

# CIVIL PARKING ENFORCEMENT POLICY

This is a guide to how Civil Parking Enforcement (CPE) is applied in Guildford.

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## 1. Objectives of Civil Parking Enforcement

- 1.1 Guildford Borough and Surrey County Council have agreed a joint Parking Strategy which covers issues highlighted in the Statutory Guidance accompanying Part 6 of the Traffic Management Act 2004.
- 1.2 The aim of Civil Parking Enforcement is to increase compliance with the restrictions. The Council's aim is to enforce the restrictions to meet the Borough and County Council objectives and achieve high levels of compliance. The imposition of Penalty Charges is intended to deter motorists and not to raise income. The restrictions and the enforcement that support them are designed with the aim of:

### Improving road safety, access and traffic flow

- 1.3 Parking restrictions are regularly reviewed and new schemes introduced. There is a high level of consultation with stakeholders to ensure the restrictions are appropriate. To ensure the restrictions achieve their intended benefit, there are regular patrols. Enforcement is focused on areas where there is the greatest pressure on parking, highest volume of traffic and at times when the controls are most needed.

### **Improving the local environment**

- 1.4 The Parking Strategy sets out the aim of providing short-stay spaces in the town centre and long-stay parking in outer car parks or at Park and Ride sites. Guildford has a successful network of Park and Ride sites which are provided as a joint venture between the County and Borough Councils.
- 1.5 By encouraging motorists to park before arriving in the town centre, peak time congestion is reduced. The pricing and time limits on parking spaces are also designed to encourage a turnover of space for short-stay visitors.
- 1.6 Enforcement plays an important part in encouraging people to comply with parking policies and in achieving the objectives: reducing congestion and pollution.

### **Improving the quality and accessibility of public transport**

- 1.7 Parking enforcement will assist by deterring parking on bus routes, bus stops and taxi ranks.
- 1.8 Long-stay car parks are provided close to stations.
- 1.9 The surplus from On-Street Pay and Display is used to subsidise Park and Ride.

### **Meeting the needs of people with disabilities**

- 1.10 Both Surrey County and Guildford Borough Council seek to ensure access for those with disabilities. One of the main ways this is delivered is through the Blue Badge scheme. In Guildford, vehicles displaying a valid Blue Badge or other recognised disabled badge can park without time limit in:

- any On-Street parking place free of charge,
- a Blue Badge parking place (some are subject to a time limit)
- any Council-run Pay and Display Car Park free of charge,

and, subject to a three-hour time limit and the correct display of a time clock, on

- a single or double yellow line that does not have loading restrictions in force (indicated by yellow stripes on the kerb).

- 1.11 Particular priority is given to ensuring Blue Badge holders can park. Enforcement against those who abuse disabled facilities is a high priority.
- 1.12 Officers will work closely with the Police and the issuing authority to detect fraudulent use of Blue Badges. Where such misuse is detected, the strongest possible action will be taken.
- 1.13 There is a reciprocal arrangement to recognise disabled badges held by visitors from many other countries.
- 1.14 Guildford Borough Council provides Shopmobility on Level 3 of Bedford Road Multi Storey Car Park.

### **Managing and reconciling the competing demands for kerb side space**

- 1.15 Guildford Borough Council, working with Surrey County Council, carries out regular reviews of parking and the restrictions. These reviews include detailed consultation with stakeholders.
- 1.16 In the central areas of Guildford the Residents' Parking Scheme reserves a proportion of space for residents' permit holders, but also provides time-limited spaces for visitors. There are also permits for carers, medical professionals, businesses and residents' visitors.
- 1.17 The restrictions and policies that are agreed are supported by regular enforcement patrols.

## **2. Enforcement Priorities**

Where restrictions apply, our priorities are vehicles:

- causing a safety issue,
- restricting access and traffic flow (on carriageways or footways),
- parked in disabled parking spaces without a Blue Badge,
- not displaying a valid permit in permit holders' parking spaces,
- committing other contraventions which do not comply with the parking orders.

## **3. Reviewing restrictions**

- 3.1 Restrictions are regularly reviewed to ensure they are accurate and appropriate.

- 3.2 Regular checks are made to ensure signs and markings are accurate and up to date.
- 3.3 The public can contact Guildford Borough Council if issues arise due to a restriction or if they feel additional restrictions are required. The council will consider these requests based on the safety of the public, traffic flow and access to amenities, in the relation to the borough as a whole. Please see the contact details at the end of this document.

#### **4. Training**

- 4.1 Staff involved in providing parking services are trained to help and advice on parking in Guildford and Waverley boroughs. Guildford Borough Council is IIP accredited. The Parking Service achieves the ISO 9002 quality standard.

#### **5. Threats and Abuse**

- 5.1 Civil Enforcement Officers and staff working in the Parking Office and Millmead Reception carry out important functions and have a legal right to carry out their jobs without intimidation or abuse. Guildford Borough Council will push for the strongest possible action to be taken against those who try to intimidate or abuse Council employees.
- 5.2 Body Worn Camera's (BWC) have been issued to Guildford Council's Civil Enforcement Officers as part of their Personal Protective Equipment. The aim of this equipment is to deter acts of aggression or verbal and physical abuse toward CEO's and the provision of evidence to support complaints made by the public, internal disciplinary investigations and/or Police investigations.



