roads-and-travel/parking/report-an-abandoned-vehicle

The information that Operation Crackdown requires will be as follows:

- Precise location (road name, outside/opposite).
- Registration of the vehicle.
- Make.
- Model.
- Colour.

Whilst the CEOs are patrolling they will be reporting back also on any abandoned vehicles that they see. If the vehicle is obviously abandoned then the vehicle will be reported immediately via the council's procedures and no further penalty charges will be served.

Abusive and Violent Behaviour

WSCC believe that our customers have a right to be heard, understood and respected as we do with our staff and councillors; and for them to work in a safe environment free from any abuse and harm caused by others.

All abusive and violent behaviour including derogatory remarks, inflammatory statements, remarks of a discriminatory nature and unsubstantiated allegations will be reported as per the individual council procedures and maybe placed on a register held by the council and be reported to the police. The Council will fully support a prosecution of individuals.

Bank Holidays and Sunday Enforcement

A Bank Holiday and a Public Holiday are technically the same except that one is set in Statute and the other in Common Law. In England and Wales the Banking and Financial Dealings Act 1971 stipulates the Bank Holidays as the following:

- Easter Monday.
- The last Monday in May.
- The last Monday in August.
- 26th December if it is not a Sunday.
- 27th December in a year in which 25th or 26th December is a Sunday.

Christmas Day and Good Friday are Public Holidays. Additional Bank Holidays may be added by the King such as a Royal Wedding. PCNs may be served on a Bank or Public Holiday as long as it states so in the relevant TRO.

If a time plate states Monday to Saturday then this includes Bank Holidays. Where it does not apply, then it will be conveyed to the motorist on the time plate, as an example Monday to Saturday except Bank Holidays.

When responding to correspondence then a reference to the Council's website with a link where possible should be made and an explanation of why that particular restriction is enforceable on a Bank Holiday; as an example it maybe a main route or it may be that the residents in the area wanted to ensure that they were able to park with a permit themselves.

Other than double yellow lines and specific circumstances (where signs will indicate otherwise), it is usual for most parking restrictions to not apply on Sundays. WSCC will continue to monitor whether there is an increase in the need for parking management on Sundays resulting from changes to traditional trading patterns and trends that may affect town centre activity. Unless the TRO and signs indicate otherwise, parking restrictions will apply on bank/public holidays.

Bank Visits

There are no exemptions from waiting restrictions for parking while conducting business at a bank – even when using a cash machine – and unattended vehicles should be issued with a PCN if left in contravention. The person in charge of an attended vehicle should be asked to move it without delay and a PCN should be issued if they fail to do so.

Bill Stickers

Vehicles belonging to people who are actively engaged in the removal of advertising posters will be exempt and may park for as long as necessary to carry out their duties.

Although the vehicle may have a note on it, in most cases, the drivers will be working close by and it should therefore be apparent to CEOs that this activity is taking place. In these circumstances, a PCN will not be issued if the vehicle is parked in the following.

- in a permitted parking bay, or limited waiting bay.
- on single or double yellow lines where there is no loading restriction in place.

Blocked Access

It should be noted that WSCC has not yet adopted the powers to enforce dropped kerbs and reports should be made either to the police or via operation crackdown as an unnecessary obstruction.

Breakdowns

Most breakdowns are not visible to the CEO so they will serve a PCN. If the motorist is with the vehicle and can show what the breakdown is e.g. engine failure or provide details that they are awaiting for a breakdown recovery truck then an exemption may apply.

A breakdown (including running out of fuel/power) is considered to be where the vehicle could not be moved as it is beyond the motorist's control.

If the motorist writes in to claim the exemption then evidence will need to be supplied to support it, such as the following:

- confirmation from the RAC or AA.
- confirmation from a recovery company.
- a receipt for parts in and around the time of the alleged contravention.
- a statement from anyone who gave assistance in the breakdown i.e. jump starts.

If the vehicle had broken down somewhere else but was transported and placed on the restriction with no other information forthcoming then consideration should be given to upholding the PCN.

Bus Stops and Bus Stop Clearways and Bus Lanes

Within West Sussex there are 2 types of bus stops. These are either clearways with a solid yellow line within the cage markings or advisory, where there will be double yellow lines with no cage markings.

The bus stop clearway will have a time plate indicating what the restriction is and whether it applies to buses or local buses. This restriction is No Stopping. Normal yellow line exemptions, such as loading and unloading may apply on the yellow lines within an advisory bus stop.

The definitions of a bus and a local bus are given in the TSRGD 2016 as being the following:

- BUS: (a) a motor vehicle constructed or adapted to carry more than 8 passengers (exclusive of the driver); or (b) a local bus.
- LOCAL BUS: a public service vehicle used for the provision of a local service not being an excursion or tour.

Bus lane and Bus Gate enforcement powers have not been adopted by WSCC, although some councils have done so, particularly in the Greater London area. In West Sussex, bus lane enforcement powers will remain with the police until March 2024.

Car Parks

Council-operated car parks form a major part of the public parking stock, particularly in town centres and tourist destinations. They will often require regulations and enforcement and both WSCC and the Boroughs/Districts have powers to provide car parks and apply Off-Street Parking Orders to them. In practice, this is usually done by the Boroughs/Districts making the Order with the consent of WSCC but using their own enforcement powers under the TMA 2004.

One of the key aspects of the Integrated Parking Strategy explained in Part 2 is the building of effective partnerships between WSCC as highway authority and the boroughs/districts as major providers of car parks. Such partnerships should aim to provide a well-managed overall service to the public and achieve the wider aims of the strategy.

The regulations imposed on the car parks may cover such issues as parking charges, permit requirements, time limits and provisions for various vehicle types and users. Those regulations need to be set with due regard for the rules applied to any nearby on-street parking – for instance, setting charges a little lower than the premium rates that may apply in a nearby shopping street.

Signing and lining within car parks is outside the scope of the TSRGD but still needs to make clear what time limits, charges and other main conditions apply to each car park.

Certificated Enforcement Agents (Bailiffs)

Under the Tribunals, Courts and Enforcement Act 2007, Bailiffs are called Enforcement Agents (EAs). EA's vehicles are only exempt from the regulations where they are actively being used for the removal of goods from a property. An EA calling to collect on a warrant (where goods are not being removed from the premises) is not exempt and unless there is any indication that goods are to be removed (when the normal loading provisions will apply) the CEO should issue a PCN.

Clamping and Removals

Through its CPE powers, WSCC has the authority to clamp or remove vehicles both on and off-street, however, there are no plans to operate clamping or removals on-street at present. This may be introduced in the future if it is felt there is a need. Some districts and boroughs in the County do clamp and/or remove vehicles from their off-street car parks.

If clamping or removals are introduced on-street, priorities will be set and only those vehicles meeting such priorities will be subject to such action (which may include, but not be limited to persistent evaders, vehicles parked dangerously, and vehicles causing obstruction).

Coaches

The Council recognises that coaches may need to set down a large group of people in a safe manner. The CEO will always attempt to communicate with a coach driver whose vehicle is stationary. Coaches should not park in areas covered by no stopping restrictions or where it is dangerous to park. When necessary, a CEO should advise the driver on the best location to stop and record that they have done so.

Complaints

Any complaints that are received, including those about the behaviour of an employee, must be forwarded to the relevant Council's complaints team who will then follow the appropriate protocol. The correspondent does not necessarily need to use the actual word complaint for an investigation to be carried out, if they are claiming that appropriate standards of fairness or courtesy have not been met. On the other hand, reporting a defect or traffic problem or disagreeing with a decision that has been properly made and explained will not be in itself a complaint. All actual complaints will be investigated, recorded and monitored. Please note penalty charge notices are not considered under complaints policies but should be challenged through the statutory appeals process.

Conflicts of Interest

Conflicts of interest refer to any situation where the financial or personal interests of individuals could affect, or be thought to affect, their professional or other working involvement. An important safeguard for councils and their staff is that they should be aware of such interests and declare them openly. An example of where a conflict of interest might arise in the parking context would be a CEO knowingly issuing (or failing to issue) a PCN to a close relative or partner, or to anyone

holding a position of influence within the council. Such conflicts must be recorded in the supporting evidence and, where any suspicion of improper influence is likely to arise, guidance on further action must be sought from management.

Council Vehicles

Unless the vehicle is performing a statutory duty, is carrying out essential works, or is an exempt vehicle, all Council vehicles must abide by the normal regulations. A CEO may issue a PCN upon contravention of the parking regulations. Examples of essential works include the following –

- Servicing street furniture.
- Street cleansing and refuse collection.
- Maintenance of utility boxes.
- Highway maintenance.
- Survey work.
- Graffiti removal.

If a CEO can see that the vehicle is engaged in essential works or statutory duties, or where it is necessary for the vehicle to be parked close to the site being worked on, a PCN must not be issued.

Parking Enforcement is a transparent and audited service. All Councillors and Council Officers are expected to park legally and will be treated in the exact same way as any other member of the public and the same criteria will apply. All requests for a Penalty Charge Notice to be looked into must be put into writing and any undue pressure that is placed on a Parking Officer must be reported.

Note - Some Council officers may be issued with badges, which will entitle them to park in permitted bays and CEOs should be familiar with these e.g. highways maintenance vehicles.

Court Delays

Possible mitigating circumstances may arise where a PCN has been issued to a driver delayed at a court hearing. This should be considered as with all cases. It is worth taking into account the type of restriction that applied, so as an example if the contravention occurred where the motorists parking in a 1 hour maximum waiting restriction then this would not normally be accepted.

Crossovers

See under "Blocked Access".

Delivery and Collection of Goods

See under "Loading/Unloading Guidelines".

Dental Appointments

See under "Hospital and Other Medical Appointments".

Differential Charging

The changes made by the TMA 2004 included the introduction of differential charging which has been updated by the 2022 regulations. This has altered the penalty charge amount dependant on the type of contravention and whether it is considered "more serious" or "less serious". A more serious contravention is normally considered to be where the motorist has taken no steps to park correctly, for example, they have parked on single or double yellow lines or in a disabled bay or bus stop/stand. A less serious contravention is deemed to be where the motorist appears to have made an attempt to park correctly, for example they are displaying a face down pay and display ticket or an expired pay and display ticket (issued on the day of contravention).

Separate contravention codes were also introduced for vehicles parked in a resident's bay and those in a bay where the use is shared between residents and other road users.

Digital Permits

By the end of 2023 all District and Boroughs in West Sussex will have adopted a digital form of permit for their on-street parking. If an incorrect registration is found to be entered on a permit relating to a visitor and there are a number of different vehicles being entered. It will be down to the Council's discretion as to whether they accept a challenge in these circumstances a further time.

If a permit has been purchased, the customer should not park until activated. If a customer parks prior to activation, they may be liable to a PCN. In these circumstances, a Code 12 PCN will be issued.

Digital permits only apply to permit or shared use bays within a Controlled Parking Zone.

Once a digital permit has expired, the Civil Enforcement Officer will be unable to see the record on their handheld and therefore a Penalty Charge Notice will be issued, there is no grace period to renew a permit once expired. However, there may be instances where the customer is non-digitally enabled and discretion should be taken into account when reviewing any challenges or representations.

Diplomatic Vehicles

Diplomatic vehicles are not exempt from PCNs. Once the PCN has been served then the CEO will press a button on the handheld to indicate that it is a diplomatic vehicle in the same way as they will do for a foreign registration. This is so that the case does not progress to the DVLA.

Diplomatic registrations are normally associated with embassies and the embassy is designated as foreign soil. This means that the Council are unable to serve any documents to it, however the TMA allows for payment to be accepted as normal.

The Foreign and Commonwealth Office (FCO) supports the fact that some authorities may pursue a PCN and will contact an embassy on behalf of the authority. All the details of the PCN are to be passed to them so that they can request the payment.

Disabled Bays

WSCC provides two types of disabled bays. These are either statutory disabled bays or advisory disabled bays.

Statutory disabled bays are introduced under a TRO and are usually marked out on the highway by white bay markings with the word DISABLED written on the carriageway and an accompanying sign indicating disabled badge holders only; however, under the TSRGD 2016, disabled bays that are under a TRO - which operates twenty-four hours a day, every day of the year - are permitted to be indicated by just white bay marking described above - without an accompanying sign; or, by any area of the highway appropriately indicated by markings or buildouts, which has an accompanying sign that indicates that it is an area for disabled badge holders only.

Advisory disabled bays are not covered by TROs and can be indicated by white bay markings with the words DISABLED written on the carriageway, but have no sign present, and rely on the good will of other drivers not to park in them. These bays are usually sited in residential areas, outside the property of the disabled badge holder. CEOs cannot enforce this type of bay, although the police can enforce for the offence of obstruction if they consider that wilful obstruction is taking place.

Within a CPZ, an advisory bay may be introduced and then made statutory at a later date as part of an annual consolidation exercise.

Disabled (Blue) Badge Holders

See "The Blue Badge Scheme" in Part 4 for further information.

In all cases, a PCN should be issued where the Blue Badge is not properly displayed on the front of the vehicle so that the details can be easily seen by the CEO. The CEO must make full notes of the manner in which the badge is displayed, supported by a photograph.

A PCN should be issued if a vehicle displaying a blue badge and clock is parked on a yellow line and is causing an obstruction or the time shown on the clock has been exceeded or the clock is not correctly displayed.

Where a CEO suspects that a Blue Badge is being used fraudulently, they are required to make a detailed note of the circumstances and the badge details and ensure this information is passed to their manager at the end of the shift. By virtue of Section 94 of the TMA 2004 CEOs have the power to inspect blue badges. This applies on-street only and it is an offence to fail to produce a badge when requested to do so by a CEO.

The Disabled Person's Parking Badges Act 2013 enables CEOs and other agents of the issuing authority to inspect AND retain a Blue Badge without Police presence if they have reasonable grounds for, among other things, believing the badge is a fake, has been cancelled, should have been returned, or is being used by someone other than the badge holder.

Where a Blue Badge is displayed but which does not comply with the Blue Badge concession a PCN should be issued, the reason recorded in their supporting evidence, and digital photographs taken of the badge and the vehicle.

Some car parks provide spaces reserved for Blue Badge holders where, subject to the orders applying to the specific car park, Blue Badge holders may park free of charge. It is usually the condition that the badge is correctly and clearly displayed and the time clock set to the time of arrival. Parking is also usually limited to the time limits that apply to the particular car park. PCNs should be issued to any vehicle parked in contravention of these restrictions.

A CEO may, both on- and off-street, come across blue badges or similar issued by non-UK authorities. There are 28 countries* which have a reciprocal agreement with the UK where a standardised 'European Parking Card' is valid in the

UK. Each country has its own scheme however, and the badge may differ. The Parking Card and a 'Show Your Rights' card should be displayed on the dashboard together with a time clock. In such cases, where such a vehicle is correctly parked a PCN should not be issued.

Other than the 26 European Union countries (plus Norway & Switzerland), other foreign disabled badges are not recognised, and a PCN should be issued in all cases where a contravention is observed unless specific permission has been given by the Council for the use of the foreign badge. In most circumstances foreign disabled permits are 'honoured' for short term visitors but agreement should be in advance.

(*Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland.)

Displaying Pay and Display Tickets

Pay and Display tickets should be displayed on the vehicle in a conspicuous position on the dashboard, windscreen or the front side windows of the vehicle, so that the details can be easily read by the CEO.

Full instructions for use will be found on the ticket itself or on the pay and display machine. However, if the CEO can read the pay and display ticket, and it is valid, even if it is not displayed in accordance with these provisions, a PCN should not be issued.

More than one pay and display ticket should not be displayed at any one time. If more than one ticket is displayed, then the CEO may issue a PCN. On no account should a second ticket for the same bay be purchased either before or after the first has expired. In these circumstances, a PCN may be issued for 'meter feeding' providing that the required loggings have been made. However, it is not a contravention to display old pay and display tickets relating to different locations or dates and PCNs should not be issued in these circumstances.

Where an incorrect machine has been used, unless there are other mitigating circumstances, the PCN should be enforced. However, in circumstances where the driver has used a nearby machine and the time period purchased does not exceed the maximum time period at the bay in which the driver *actually* parked, the PCN should be cancelled. In these cases, the

motorist *has* paid to park legally and the Council has suffered no financial loss. The Adjudicators have mentioned that they do not expect that the motorist should have to tramp the streets to find a correct machine.

Double Parking

It should be noted that WSCC has not yet adopted the powers to enforce double parking.

The contravention of being parked more than 50cm away from the edge of the carriageway applies when the whole of a vehicle is exceeding that distance and is not wholly within a marked out parking place.

Drink Driving

If a CEO sees someone intoxicated while in charge of a vehicle, or attempting to operate that vehicle, they should call 999 as this may require urgent police action. They should supply the vehicle's registration number and description (including colour and make) and a description of the drink driver and their name and address if known. They should not attempt to physically restrain the individual.

Drive-aways (Regulation 10)

If a driver returns to the vehicle while a PCN is being issued but has not yet been served, the CEO may point out that a PCN is being issued but should not ask the driver to wait for the ticket to be handed to him/her. The driver has no legal obligation to wait for the PCN, and must not be coerced into doing so, and if the vehicle is driven away, the CEO must record this in his supporting evidence, together with a note of any conversation which took place. All drive-away PCNs must be handed to the supervisor at the end of the shift.

The TMA 2004 allows a PCN to be sent by post to the owner of the vehicle in cases where the vehicle has been driven away before the Notice has been properly served (by being placed on the vehicle or handed to the driver). The decision to send the Notice by post will be made by the supervisor or by staff processing PCNs.

Drivers in Vehicles

Where a vehicle is parked in contravention of the restrictions and the driver is sitting in the vehicle, the CEO must ask the driver to move the vehicle and park legally; issuing a PCN only if this request is not met. Requests to move may only be made to drivers in vehicles, not to passengers.

Emergencies

An accident or other emergency may result in a driver being unable to comply with a prohibition of stopping or waiting. Such situations will usually be covered by the exemption in the TRO for a vehicle which is prevented from moving by circumstances beyond the driver's control. The additional exemption covering anything done at the direction of, or with the permission of, a police officer in uniform may also apply in some cases.

Emergency Services

The emergency services are exempt as long as the vehicle is being used in pursuance of their statutory powers or duties. For the purposes of most TROs, emergency services are considered to be either the Police, Fire and Rescue Service or Ambulance and statutory powers or duties are considered to be those undertaken while responding to an emergency incident. The exemption facilitates quick access to the scene and/or life-saving operations. An exemption does not apply for other routine duties such as working at an office/base, inspections, being at home while on call or shopping etc.

If a motorist from the emergency services, be they full time or retained, receives a PCN then proof of their statutory duty will be required as supporting evidence for an appeal. This will normally come via a senior member of staff (i.e. a signed declaration). In addition to the emergency services listed above, there are also public safety response vehicles carrying out broadly similar functions. These are not usually exempt in the TRO, but if they receive a PCN whilst carrying out their duties they should follow the same statutory appeals procedure. Examples include Coastguard Service, Mine Rescue or Mountain Rescue.

Expired Permits

Permit holders are sent a reminder e-mail (or in some cases a letter) before their permit is due to run out. Regardless of whether a reminder e-mail or letter is received, it is the responsibility of the permit holder to ensure that their permit is renewed, or that other arrangements are made for parking the vehicle. Residents or businesses displaying an expired paper permit may be issued with a warning notice or PCN depending on the circumstances.

In West Sussex, resident paper permit holders will have up to 7 days (after date of expiry) in which to renew the permit. If the paper permit is renewed during this period, and a PCN issued during this same period, then this may be considered as mitigating circumstances by the issuing authority. However for digital permits there is no grace period to renew the permit.

Flat Battery/Flat Tyre

These will normally be covered by the exemption in the TRO for a vehicle which is prevented from moving by circumstances beyond the driver's control, provided that the vehicle is moved as soon as is reasonably practicable. Where a PCN has been issued and is subsequently challenged, the driver should often be able to supply evidence of roadside assistance or repair/replacement of the item in question.

Footway (Pavement/Verge) Parking

A PCN may be issued for the contravention of parking on the footway or grass verge within a Civil Enforcement Area or Special Enforcement Area if there is an existing restriction (e.g. yellow lines) on the side of the road adjacent to the footway or grass verge. Contravention code 01 applies with an appropriate suffix. There is no provision for a PCN to be issued for this contravention in areas where there are no restrictions already on the road.

In all circumstances the CEO must make a diagram (i.e. in their electronic book) showing the position of the vehicle in relation to the footway/verge. A PCN should also be issued to an HGV parked on the footway, which is a separate contravention. The appropriate code for this is 61.

Funerals and Weddings

The Council recognises that weddings and funerals are important occasions and have catered for this in the exemptions. The exemption applies to the funeral hearse or wedding limousine and when in the service of a funeral director or wedding limousines.

WSCC also have put in place an arrangement with the joint councils that if they are notified in advance then arrangements may be made to suspend bays to enable the hearse or wedding limousine to park. A maximum of 20 visitor permits (each providing two hours of parking) can also be issued for a funeral service. A fee is usually charged for the suspension of parking bays, however, in the event of a funeral/wedding the local authority will waive this charge.

Even though it is not an exemption CEOs will not serve PCNs on other official looking vehicles. Any queries or concerns an officer has will be directed to line management who will advise them the next course of action e.g. a vehicle causing an obstruction. Where the Council believe that a blatant disregard to the restrictions is occurring then it may be necessary for a member of the management team to enter in talks with the owners of the vehicles

The way that the TROs are written does not at present cover Civil Partnerships but the same rules should be applied as for weddings.

Garages – Vehicles Left for Attention

Any unattended vehicle left in contravention of the regulations should be issued with a PCN. If the owner is subsequently able to provide evidence that the garage left the vehicle improperly parked without his consent or knowledge, the possibility of following up the PCN with the garage should be considered. In the case of an attended vehicle, the person in charge of it should be asked to move it without delay, and a PCN should be issued in the event of failure to do so.

Glaziers

For safety reasons connected with the transportation of glass, glazier's vehicles will often need to be parked close to the premises on which they are working. In cases where glazier's vehicles are parked adjacent to the premises, CEOs will observe if the glass is of a size e.g. shop window, which would warrant adjacent parking. Glaziers will be exempt from the regulations to load and unload the glass only, however the vehicle should then be parked at the nearest applicable parking bay.

Government Departments

Vehicles of government departments and agencies are not, as such, exempt from the provisions of the TMA 2004 but some of these vehicles will be of types for which specific exemptions are written into many TROs. Examples may be military vehicles.

However, consideration may be given to cancelling PCNs issued to government department vehicles, where appropriate evidence is supplied that they were engaged in surveillance or enforcement activities, or in exceptional or emergency situations.

Grace Periods

These are slightly different from observation periods, in that they serve a different purpose, primarily one of offering fairness in enforcement activity. A 10 minute grace period applies in on/off-street parking bays in the following instances:

- at the start of controlled hours when the bay reverts from being uncontrolled to controlled.
- upon expiry of a paid for session of parking.

- upon expiry of a permitted 'free' period of parking (e.g. a maximum stay).

Grace periods following the expiry of a time period are now mandatory under The Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2015.

Grace periods do not apply where a vehicle is parked anywhere outside of a parking bay, for example on yellow lines, loading bans, bus stop/stand clearways etc or in a permitted parking bay without permission, without a permit or without having made payment (beyond the first 10 minutes of control).

Hazardous Substances

The transport of hazardous substances by road is governed by the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 and the police have powers to enforce the relevant provisions. Any CEO who has reason to suspect that a vehicle is carrying a hazardous substance in a dangerous manner or is failing to contain it properly should report the matter to the emergency services without delay. The CEO should not make any attempt to deal with the danger as it requires special training and precautions. Vehicles carrying hazardous substances should display "Hazchem" identification plates with details to assist the emergency services.

Hearses

See under "Funerals and Weddings".

Hire and Lease Agreements

The main difference between a hired vehicle and a leased vehicle is duration. A hire is anything up to 6 months and a lease is 6 months and over. Leasing companies do not have to supply the original agreement and will normally supply the following:

- the name of the person leasing the vehicle.
- the address.
- the duration of the lease.
- Copy of the signed hire/lease agreement with a copy of the signed declaration of statement of liability

If there is no reason to doubt what they are saying then the liability will be transferred over and a new NtO served.

A hire company should adhere to The Road Traffic (Owner Liability Regulations) 2000 which require the recording of both the particulars of the person hiring the vehicle and the particulars of the agreement. These details should be supplied. If any particulars are missing then the document does not comply with the requirements.

Holidays

See under "Bank Holidays and Sunday Enforcement".

Hospital and Other Medical Appointments

Possible mitigating circumstances arise where a PCN has been issued to a person delayed by a hospital or dental appointment. Such cases should be looked at carefully, with advice sought from line management if required. In most circumstances the motorist will be able to provide proof of a delay. It is worth taking into account the type of restriction that applied, so as an example if the contravention occurred where the motorists parking in a 1 hour maximum waiting restriction then this would not normally be accepted.

In cases where the driver of a vehicle is claiming an emergency visit to a hospital, the Penalty Charge Notice should be cancelled provided sufficient details/supporting evidence have been provided and the emergency is felt to be genuine.

If the patient was admitted, confirmation should be sought in the form of a letter from the GP or the hospital (this is normally readily available). Similarly, where a driver is visiting a sick relative as an emergency visit, proof of a similar nature should be sought. It is important to ensure that the date(s) of the hospital visits/stay cover the date on which the Penalty Charge Notice was issued. If there is a discrepancy, the ticket should not be cancelled.

Where there is a pre-arranged appointment and the driver is claiming that he was delayed in returning to the vehicle, the Penalty Charge Notice should be upheld, unless an emergency had developed during the appointment, in which case further evidence should be requested.

Hours of Enforcement

Enforcement will be carried out during the hours of control, which vary according to the restriction. More information regarding the hours of control in specific areas will be shown on the entry plates to controlled parking zones or on separate plates adjacent to the restrictions.

Limited Waiting Bays

Limited waiting bays provide for a waiting time limited to that displayed on the signs and may include a no return to the parking place, street, or area within a time also displayed on the sign.

PCNs may be served to vehicles parked for longer than the maximum period permitted, provided the mandatory 10 minute grace period has been observed, and for those returning within the no return period. In both cases the correct observations must be carried out and the CEO must complete notes that show the times of the logging, valve positions and observations e.g. whether or not a blue badge was displayed or if loading/unloading was seen at each logging.

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, a PCN must not be issued. The CEO must report the defect at the end of the shift for remedial action to be taken.

Where a line on the highway is substantially obscured or missing, or termination markings are not present where required, the same reporting action as for missing signs (above) must be taken. However, it is possible to issue a PCN where termination markings are missing, providing that it does not detract from the overall legality of the marking, e.g. if there is a long length of yellow line and the vehicle is parked in the middle. In this situation it is apparent that the yellow line restriction applies.

If there are small lengths of yellow lines missing (less than the length of ½ a small car), the CEO should issue a PCN, and report the defective section. If a vehicle is either fully contained in the missing section, or more than ½ the vehicle is contained in the missing section, a PCN should not be issued.

Liveried Royal Mail and other Universal Service Providers

TROs contain an exemption for "universal service providers", covering vehicles carrying out duties as defined in the Postal Services Act 2000 (engaged in the delivery or collection of postal packets to or from post boxes and business premises) and therefore such vehicles (usually liveried vehicles) are exempted whilst carrying out these activities.

The exemption does not apply in areas with a no stopping/no loading restrictions or a prohibition of driving restriction.

Loading/Unloading Guidelines

Except where a loading ban is indicated by time plates and yellow kerb markings, vehicles may wait on single or double yellow lines for the purpose of loading and unloading, provided that it is impractical to conduct these activities elsewhere.

However, there is no right to park and under normal conditions an illegally parked and unattended vehicle would be observed for a reasonable amount of time so that a CEO could state that no active loading or unloading was taking place. In such cases a PCN may be issued.

Loading and unloading activity should be continuous and vehicles should not be left unattended other than for the purpose of loading/unloading. Vehicles must be parked near to the premises being serviced (but not necessarily directly adjacent) and it must be reasonably necessary to park there in order for the activity to be carried out.

Where loading and unloading is not prohibited a CEO will apply a 5-minute observation time (10 minutes for a commercial vehicle) in order to ascertain whether or not loading/unloading is taking place. If during these periods no activity is noted, the CEO will assume the vehicle is not involved in any loading or unloading activity.

Loading/unloading may be allowed for commercial purposes (in the case of deliveries and collections, the goods involved do not have to be heavy or bulky), or if the items being loaded or unloaded are not easily portable. Loading/unloading may also be allowed for private individuals when collecting heavy or bulky items that have already been purchased or when moving such items that are already in their possession. However, it cannot be allowed for shopping activities as such.

If a PCN is issued and the driver returns and claims to be loading or unloading, the CEO should advise the driver to challenge the penalty charge notice following the information shown on the reverse of the PCN and include evidence of the loading or unloading (invoice, delivery note, sales bill, receipt, witness statement etc).

Loading and unloading is permitted in permitted parking bays, on single or double yellow lines, in loading bays and in limited waiting bays.

Loading and unloading is not permitted at bus stops, taxi ranks, on clearways where stopping is prohibited, in doctor/hospital/ambulance bays, where time plates and kerb markings indicate loading restrictions, on school zigzag markings or in suspended bays.

See also Appendix 5 for relevant case law.

Lost Keys

Where it is claimed that car keys have been lost, stolen or locked in a vehicle, consideration may be given to cancelling a PCN upon the production of supporting evidence from the police, motoring organisations or garages.

Maximum Size of Vehicle

There is no maximum height or length of vehicle which may park in a bay on-street, although there are height restrictions in most car parks. Nevertheless, all vehicles parked on-street must park wholly within the bay markings. CEOs should issue PCNs to vehicles which do not comply. If a CEO sees a vehicle which does not fit into the bay, but which is displaying a permit, they should report this to base to confirm the validity of the permit.

Motorcycle Parking

Within a CPZ, a motorcycle, unless it three wheeled or has a sidecar, will be allowed to park in a permit, shared use or pay and display bay without the need to purchase or display a permit, voucher or pay and display ticket and without time limit. This provision does not apply to other restrictions (e.g. yellow lines) and PCNs should be issued to motorcycles parked in these circumstances.

Obscured/Incorrectly Validated Paper Permits

If a paper parking permit is not clearly displayed in a vehicle, and it cannot be read, a PCN should be issued. The CEO should make a note in their electronic book or handheld about the obscured section of the permit and ensure that the appropriate photograph is taken.

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

Visitor "scratch card" type permits may also be obtained by residents in CPZ which do not operate a Digital Permit Scheme and must be correctly validated. Where a visitor permit has been incorrectly validated, that is with more than one day/date/year field scratched off, with no date entered or without today's date, or the vehicle number has been altered or entered incorrectly, a PCN will be issued. Under these circumstances a code 19 (lower band charge for a lesser contravention) should be issued.

Some vouchers require user input, and in cases where the wrong date either side of the correct date is filled in (e.g. if today's date is Tues 15 but Mon 14 or Wed 16 (or combination) is shown) then code 19 applies. However, if Sun 13 or Thurs 17 (or combination) is shown then code 12 (high band charge for a more serious contravention) should be issued.

However, if the alteration or error is minor (e.g. one digit or letter of the vehicle is shown incorrectly or has been altered), or where only part of a day/date or year has been scratched off, a PCN should not be issued providing that the CEO is satisfied that there is no deliberate attempt to use the permit fraudulently.

If the permit on display is not valid for that bay, for example, a permit is on display for a different zone to which they are parked; then a code 12 should be used for this contravention.

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 certain period of time before issuing a PCN. This observation period is primarily designed to ensure that the vehicle is not engaged in an exempt activity, such as loading or unloading.

On-street observation periods vary between nil and 10 minutes, depending on the vehicle and type of restriction, and are set out in Appendix 2. Off-street observation periods also vary between nil and 10 minutes or as specified in the local Off-Street Parking Places Order.

Obstructions

Vehicles parking in contravention of existing waiting restrictions should be reported to the relevant district or borough council parking services team.

CEOs will not be able to intervene in perceived cases of dangerous or obstructive parking where there are no waiting restrictions or if the land is private. Typical examples would be where a vehicle is parked on a pavement adjacent to an unrestricted carriageway or within 10 metres of an unrestricted junction.

If a vehicle is considered to be causing an obstruction, preventing access for emergency vehicles, parked on the pavement, parked dangerously on a junction or blocking a driveway, it should be reported to Sussex Police, using the non-emergency number 101 or by emailing the local policing team or reporting the matter via Operation Crackdown

Obstruction is a very broad issue and Sussex Police will review each report on a case-by-case basis. They can only issue a fixed penalty or take other action in certain circumstances, for example when an obstruction is likely to endanger life.

Overheating

See under "Breakdowns".

Overseas Registered Vehicles

If a PCN is served to an overseas registered vehicle then the CEO will indicate this in the hand-held by pressing a button. This action will stop the case progressing. The DVLA have given enforcement authorities clear instructions that they should not send these registrations to them as they will not have the ownership details and it could lead them to give out data that is not necessarily for that vehicle. This came to light as the Romanian VRM is the same format as the current UK format.

However if ownership details can be obtained by other robust means then the notice can be pursued. Examples of this would be as follows:

- If an application has been made for a permit or
- If the vehicle has been removed.

If the owner's address is overseas then statutory notices can be served by using an external company to pursue the case on behalf of the council, however cases cannot proceed to debt registration.

Parking Outside Bay Markings

A PCN may be served to a vehicle which is out of the bay.

Pay and Display Machine Faults

If a pay and display machine is found to be faulty it is usually the driver's responsibility to look (within a reasonable distance) for an alternative machine from which to purchase a Pay and Display ticket, providing that the alternative machine is situated in the same road or car park.

In the event that the Pay and Display machine is marked as 'out of order' and there are no alternative payment points in that road/car park, a PCN cannot be served and a vehicle will be allowed to park until the machine is repaired and then for the maximum parking duration of the bay.

Pay and Display: Expired Time

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

CEOs may also serve a PCN 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 (this is subject to the relevant provision being in the TROs).

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 and bay), a PCN should not be issued. In these cases, the total amount of time shown on the pay and display tickets will be allowed, i.e. if both tickets show that 30 minutes has been purchased, the driver will be allowed not more than one hours parking, excluding any appropriate mandatory grace period, subject to any stay not exceeding the maximum time permitted.

Pedestrian Crossings

If a vehicle is parked on a pedestrian crossing or crossing area marked by white zigzags the CEO will serve a PCN to the vehicle. Parking on Zig Zags is also a matter for the police who can serve a Fixed Penalty Notice (FPN). Civil Enforcement Officers have no powers to remove a FPN from a vehicle, even if it's just to check it and as such are required to serve a penalty charge notice. The white Zig Zag applies to the carriageway but does not go to the back of the highway.

Photographs

When a CEO issues a PCN to a vehicle, photographs of the contravention must be taken. More may be taken as required.

These photographs should show the following:

- The front of the vehicle and the number plate.
- The windscreen of the vehicle (showing whether or not there are any permits/badges displayed).
- A close-up of any badge/permit that is expired or incorrectly displayed, so that the details may be seen from the photograph.
- The immediate surrounding area in which the vehicle is parked, with signs and lines (where applicable), sufficient to identify that the contravention has occurred.
- The PCN attached to the windscreen of the vehicle.

Ideally, each sequence of photographs should begin and end with a photograph of the vehicle number plate. The first photograph must show the front plate and the last photograph must show the rear number plate. However, this may not be possible in all situations. If the CEO is unable to take photographs for any reason (faulty camera, vehicle driven away for example) an explanatory note should be made in the electronic book or handheld.

Picking Up/Dropping Off Passengers

Motorists may stop to pick up or drop off passengers on yellow lines, or in any parking bay. It is generally accepted that the maximum time allowed for this activity is about 2 minutes in the case of able-bodied passengers but there may be exceptions to this rule if the motorist must accompany a child (for example at a school gate) or elderly/disabled person away from the vehicle, or if there is luggage to be set down and the 2 minute rule should not be applied rigorously in these circumstances. A PCN should 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.

Prevention of Service of a PCN

When a CEO has been physically or verbally threatened and prevented from issuing a PCN the CEO, on return to base, must complete a witness statement, detailing the incident. Any details of police assistance or assistance from colleagues must also be included to assist with pursuing the PCN.

The CEO, on completing the witness statement, must pass these details and PCN to their Supervisor for processing. The PCN details will be added to the system and a postal PCN may be sent to the owner of the vehicle.

Public Assistance

CEOs should be helpful and courteous to the public at all times and be prepared to answer questions, offer advice and give directional instructions when requested. All CEOs must understand the importance of their actions and the way they speak to members of the public and the reflection this has on the image of the Council in the eyes of the public.

If a CEO is witness to any form of accident or emergency situation they should immediately offer their services in assistance and, until other emergency services arrive, stay in attendance acting as a communications link. In the absence of the police or any other emergency officer they should take the initiative at the incident and do their best to help minimise problems. In these circumstances, the CEO must keep the operational base informed of the situation at all times and the action taken.

Registered Keeper

The person or organisation recorded at the Driver and Vehicle Licensing Agency (DVLA) as being the keeper of a vehicle. Under the concept of "owner liability", Councils may assume that the registered keeper is also the owner of the vehicle for the purposes of enforcement, unless there is clear evidence to the contrary or this presumption is rebutted by the registered keeper.

Reporting

Whilst on patrol, CEOs are required to carry out various reporting functions. In addition to reporting problems with lines and signs and faulty pay and display machines, CEOs may also be required to take details of the following, and report back to their base –

- Graffiti.
- Skips that do not have a suspension in place.
- Overhanging foliage.
- Abandoned vehicles.
- Animals and children left in cars (especially in extreme weather).
- Problems with street furniture.
- Faulty pay and display machines.
- Car park defects.
- Building materials left in the road or on the footway.
- Environmental crime such as littering, fly tipping or dog fouling to the Environmental Enforcement Team.

Further information about exact reporting requirements will be advised locally.

Requests for Enforcement

From time to time, individual CEOs may be approached by members of the public requesting enforcement of a particular restriction. Where a CEO is approached whilst patrolling an area, providing that the request relates to a neighbouring road or the same road and will not involve the CEO leaving the allocated beat, the officer should comply with the request. If the request will mean that the CEO will have to travel a considerable distance or leave the allocated beat, the CEO should relay the request to base for further instruction.

Running out of Fuel/Power

See under "Breakdowns".

Scaffolders

Scaffolders are generally exempt from parking restrictions where scaffolding is being erected or dismantled, i.e. whilst loading and unloading equipment from the vehicle and erecting/dismantling the scaffold. CEOs will issue a PCN to vehicles that are not engaged in actively loading/unloading or constructing/dismantling scaffolding, essential work, or covered by a permit/waiver/dispensation.

Schools

CEOs will observe vehicles parked in permit parking bays adjacent to schools. If these vehicles are not causing an obstruction then the CEO will allow a period of observation before issuing a PCN. This period should be long enough to ensure that children can be taken safely to the school premises, so under normal circumstances at least 10 minutes should suffice. (An obstruction is defined as a full or partial blocking of the footway or line of sight for vehicles turning into junctions).

This observation time is only applicable during the time of day at which children are picked up and dropped off. Vehicles must not be causing an obstruction or present an inconvenience or danger to other road users, including pedestrians and cyclists. In practice this will allow parents time to pick up or drop off their children. At all other times, normal regulations apply.

This concession does not apply to vehicles parked on yellow lines, school zigzag markings (but see note below), or where loading restrictions are in force. The Council may make separate arrangements with individual schools where there are particular problems or requirements and these will be advised separately.

School Zigzags

The TSRGD 2016 attempted to remove a previous requirement for school zigzag markings to be supported by a TRO for enforcement purposes. Unfortunately, a drafting error in the document has led to a situation where the DfT have advised that the TROs should still be retained (pending correction of the error) as far as civil enforcement is concerned.

The yellow school zigzags are placed outside schools for the safety of children and will be enforced during term time and within specified hours at the beginning and end of the day. It is a contravention to stop on the zigzag area. As such, there will be no period of observation before the issue of a PCN to any vehicle that is stationary on the zigzags outside of a school. This includes school coaches.

From time to time, CEOs may be asked to maintain a presence at schools where there are particular problems with vehicles parked during drop off and pick up times. This will be defined by the Council if required.

Second & Subsequent PCNs

A vehicle may only receive one PCN for a contravention committed by a single act of parking on a particular day. However, midnight is treated as the cut-off point for that day and therefore, if a vehicle is left overnight, a second PCN can be served the following day if it is still parked in contravention.

If a vehicle is parked in contravention for more than one day, and has already received one PCN, a second PCN may be served the next day, and the vehicle reported to a supervisor. If the vehicle continues to be parked in contravention for a third day, a third PCN should not be issued without the permission of the supervisor or manager. If the CEO believes that after 3 PCNs that the vehicle has not moved and is abandoned then this should be reported immediately.

Shopping

See under "Loading/Unloading Guidelines".

Skip Licences

A company providing the skip must apply for a suspension of any relevant bay through the Council prior to a skip licence being issued. If a CEO sees a skip but there is no suspension in place, this must be reported to base immediately.

Snow, Leaves, Frost

Weather conditions may mean that a CEO is not able to issue a PCN on some occasions. If lines on the road are obscured by snow or leaves and are not visible, a PCN cannot be issued.

If a vehicle windscreen is covered by snow or frost, the CEO is not permitted to clear the windscreen, but must make a note in the supporting evidence. A PCN may only be issued if the lines are clear and the restriction is such that even if the vehicle was displaying a permit or a Blue Badge, it would not be permitted to park (e.g. 02 contravention).

Statutory Undertakers (Utilities)

There is an exemption for liveried vehicles being used in the service of gas, electricity, telecommunications or water companies. These vehicles will not be issued with a PCN in the following circumstances –

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

The company will often arrange for a suspension if works are to be carried out, but this is not always possible, especially in an emergency situation. If the vehicle is being used to deal with an emergency, it must be moved once the emergency has been dealt with, and the vehicle is not exempt for normal routine activities, such as inspections or servicing.

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

Suffixes

The tables of penalty charge codes shown in Appendix 3 show each code as a two digit number together with a general description of the contravention. Also listed are the suffixes that may be used with many of the codes to provide more detail, such as the type of bay concerned. These suffixes consist of single alphabetic characters and are each defined at the end of the tables. Where an appropriate suffix is shown, it should be used: for instance "30p" would indicate parked for longer than permitted (Code 30) while in a pay and display bay (suffix p). Suffixes contained in Appendix 3 are in common use in London. Local authorities outside London may also use them if they choose to do so, however there is no requirement to do so.

Supporting Evidence

Supporting evidence may be recorded either in an electronic book or on an HHC, at the discretion of each council. The requirement to take photographs does not replace the requirements shown below in respect of supporting evidence. The Council requires both forms of evidence to support the issue of a PCN. As a minimum, descriptive entries are to be made under the following circumstances:-

- Whenever there is any verbal or visual contact with the driver of the vehicle a summary of the event should be written down together with a brief description of the driver.
- Whenever there is any verbal contact with a vehicle's passenger or other member of the public a summary of the conversation should be recorded.
- Whenever a vehicle is driven off whilst a PCN is being issued.
- Whenever there is any verbal abuse or threatening behaviour (whether or not a PCN was actually served).
- In situations where the criteria for determining a contravention are marginal.
- Where a PCN is issued for the contraventions of being parked outside of the bay markings or parked on the footway. In this case, the descriptive entry must indicate approximate dimensions and a sketch/diagram.
- Whenever a note or notice has been left on the vehicle. The exact wording of the message should be recorded and a photograph of the note taken if possible.
- Whenever a vehicle appears to be in an abandoned or vandalised state a description should be noted and a photograph should be taken.
- Whenever there appear to be suspicious circumstances associated with the vehicle or its location.

Suspension Procedures

Suspensions may be arranged for the following:

- House or office removals.
- Funerals or weddings.
- Essential work on the highway.
- Essential deliveries e.g. building materials.
- The placement of skips.
- Special events.
- Filming.
- Facilitating the movement of traffic or safety reasons.

Although many suspensions are arranged in advance, they may also need to be arranged at short notice, in the case of emergency works for example. Once a suspension has been authorised, warning notices and signs will need to be put into

place (normally 3 days prior to the suspension taking place – you have a bit of a conflict here with the management guide which indicates a minimum of 24 hours). The sign must state the following:

- Dates between which the suspension will be in force.
- Exact location of the suspension.
- Purpose of the suspension.

If this information is missing, or a sign is not in place, a PCN cannot be issued. Unauthorised vehicles parked on the notified suspensions will be issued with a PCN. This provision also applies to householders who have arranged a suspension for removals or work on the property, as the suspension does not permit the householder to park his vehicle there. The CEO must make notes or take photographs which show the position of the suspension sign in relation to the vehicle and confirm that the suspension was in force at the time.

Taxis and Mini Cabs

In legal terms, taxis are licensed as “Hackney Carriages” while mini cabs are licensed as “private hire vehicles”. The main practical difference between the two is that a taxi is allowed to use taxi ranks and ply for hire from the carriageway while a mini cab can only pick up pre booked passengers. Taxi drivers do not have to stay with the vehicle as it is deemed to be their place of work and as such they are allowed to leave the taxi to go to the toilet.

Traffic Regulation Orders

Although the TMA 2004 gives WSCC, together with the Boroughs and Districts, the powers to enforce decriminalised parking restrictions, these restrictions are subject to the provisions of local TROs. Under the Road Traffic Regulation Act 1984, WSCC is authorised to make on-street TROs and also Orders for car parks. The Boroughs and Districts also have powers to make for car parks, subject to the consent of WSCC as Highway Authority. These Orders determine where and how vehicles can park, together with the charges and the contraventions that apply. This gives the Councils the legal authority to issue PCNs where a contravention occurs.

Each TRO will consist of 2 parts, the articles and the schedules. The articles give details of the restrictions relating to the bays or lines, what is and is not permitted, exemptions, permit rules and charges. The schedules detail all the locations that

are covered by the articles. The exemptions contained in the articles are particularly important and further information on them is given in this document.

For on-street parking, WSCC uses map-based schedules with numbered and dated plans. These take the place of the traditional text-based schedules and show the restrictions as colour-coded and/or patterned items drawn on a set of Ordnance Survey base maps. For each Borough and District, WSCC makes a single consolidated base Order containing all the current restrictions at a given time. As needs arise, amendments are made to that base Order by the insertion of new plans or the replacement of existing ones. Every time an Order is sealed, a copy is sent to the Borough or District to enforce. A copy is also sent to the Traffic Penalty Tribunal for the reference library on their web site.

It is vital that the TRO's are as up to date as possible, as WSCC will not advocate enforcing a road if there is no provision to do so in the relevant TRO. The TMA Guidance urges Councils to make sure that their TROs, lines and signs are all in good order, and to ensure that irregularities are rectified promptly. The Boroughs and Districts, through their CEOs, play a key role in this respect by checking that appropriate signs and lines are in place when PCNs are issued. This is vital for upholding the required standards. Only authorised markings and signs may be used and these can be found in the Traffic Signs Regulations and General Directions 2016.

The following list indicates the types of restrictions and bays that WSCC may introduce when considering on-street parking controls.

- No waiting or loading restrictions (yellow lines).
- School Keep Clears.
- Loading bays.
- Vehicle specific bays (Motorcycle bays, taxi bays, goods vehicle only bays).
- Permit holder bays.
- Free limited waiting bays.
- Pay and display bays/Shared use bays.
- Disabled bays.

Although both WSCC and the Boroughs and Districts have powers to make Orders for car parks, this is mostly done by the Boroughs and Districts.

Vehicle Definitions (Including Definition of "Goods")

Road traffic legislation does not generally define the term "vehicle" as its basic meaning of "anything used for transporting people or goods" is sufficiently clear.

However, vehicles can be legally divided into two broad classes: passenger-carrying vehicles and goods vehicles. Passenger-carrying vehicles are those constructed or adapted for carrying people, while goods vehicles are those constructed or adapted for carrying goods. "Constructed or adapted" refers to the permanent nature of the vehicle and not to temporary alterations such as the removal of rear seats.

"Goods" is only defined in broad outline in the legislation, and usually as "goods or burden of any description". Clearly, the intention is to make the meaning as wide as possible. In particular there is no definition of size and, because postal packets are normally included, the implication is that goods can be small if they are being handled in the course of a delivery round.

There is no requirement in the Traffic Regulation Orders that what is to be loaded or unloaded must be goods of any specific nature. Shopping may be classed as goods. The loading exemption does not cover choosing the goods i.e. the process of shopping, but it would apply while the goods are being put into a car, if they are too heavy or bulky to be carried away and loaded elsewhere.

"Motor vehicles" are defined as being mechanically propelled, so that pedal cycles and trailers are "vehicles" but not "motor vehicles". Care needs to be taken over the wording of parking place orders because a restriction on "motor vehicles" will not apply to trailers unless it is clearly stated that they are included.

Some of these terms, such as "goods vehicle" may sometimes be given special local definitions based on matters such as vehicle weight. Where such definitions apply, they will be written into the relevant TRO and will override the definitions given here.

Waivers/Dispensations

These will be available from the Council and allow commercial vehicles and trades people to park in permit holder and shared use bays, pay and display bays or on yellow lines.

They are not valid in taxi ranks, disabled bays or loading bays.

They may be issued to allow drivers easy access to their tools and equipment or where the vehicle itself is necessary for the works taking place (i.e. as a mobile power source for other equipment).

To obtain a dispensation, the driver of the vehicle must demonstrate the nature of the work; that the vehicle is necessary for the work and there is no alternative place for it to park; or that it cannot use resident visitor vouchers.

The vehicle must display a waiver form in the windscreen, unless it is purchased digitally from those Councils who operate a Digital Scheme, which will contain details of the registration number, date and time(s) to which the waiver relates and the location. Any vehicle not parked in accordance with the terms of the waiver (e.g. in the wrong location) should be issued with a PCN.

Warning Notices

Warning notices are not normally issued, other than, for example, a lead-in period for new CPZs, where CPE is being introduced for the first time, or if a new contravention code is introduced.

Notices may occasionally be used to advise a driver that he has parked in contravention of the restrictions and that a PCN may have been issued.

Further information and guidance regarding the issue of warning notices will be determined locally and there may be other circumstances in which the use of a warning notice is considered appropriate.

Weddings

See under "Funerals and Weddings".

Window Cleaners and Chimney Sweeps

The Council recognises that window cleaners and chimney sweeps are carrying out an essential local service. Accordingly, vehicles belonging to window cleaners and chimney sweeps actively engaged in cleaning windows and chimneys will be exempt and may park for as long as necessary to carry out their duties, as long as it is adjacent to the premises where the works are taking place (TRO indicates this)

CEOs will identify such vehicles either from their livery, or from notices placed in the vehicles. If a notice has been placed in vehicle the CEO will need to be able to see that window cleaning is being undertaken otherwise a PCN can be served. In these circumstances, a PCN will not be served if the vehicle is parked in the following circumstances:

- in a permit holder, voucher bay.
- in a pay and display or limited waiting bay.

APPENDIX 1: ABBREVIATIONS AND TERMS USED IN PARKING

Adjudication, Adjudicators, Appeals

Adjudication is the second and final statutory opportunity for a motorist to contest a Penalty Charge Notice, through an appeal to an independent Parking Adjudicator. All Adjudicators must have been in legal practice for at least five years, e.g. a solicitor or barrister who have been appointed by the Lord Chancellor as an Adjudicator

A motorist may only appeal after the Council which issued the Penalty Charge Notice has rejected a formal representation and appeals may only made on certain, specified grounds.

Cancellation

This is the action taken by the Council to cancel a Penalty Charge Notice.

Certificated Enforcement Agent

An enforcement agent (formerly known as a bailiff) authorised to recover parking debt.

Charge Certificate (CC)

A notice issued to motorists who have received a Penalty Charge Notice and subsequent Notice to Owner but have not paid within the statutory time limits. A Charge Certificate increases the full penalty charge by 50% and requires payment within 14 days of service if registration of the debt is to be avoided.

Civil Enforcement Officer (CEO)

An officer engaged by a local authority to issue Penalty Charge Notices under the Traffic Management Act 2004. Civil Enforcement Officers may be employed direct by the Council or through a specialist contractor.

Contravention

A failure by a motorist to comply with parking controls in a Civil Enforcement Area.

Debt Registration

The process of recording a parking debt with the Traffic Enforcement Centre at Northampton County Court, no fewer than fourteen days after the service of a Charge Certificate and where the penalty charge due has not been paid. The registration of debt is an automated process and there is no right of personal representation during this process.

Designated Parking Bays

Bays designated by a TRO for specified types of parking, e.g. free parking, meter parking, resident permit or disabled badge holder parking. These are usually denoted by white boxes on the carriageway.

Discount Rate

A reduction in the penalty charge due if the Penalty Charge Notice is paid by the end of the period of 14 days beginning with the date of issue. The discount rate of 50% of the full charge was determined originally by the Parking Committee for London (now London Councils) and this principle has now been embraced by non-London local authorities and is contained within their individual CEA Designation Orders. However, the discount rate is not automatically guaranteed to remain at 50% and could be liable to change in the future.

It should be noted that West Sussex County Council policy is that the discounted rate will be re-offered following rejection of a first stage challenge and in exceptional circumstances at the rejection of a formal representation stage. .

Exemptions

Exemptions apply primarily to yellow lines and to the functions of loading, unloading and the picking up and setting down of passengers and their luggage. Certain classes of vehicle may be granted exemption from certain parking controls as detailed in a local authority's TRO, for example statutory undertakers when on operational duties and others, for example hearses and removal lorries. For full details of restrictions and their respective exemptions refer to the TRO for precise information.

False Statement

It is a criminal offence to "knowingly and wilfully" make an untrue statement in connection with an appeal to a Parking Adjudicator and at other stages in the enforcement process. Persons committing such offences risk conviction and a fine.

FOAM (Fast Online Appeal Management)

An internet-based facility provided by the TPT to give a simpler, quicker and more efficient way of making, managing and determining appeals against PCNs.

Handheld Computer (HHC)

A small handheld computer that can be used to register parking contraventions and to print the subsequent Penalty Charge Notice. The HHC may contain an integral printer and also digital camera and even sound recording capabilities.

Hire Vehicles

Vehicles are normally hired under an agreement which conforms with The Road Traffic (Owner Liability) Regulations 2000. This transfers liability for any Penalty Charge Notice (and other contraventions or offences) from the hire company, as the owner of the vehicle, to the hirer of the vehicle.

Loading Bay

A specific bay, bounded by white markings and signed to permit loading and unloading by goods vehicles. Waiting and parking is not permitted within these bays.

Notice of Acceptance (NOA)

A letter issued by a Council to a motorist following their formal representation against a Notice to Owner indicating that this representation has been accepted.

Notice of Appeal (NoA)

The form which must be issued to a motorist along with a Notice of Rejection and which opens up the motorist's right to appeal to an independent Parking Adjudicator.

Parking Adjudicator

An independent solicitor or barrister of at least five years professional standing, appointed to consider appeals against Penalty Charge Notices issued under the terms of the TMA 2004 and associated regulations.

Parking Bay

An individual bay within a parking place that is provided for the leaving of a vehicle upon payment or display of a permit or voucher as required.

Registered Keeper

The person or organisation recorded at Driver and Vehicle Licensing Agency as being the keeper of a vehicle. Under the concept of "owner liability", Councils may assume that the registered keeper is also the owner of the vehicle for the purposes of enforcement, unless there is clear evidence to the contrary or this presumption is rebutted by the registered keeper.

Statement of Liability

Part of the agreement signed by the hirer of a vehicle accepting that the hirer accepts liability, as if he were the owner, in respect of Penalty Charge Notices issued to the vehicle during the hire period. A hire agreement must contain the particulars required by the Road Traffic (Owner Liability) Regulations 2000 to enable the hire company to transfer liability in this fashion.

Traffic Enforcement Centre (TEC)

The TEC was established for the purpose of allowing local authorities and other public bodies to enforce unpaid penalty charge notices. It is attached to Northampton County Court Bulk Centre and can authorise the local authority to prepare the Order for Recovery (Form TE3) of unpaid penalty charges. The TEC also processes all statutory declarations and witness statements and where necessary produces Notices of Revocation. It can also authorise the issue of a warrant of control.

Traffic Penalty Tribunal (TPT)

An independent tribunal which provides an adjudication service in respect of Penalty Charge Notices issued in England and Wales (outside London) under the terms of the TMA 2004 and associated regulations.

Traffic Regulation Order (TRO)

An official order made by a local authority under the Road Traffic Regulation Act 1984 and which details the nature and extent of parking controls within the Council's area. It is a contravention of these controls as detailed in a TRO that may give rise to the issuing of a Penalty Charge Notice.

Waivers

An agreement to allow a vehicle to park in a restricted area, without penalty, for an agreed duration and without the need to pay any initial parking charge. Waivers are also called dispensations and are issued by or on behalf of the Council which are chargeable. . Dispensations are typically granted in limited circumstances where alternative provision cannot be made, for example to enable works to take place at adjacent premises or for essential deliveries which will take longer than the maximum time permitted.

Warrant of Control

Authority issued by the county court to enforce an unpaid debt, following registration at the TEC. Warrants must be in the possession of a certificated enforcement agent when attempts are made to recover the debt.

APPENDIX 2: OBSERVATION TIMES

Restriction Type – Waiting (Single/double yellow line).

Observation Period - 5 minutes (private car or private light goods) 10 minutes (commercial vehicle).

Restriction Type – Active loading restriction.

Observation Period – Nil.

Restriction Type – Parked on zigzags.

Observation Period – Nil.

Restriction Type – Bus stop clearway.

Observation Period – Nil.

Restriction Type – Pedestrian Zone.

Observation Period – Nil.

Restriction Type – Misuse of disabled badge.

Observation Period – Nil.

Restriction Type – Off-Street Car Parks.

Observation Period - Subject to the local parking order.

Restriction Type – Shared use bay – no initial payment.

Observation Period - Private car - 5 minutes.

Restriction Type – Residents Bay.

Observation Period - Private car - 5 minutes.

Restriction Type – Free bay.

Observation Period - Private car – A grace period at the end of the parking period of 10 minutes will apply. After which instantaneous PCN can be issued.

Restriction Type – Loading bays.

Observation Period - 5 minutes (private car or private light goods) 10 minutes (commercial vehicle).

Restriction Type – Pay and display (P&D) bay – no initial payment.

Observation Period - 5 minutes.

Restriction Type – P&D bay (feeding contravention).

Observation Period – Nil.

Restriction Type – P&D bay (returning within the no return period).

Observation Period – Nil.

Restriction Type – P&D bay (expiry of time).

Observation Period - A grace period at the end of the paid parking period of 10 minutes will apply. After which instantaneous PCN can be issued.

Restriction Type – Incorrect class of vehicle.

Observation Period – Nil.

Restriction Type – Any other breach of parking regulations.

Observation Period - 5 minutes subject to TROs.

Restriction Type – Schools (Permit Bays adjacent to schools term time only peak time only).

Observation Period – 10 minutes.

NB. If active loading is witnessed during the observation period (in a location where loading is permitted) then up to 30 minutes should be allowed or longer if necessary.

APPENDIX 3: CONTRAVENTION CODES FOR CIVIL PARKING ENFORCEMENT (ENGLAND WIDE)

Higher-level parking contravention codes on-street

Code – 01.

General Suffix(es) – ajoyz.

Description – Parked in a restricted street during prescribed hours.

Notes – Code-specific suffixes apply. Suffixes y and z for disabled badge holders only. See additional notes.

Code – 02.

General Suffix(es) – ajo.

Description – Parked or loading and unloading in a restricted street where waiting and loading and unloading restrictions are in force.

Notes – Code-specific suffixes apply. See additional notes.

Code – 12.

General Suffix(es) - arstuwy4.

Description – Parked in a residents’ or shared use parking place or zone without a valid virtual permit or clearly displaying a valid physical permit or voucher or pay and display ticket issued for that place where required, or without payment of the parking charge.

Notes – Code-specific suffixes apply.

Code – 14.

General Suffix(es) - ay89.

Description – Parked in an electric vehicles’ charging place during restricted hours without charging.

Code – 16.

General Suffix(es) - abdehqstwxzy4569.

Description – Parked in a permit space or zone without a valid virtual permit or clearly displaying a valid physical permit where required.

Notes – Code-specific suffixes apply. Suffix ‘s’ only for use where bay is completely non-resident.

Code – 18.

General Suffix(es) - abcdefghmprsvxy12356789.

Description – Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited.

Code – 20.

General Suffix(es) -

Description – Parked in a part of a parking place marked by a yellow line where waiting is prohibited.

Code – 21.

General Suffix(es) - abcdefghlmnpqrsuvxy1256789.

Description – Parked wholly or partly in a suspended bay or space.

Code – 23.

General Suffix(es) - abcdefghklprsvwxy123789.

Description – Parked in a parking place or area not designated for that class of vehicle.

Notes – Suffix required to fully describe contravention.

Code – 25.

General Suffix(es) - n2.

Description – Parked in a loading place or bay during restricted hours without loading.

Notes – On-street loading bay or place.

Code – 26.

General Suffix(es) – n.

Description – Parked in a special enforcement area more than 50cm from the edge of the carriageway and not within a designated parking place.

Code – 27.

General Suffix(es) – no.

Description – Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway.

Code – 28.

General Suffix(es) – no.

Description – Parked in a special enforcement area on part of the carriageway raised to meet the level of a footway, cycle track or verge.

Code – 40.

General Suffix(es) – n.

Description – Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner.

Code – 41.

General Suffix(es) -

Description – Stopped in a parking place designated for diplomatic vehicles.

Code – 42.

General Suffix(es) -

Description – Parked in a parking place designated for police vehicles.

Code – 43.

General Suffix(es) -

Description – Stopped on a cycle docking station parking place.

Code – 45.

General Suffix(es) – nw..

Description – Stopped on a taxi rank.

Notes – ‘Stopped’ may be varied to ‘waiting’.

Code – 46.

General Suffix(es) – n.

Description – Stopped where prohibited (on a red route or clearway).

Code – 47.

General Suffix(es) – jn.

Description – Stopped on a restricted bus stop or stand.

Code – 48.

General Suffix(es) – j.

Description – Stopped in a restricted area outside a school, a hospital or a fire, police or ambulance station when prohibited.

Notes – CCTV can be used on a restricted area outside a school only.

Code – 49.

General Suffix(es) – j.

Description – Parked wholly or partly on a cycle track or lane.

Code – 55.

General Suffix(es) -

Description – A commercial vehicle parked in a restricted street in contravention of the overnight waiting ban.

Code – 56.

General Suffix(es) -

Description – Parked in contravention of a commercial vehicle waiting restriction.

Notes – Non-overnight waiting restriction.

Code – 57.

General Suffix(es) -

Description – Parked in contravention of a bus ban.

Notes – Non-overnight waiting restriction.

Code – 61.

General Suffix(es) - 124cgn.

Description – A heavy commercial vehicle wholly or partly parked on a footway, verge or land between 2 carriageways.

Notes – Code-specific suffixes apply.

Code – 62.

General Suffix(es) - 124cgn.

Description – Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway.

Notes – Code-specific suffixes apply.

Code – 99.

General Suffix(es) – no.

Description – Stopped on a pedestrian crossing or crossing area marked by zigzags.

Notes – Pedestrian crossings.

Higher-level parking contravention codes off-street

Code – 70.

General Suffix(es) -

Description – Parked in a loading place or bay during restricted hours without loading.

Notes – Off-street loading areas.

Code – 71.

General Suffix(es) -

Description – Parked in an electric vehicles' charging place during restricted hours without charging.

Notes – Off-street car parks.

Code – 74.

General Suffix(es) – prs.

Description – Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited.

Notes – Off-street car parks.

Code – 78.

General Suffix(es) - abdefghklpqvu156789.

Description – Parked wholly or partly in a suspended bay or space.

Notes – Off-street car parks.

Code – 81.

General Suffix(es) – o.

Description – Parked in a restricted area in an off-street car park or housing estate.

Notes – Off-street car parks.

Code – 85.

General Suffix(es) - abtrwyz45.

Description – Parked without a valid virtual permit or clearly displaying a valid physical permit where required.

Notes – Off-street car parks. Code-specific suffixes apply.

Code – 87.

General Suffix(es) -

Description – Parked in a designated disabled person’s parking place without displaying a valid disabled person’s badge in the prescribed manner.

Notes – Off-street car parks.

Code – 89.

General Suffix(es) -

Description – Vehicle parked exceeds maximum weight or height or length permitted.

Notes – Off-street car parks.

Code – 91.

General Suffix(es) – cg.

Description – Parked in a car park or area not designated for that class of vehicle.

Notes – Off-street car parks.

Code – 92.

General Suffix(es) – o.

Description – Parked causing an obstruction.

Notes – Off-street car parks.

Lower-level parking contravention codes on-street.

Code – 04.

General Suffix(es) – cs.

Description – Parked in a meter bay when penalty time is indicated.

Code – 05.

General Suffix(es) – cpsuv1.

Description – Parked after the expiry of paid for time.

Code – 06.

General Suffix(es) – cipv1.

Description – Parked without clearly displaying a valid pay & display ticket or voucher.

Code – 07.

General Suffix(es) – cmprsuv.

Description – Parked with payment made to extend the stay beyond initial time.

Notes – meter feeding.

Code – 08.

General Suffix(es) – c.

Description – Parked at an out-of-order meter during controlled hours.

Notes – electronic meters only.

Code – 09.

General Suffix(es) – ps.

Description – Parked displaying multiple pay & display tickets where prohibited.

Code – 10.

General Suffix(es) – p.

Description – Parked without clearly displaying two valid pay and display tickets when required.

Notes - "two" may be varied to another number or "multiple".

Code – 11.

General Suffix(es) – gu.

Description – Parked without payment of the parking charge.

Code – 19.

General Suffix(es) – irsuwxyz4

Description – Parked in a residents' or shared use parking place or zone with an invalid virtual permit or displaying an invalid physical permit or voucher or pay and display ticket, or after the expiry of paid for time.

Code – 22.

General Suffix(es) – cflmnopsv1289

Description – Re-parked in the same parking place or zone within one hour after leaving.

Notes - "one hour" may be varied to another time period or "the prescribed time period".

Code – 24.

General Suffix(es) – bcdefhImpqrsv1256789

Description – Not parked correctly within the markings of the bay or space.

Code – 30.

General Suffix(es) – cflmnopsu12789.

Description – Parked for longer than permitted.

Code – 35.

General Suffix(es) –

Description – Parked in a disc parking place without clearly displaying a valid disc.

Code – 63.

General Suffix(es) –

Description – Parked with engine running where prohibited.

Lower-level parking contravention codes off-street

Code – 73.

General Suffix(es) – u.

Description – Parked without payment of the parking charge

Notes – off-street car parks.

Code – 80.

General Suffix(es) – u.

Description – Parked for longer than permitted.

Notes – off-street car parks.

Code – 82.

General Suffix(es) – puv4.

Description – Parked after the expiry of paid for time.

Notes – off-street car parks.

Code – 83.

General Suffix(es) – 4.

Description – Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock.

Notes – off-street car parks.

Code – 84.

General Suffix(es) – u.

Description – Parked with payment made to extend the stay beyond initial time.

Notes – off-street car parks.

Code – 86.

General Suffix(es) – prs.

Description – Not parked correctly within the markings of a bay or space.

Notes – off-street car parks.

Code – 90.

General Suffix(es) – psuv.

Description – Re-parked in the same car park within one hour after leaving.

Notes – off-street car parks.

Code – 93.

General Suffix(es) –

Description – Parked in car park when closed.

Notes – off-street car parks.

Code – 94.

General Suffix(es) – p.

Description – Parked in a pay & display car park without clearly displaying two valid pay and display tickets when required.

Notes – Off-street car parks. “two” may be varied to another number or “multiple”.

Code – 95.

General Suffix(es) –

Description – Parked in a parking place for a purpose other than that designated.

Notes – Off-street car parks.

Code – 96.

General Suffix(es) –

Description – Parked with engine running where prohibited.

Notes – Off-street car parks.

General Suffix(es) – o.

Description – Parked causing an obstruction.

Notes – Off-street car parks.

General parking suffixes

- a) temporary traffic order
- b) business bay
- c) buses only
- d) doctor's bay
- e) car club bay
- f) free parking bay
- g) motorcycle bay
- h) hospital bay
- i) wrong type of voucher
- j) camera enforcement
- k) ambulance bay
- l) loading place
- m) parking meter

- n) red route
- o) blue badge holder
- p) pay & display
- q) market traders' bay
- r) residents' bay
- s) shared use bay
- t) voucher/P&D ticket used in permit bay
- u) electronic payment
- v) voucher
- w) wrong parking zone
- x) incorrect VRM
- y) obscured / illegible permit
- z) out of date permit

0) local buses / trams only

- 1) electric vehicles bay
- 2) goods vehicle loading bays
- 3) bicycle bay
- 4) virtual permit
- 5) dedicated disabled bay
- 6) hotel bay
- 7) taxis only
- 8) zero emission capable taxis only
- 9) electric vehicle car club bay

Taxi Ranks (code 45) only

- w) amends the contravention code description to change the wording from 'stopped' to 'waiting'

Footway parking (codes 61, 62, 64, 65 and 66) only:-

- 1) one wheel on footway
- 2) partly on footway
- 4) all wheels on footway

- c) on vehicle crossover
- g) on grass verge

Moving traffic contraventions only:-

- 32 d) proceeding in the wrong direction
- t) turning in the wrong direction
- w) one way traffic
- 33 b) buses only
- c) buses and cycles only
- e) buses, cycles and taxis only
- f) buses and taxis only
- g) local buses only
- h) local buses and cycles only
- i) local buses, cycles and taxis only
- k) local buses and taxis only
- q) tramcars and local buses only
- r) tramcars only
- s) tramcars and buses only
- 38 l) must pass to the left
- r) must pass to the right
- 50 l) no left turn
- r) no right turn
- u) no U-turn
- 52 g) goods vehicles exceeding max gross weight indicated
- m) motor vehicles
- s) solo motorcycles
- v) all vehicles except non-mechanically propelled ones being pushed
- x) motor vehicles except solo m/cycles

Restricted street

Code and Description - 01 Parked in a restricted street during prescribed hours.

Suffix - a) 'temporary traffic order' (code-specific).

Code and Description - 02 Parked or loading or unloading in a restricted street where waiting and loading and unloading restrictions are in force.

Suffix - a) 'temporary traffic order' (code-specific).

Permit contravention

Code and Description - 01 Parked in a restricted street during prescribed hours.

Suffix -w) 'wrong parking zone' (code specific), x) 'incorrect VRM' (code specific), y) 'obscured/illegible permit' for Blue Badge contraventions only, z) 'out of date permit' for Blue Badge contraventions only.

Code and Description - 12 - Parked in a residents' or shared use parking place or zone without a valid virtual permit or clearly displaying a valid physical permit or voucher or pay and display ticket issued for that place where required, or without payment of the parking charge.

Suffix - w) 'wrong parking zone' (code specific), x) 'incorrect VRM' (code specific), y) 'obscured/illegible permit' (code specific), z) 'out of date permit'.

Code and Description - 16 Parked in a permit space or zone without a valid virtual permit or clearly displaying a valid physical permit where required.

Suffix - w) 'wrong parking zone' (code specific), x) 'incorrect VRM' (code specific), y) 'obscured/illegible permit' (code specific), z) 'out of date permit'.

Code and Description - 19 Parked in a residents' or shared use parking place or zone with an invalid virtual permit or displaying an invalid physical permit or voucher or pay and display ticket, or after the expiry of paid for time.

Suffix - w) 'wrong parking zone' (code specific), x) 'incorrect VRM' (code specific), y) 'obscured/illegible permit' (code specific), z) 'out of date permit'.

Code and Description - 85 Parked without a valid virtual permit or clearly displaying a valid physical permit where required.

Suffix - w) 'wrong parking zone' (code specific), x) 'incorrect VRM' (code specific), y) 'obscured/illegible permit' (code specific), z) 'out of date permit'.

Taxi ranks

Code and Description - 45 Stopped on a taxi rank.

Suffix - w) amends the contravention code description to change the wording from 'stopped' to 'waiting'.

Footway Parking

Code and Description - 61 A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways.

Suffix -1) one wheel on footway, 2) partly on footway, 4) all wheels on footway, c) on vehicle crossover, g) on grass verge.

Code and Description - 62 Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway.

Suffix -1) one wheel on footway, 2) partly on footway, 4) all wheels on footway, c) on vehicle crossover, g) on grass verge.

Code and Description - 64 Parked in contravention of a notice prohibiting leaving vehicles on a grass verge, garden, lawn or green maintained by a local authority. For use in Essex only.

Suffix -1) one wheel on footway, 2) partly on footway, 4) all wheels on footway, c) on vehicle crossover, g) on grass verge.

Code and Description - 65 Parked in contravention of a notice prohibiting leaving vehicles on land laid out as a public garden or used for the purpose of public recreation. For use in Essex only.

Suffix -1) one wheel on footway, 2) partly on footway, 4) all wheels on footway, c) on vehicle crossover, g) on grass verge.

Code and Description - 66 Parked in contravention of a notice prohibiting leaving vehicles on land laid out as a public garden or used for the purpose of public recreation. For use in Exeter only.

Suffix -1) one wheel on footway, 2) partly on footway, 4) all wheels on footway, c) on vehicle crossover, g) on grass verge.

Camera enforcement

Code and Description - 01 Parked in a restricted street during prescribed hours

Suffix - j) camera enforcement. Can only be used if there is also a mandatory cycle lane at the location.

Code and Description - 02 - Parked in a residents' or shared use parking place or zone without a valid virtual permit or clearly displaying a valid physical permit or voucher or pay and display ticket issued for that place where required, or without payment of the parking charge.

Suffix - j) camera enforcement. Can only be used if there is also a mandatory cycle lane at the location.

Suffix 'j' identifies a contravention that can be used on highways other than red routes using CCTV. Can only be used if there is also a mandatory cycle lane at the location. The suffix itself is not required on a PCN.

APPENDIX 4: PARKING SERVICES TEAMS

Within each District/Borough Council, a Parking Services Team serves as a public information point regarding all matters relating to on and off-street parking and staff also oversee the administration of all the relevant aspects of any CPZs i.e. permits, receipt of payment of PCNs and liaison with the TPT, maintenance of Pay and Display machines, collection and banking of cash from pay and display machines.

Contact details for Parking Services Teams within West Sussex are as follows:

- Bognor Regis – Arun District Council 01903 737655.
- Chichester – Chichester District Council 01243 534500.
- Crawley – Crawley Borough Council 01293 438000.
- East Grinstead – Mid Sussex District Council 01444 458166.
- Horsham – Horsham District Council 01403 215100.
- Worthing and Adur – 01903 221180 or NSL Services 0345 6800189.

APPENDIX 5: PENALTY CHARGE NOTICE CASE LAW

Here are some of the key cases that have helped to clarify disputed issues in relation to PCNs, although the relatively informal nature of the adjudication process means that these decisions cannot set a binding precedent for future cases. They are shown here under the same headings as the corresponding Enforcement Policies in Part 4.

Bank Holidays and Sunday Enforcement

The following adjudication cases have dealt with this subject and the related subject of special events that have required additional temporary restrictions to be put into place on days when they would otherwise not be applicable –

Coley –v- London Borough of Brent

Kristovic –v- London Borough of Hammersmith and Fulham. In this case, the adjudicator held that because the Council's Traffic Regulation Orders did not specifically exclude any days from the waiting restrictions, there was no need for signs indicating that restrictions were in force on yellow lines on bank holidays.

Zammit –v- London Borough of Greenwich

Breakdowns

In the case of *Mr. B –v- Manchester City Council*, the garage invoice submitted by the appellant did not give the full correct registration number of the vehicle. The adjudicator accepted this was an error on the part of the garage and that the vehicle in question was broken down at the time.

Hire and Lease Agreements

Points were made about the information to be included in a hiring agreement in the case of *Autolease Ltd –v- London Borough of Barnet*.

Other cases which confirm these requirements are –

Global Transport –v- London Borough of Harrow

West Wallasey –v- London Borough of Hammersmith and Fulham

S F PLC –v- Sandwell Metropolitan Borough Council

Loading/Unloading Guidelines

Some relevant adjudication decisions are –

Jane Packer Flowers –v- Westminster City Council. This is the definitive decision on loading.

Norell –v- Westminster City Council (see section on 'Footway Parking')

Mr. H –v- Manchester City Council

Although the driver was loading and unloading, this activity did not include a period of over 10 minutes whilst printed material he was collecting was completed.

Mr. L –v- Oxfordshire County Council

The driver took a large bundle of washing to a launderette for a service wash. This was classed as loading and unloading, but he left the launderette to purchase some washing powder. This activity did not fall within the loading exemption.

Mr. B –v- Buckinghamshire County Council

Mrs B, who was pregnant at the time was collecting a helium cylinder and required help from the proprietor loading it into the vehicle. She had to wait whilst the proprietor served another customer and was away from the vehicle for about 10 minutes. The adjudicator accepted this was part of the collection process.

Taxis and Mini Cabs

The following cases concentrate on the definition of Hackney Carriage and Private Hire Vehicles:-

Transport for London v Mr S Faw

Collins –v- Transport for London

Parking Restrictions covering private land

Certain highway restrictions for example yellow lines and loading prohibitions cover from the centre of the carriageway to the building line. This covers the whole area including if the subsoil is owned privately. The test is as long as the public can pass

and repass over the area in question then the highway restriction will take precedence. This was set out in the following Court Case setting a binding precedent in:

R (On application of Dawood) v The Parking Adjudicator & Another [2009] EWCA Civ 1411

APPENDIX 6: EXEMPTIONS FROM WAITING RESTRICTIONS

The main exemptions commonly allowed by TROs which impose waiting restrictions are discussed below, and have been grouped into three categories –

Vehicles that are exempt in all circumstances

This category covers vehicles where the nature of the type of activities they are engaged in, means that they will tend to be exempt whilst being used for almost all official business activities. The vehicles will normally be liveried such as the following:

- those used for fire brigade, ambulance or police purposes. This exemption only applies when the vehicle is being used for official business.
- A vehicle used in the service of a Council providing it is being used in the exercise of statutory functions and it is reasonably necessary for the vehicle to wait there. This category would include dust carts, vehicles used for work being carried out on the highway, repairing lamp columns and any other duties that the Council must legally perform. It could also include mobile library vans for example but does not automatically apply to Council officers using their private vehicles for business activities, such as meetings or visits. Some councils extend the exemption to sub-contractors working on their behalf, but not all do and this will be a matter for each individual Council to decide, and to specify in their Traffic Orders.
- Public service vehicles operating a bus service. Refers to buses providing a registered service.

Vehicles that are exempt in some circumstances -

This category covers vehicles where the nature of some types of activities they are engaged in, means that they will be exempt whilst being used for those activities only in certain circumstances, but not for all their official duties. The vehicles will normally be liveried and include the following:

- A vehicle used by any of the statutory undertakers in connection with specified operations. This applies to vehicles used in the service of gas, electricity, telecommunications and water companies. They must be necessary for the work being undertaken and there should be evidence that the vehicle is being used in connection with this work. This exemption will apply where the undertaker is carrying out work on the road or is called to an emergency situation at a property (gas escape, burst pipe, for example), but the vehicle is only covered by the exemption whilst the emergency is being dealt with. If any further work needs to be carried out (servicing or safety checks), the vehicle should be moved and then parked legally.
- A vehicle which is being used for delivering or collecting postal packets to or from a post box or premises. This refers to Post Office vehicles and to vehicles which have contracted to operate postal services, including Parcelforce.
- A vehicle used for the removal of furniture to or from an adjacent premises. The vehicle is only covered whilst actively engaged in moving furniture. However, in most cases furniture removals companies will usually apply for a suspension as this ensures that they are able to park outside the premises they are working at.
- A vehicle being used for building, demolition or industrial works. The vehicle must be actively used for the works.

Circumstances that lead to vehicles being exempt –

The third category covers any vehicle and depends on circumstances. It is the circumstances that are the criteria for exemption, not the vehicle as in the previous two categories. So for the following:

- Loading/unloading. See "Loading and Unloading" in Part 4 for further details.
- Waiting to allow a person to board or alight from a vehicle, and to load or unload their personal luggage. The length of time taken will vary, although it is generally expected that this will be around 2 minutes in the case of an able bodied person getting in or out of a vehicle. However, it is important to note that there is no set time limit, and in the case of an elderly or disabled person, or someone with luggage or shopping, more time may be necessary.
- A vehicle displaying a disabled persons badge (and clock where necessary). This exemption is covered by the blue badge scheme regulations. The length of time allowed on a yellow line is three hours and the badge must be displayed, along with the time clock, which should be set to the time of arrival. In permitted parking bays, the length of time a vehicle is permitted to stay will vary according to the Council's policies and badge holders are not automatically allowed to use bays that are reserved for specific users, such as those reserved for residents only. A

disabled badge holder is not permitted to park where there is a waiting or loading restriction in force (yellow lines plus kerb markings).

- A vehicle which is prevented from moving by circumstances beyond the driver's control. This exemption is generally held to apply in the case of a vehicle breakdown, which it clearly does. However, it is important to note that this exemption is not solely confined to these circumstances and can also apply in any situation where an unforeseen emergency has prevented the vehicle from being moved.

The following exemptions are typically found in TROs but are not universal and reference should be made to the appropriate Order to determine which exemptions actually apply in any given case.

- A solo motorcycle or moped in a designated motorcycle parking area.
- Licensed taxis waiting on an authorised taxi rank.
- A vehicle taking in petrol, oil, water or air at a roadside garage.
- A vehicle involved in the removal of an obstruction to traffic.
- A vehicle which is being used by or in the service of the military or visiting military forces.
- A vehicle waiting while a gate or barrier is opened/closed to allow access to or departure from premises.
- A vehicle which has been told by a police officer in uniform to wait, or which has to stop to avoid an accident.
- A stationary vehicle selling goods from a pitch in a restricted street whilst holding a licence from the Council to do so.
- A vehicle waiting to deliver or collect prisoners to or from a court.
- A vehicle used by a doctor, nurse or midwife attending an emergency.
- A principal vehicle responsible for the carriage of the wedding party/bride or hearse waiting for so long as is reasonably necessary in connection with a wedding or a funeral.

APPENDIX 7: POLICY AND PROCEDURES FOR CONSIDERING PCNS – CHALLENGES AND REPRESENTATIONS

Parking Controls in West Sussex are essential to keep traffic moving and provide access for residents and visitors. The County Council's policy for Civil Parking Enforcement (West Sussex Parking Policy) aims to ensure that it provides a system that is fair to the motorist but effective in enforcing parking regulations.

This policy for Considering PCNs - Challenges and Representations provides an overview of the process in place to assist District and Borough Councils in West Sussex with any appeals made against PCN's.

In this policy, references to correspondence will include, appeals, challenges and representations and other written communications which may have been completed on behalf of the motorist.

Staff employed by a District or Borough Council to undertake enforcement or to consider and respond to challenges and representations will be provided with the skills and training required to undertake their roles effectively. Along with formal training, supervision of staff will be undertaken when first appointed to the role and then on an ad hoc basis. A monitoring process will also be carried out to ensure the quality of responses.

Motorists will be dealt with professionally and within any required timeframe and annual appraisals of all staff will ensure that any training or other issues are considered, along with regular review of team performance by management.

All correspondence should be in writing so that the District or Borough Council has record of the query but also to support a decision to cancel a PCN and for further evidence in the case of representations or Adjudications. In the case where the motorist is unable to complete a challenge, arrangements can be made by contacting the District or Borough Council and informing the member of staff.

Independent legal advice may be sought from time to time from the District or Borough Council Legal Services Team where this is felt appropriate.

The District or Borough Council parking service will report on performance through the annual parking report which will be published each year on its website along with the PATROL (Parking and Traffic Regulations Outside London) website. This will include the percentage of PCNs which have been cancelled.

Decision making

The Traffic Management Act 2004 allows councils discretion in how correspondence is dealt with and decisions relating to PCN's can only be made by trained members of the District or Borough Council Parking Services Team. The District or Borough Council has a legal duty to consider correspondence and the proof of whether this has happened or not lies in the quality of the response.

Any guidelines will only provide a framework within which consistent decision making is undertaken, although each case must be considered on its own circumstances.

Notice Processing staff are encouraged to clarify with others where they are uncertain about the decision relating to a particular case.

Commonly, different Notice Processing Officers will review a case during the different stages of appeal.

The Council's discretion

An authority has a discretionary power to cancel a PCN at any time throughout the process, even when an undoubted contravention has occurred if the authority deems it appropriate in the circumstances of the case. The authority has a duty to act fairly and proportionately and is encouraged to exercise discretion sensibly and reasonably and with due regard to the public interest.

Discretion will be objective and without regard to any financial interest and each case will be judged on its own merits.

The authority will depart from policies if it is considered that the particular circumstances of the case warrant it.

Errors in a PCN

All Notice Processing Officers check that a PCN has been issued correctly prior to reviewing correspondence. If it is found that the PCN itself contains an error or defect, or if a specified procedural error has taken place, the PCN will be cancelled in line with the regulations and the motorist will be informed, where possible.

Considering mitigation

Some cases will not fall precisely within a specific category / circumstance or will have mitigating factors that will need to be taken into account. Where such cases arise they will be discussed with another Notice Processing Officer or line manager in order that an agreed decision can be reached based on the evidence which is available.

Mitigating circumstances may often be unexpected / unforeseen and will often be unavoidable too. The Notice Processor will consider the circumstances described by the motorist carefully whilst also reviewing the contravention and evidence gathered by the Civil Enforcement Officer.

Notice Processing staff are able to ask for evidence to substantiate a challenge or representation if compelling information has been provided by the motorist.

The council does not have to accept evidence if it not felt to be relevant or sufficient to support the reasons for appeal.

The District or Borough Council will always do the following:

- Work in line with the regulations (Traffic Management Act 2004, The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007, The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022; The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022 As well as The Traffic Regulation Orders and Off-Street Parking Places Orders and national legislation
- Check the PCN to ensure it has been issued and processed correctly.
- Consider all first challenges and representations from the owner of the vehicle in accordance with the regulations.
- Read and understand the correspondence and seek further clarification if the information is unclear.
- Evaluate any evidence which is available.
- Decide whether further investigations are required (checking previous PCN's, maps, machine faults, permit records etc).
- Provide an explanation as to why the PCN was issued to prevent further PCN's being issued. (Information may later be referred to should a customer receive further PCN's which are issued in similar circumstances.)
- Provide clear timescales within which action must be taken before the PCN progresses.
- Tell you what the next step is and describe how the charge will increase.

The District or Borough Council won't do the following:

- Seek to obtain records from third parties on a motorists behalf, such as Doctors Surgeries, Hospitals, the DVLA (Driver Vehicle and Licensing Agency), or Insurance Companies.
- Share data with anyone outside of those who are permitted.
- Tolerate abusive behaviour or language.

- Respond to unreasonably persistent correspondence which hinders the consideration of a case, affects resources or where a full response has already been served and the matters raised have been responded to.

Adjudication

There are three stages to the appeals process and the third enables an appeal to the Traffic Penalty Tribunal to be submitted. Upon deciding the case, the Adjudicators decision will be fed back to Notice Processing staff and discussed at team meetings to ensure that challenges are being dealt with correctly and to make improvements to the service.

Complaints

The District/Borough Council takes its responsibilities very seriously and should it have failed to provide a service in the correct manner, a motorist can follow the Council's Complaint Procedure. However, complaints regarding the outcome of a challenge or representation will not be accepted and motorists should follow the prescribed Parking Penalty Enforcement Process by appealing to the Traffic Penalty Tribunal if dissatisfied with the council's decision.