## 6. Stages of Progression of a Penalty

### Postal Charge Notice (PCN)

A PCN will either be:

- o placed on the vehicle,
- o handed to the driver,
- o sent in the post where the vehicle has been driven away before the PCN could be placed on the vehicle or handed to the driver.

**DISCOUNT PERIOD APPLIES** – for the first 14 days the Penalty Charge can be paid at a 50% discount rate. The 14 days starts with the date the PCN is served.

**CORRESPONDENCE IN DISCOUNT PERIOD** if we receive an Informal Challenge, either in writing or Online, from a motorist in the first 14-day discount period and decide not to cancel the charge, the Council will usually offer another opportunity to pay at the reduced rate. If the motorist does not take advantage of this second opportunity to pay at the discounted amount the opportunity to pay at the reduced amount will be lost.

### Notice to Owner (NtO)

- o A minimum of 28 days after a PCN has been issued, a Notice to Owner can be served on the owner/keeper of the vehicle if the Penalty Charge remains unpaid.
- o The NtO provides the owner/keeper with an opportunity to pay the charge at the full rate or to make a Formal Representation to the Council on a number of grounds listed in section 8.3, or for any other reason. The Council must consider the reasons and either cancel the NtO or issue a Notice of Rejection advising the keeper how to appeal to an Independent Adjudicator at the Traffic Penalty Tribunal (TPT).
- o A motorist has 28 days from the date the NtO is served either to pay the charge or make a representation.

### Charge Certificate (CC)

If after 28 days there is;

- o no response to the NtO,
- o a Notice of Rejection is served and an appeal is not made,
- o an appeal has been lost and payment is not made,

a Charge Certificate can be issued. The Charge Certificate adds 50% of the Penalty Charge to the outstanding amount and warns the owner/keeper that the debt will be registered at the County Court if it is not paid within 14 days beginning with the date on which the CC is served.

### Registration of debt at County Court

if 14 days after the CC is served the penalty charge is still not paid, the Council can apply to have the debt registered and obtain a distress warrant to issue to an Enforcement Agent. A £8 registration fee is added to the outstanding amount. The owner/keeper will be notified that the debt is being registered and has an opportunity to apply to the Court if;

- o the Notice to Owner was not received,
- o if a Formal Representation was made and a Notice of Rejection was not received,
- o an Appeal was made and notification of the result was not received,
- o the PCN has been paid in full.

However, once a Warrant has been issued, the Enforcement Agent will charge the debtor for the cost of recovering the debt and the charges will escalate.



## **7. Issuing Penalty Charge Notices**

- 7.1 Civil Enforcement Officers (CEOs) will patrol routes designed to give the highest coverage to the areas where compliance is most important and at times when it is most appropriate. Enforcement may also be targeted to areas and/or times where there are particular issues, for example near schools.
- 7.2 In line with the Secretary of State Statutory Guidance, published by the Department for Transport, it is considered that the exercising of discretion should, in the main, rest with back office staff as part of considering informal challenges against PCNs and Formal Representations against Notice to Owners. This protects CEOs from allegations of inconsistency or favouritism. It also gives greater consistency in the enforcement of the regulations.
- 7.3 In areas where an exemption for loading or unloading or other activities apply, a CEO will start to issue a PCN unless there is reason to believe the vehicle is being used for an exempt activity. Where a CEO considers it is likely an exempt activity is taking place, 5 minutes observation will be undertaken. The purpose of the observation is to see whether there is any activity which confirms an exempt activity is taking place. Motorists should be aware there is no right to park for 5 minutes, nor any necessity to conduct an observation prior to issuing a PCN.
- 7.4 At times when permits are due to be renewed, a CEO may be instructed to issue warning notices to cars displaying an out of date permit or one which is due to expire. CEOs will also use their judgement to assess whether a vehicle parked outside markings on a parking place is causing a nuisance. A nuisance will normally be judged to be caused if the way it is parked means vehicles cannot use an adjacent bay or if a vehicle significantly protrudes from the bay in a way which may affect traffic flow or impede visibility. When a CEO decides to issue a Penalty Charge a photograph will normally be taken so this evidence can be reviewed.
- 7.5 The CEO will record any information that appears relevant to establish what was occurring at the time. Once a Penalty Charge Notice is issued photographs will normally be taken to show, where possible, the details of the contravention and, if appropriate, that the PCN was attached to the vehicle. The CEO should also record if there is any evidence to suggest an exemption applies, for example, if the motorist returns and it is apparent that goods are being loaded into a vehicle at a location where loading is permitted.
- 7.6 A CEO observing a vehicle displaying a valid disabled badge from another country will check with the control room before issuing a Penalty Charge Notice unless the vehicle is parked in a way that would not be permitted under the Blue Badge scheme.



- 7.7 The CEO will make clear notes to show the order of events. In cases where the motorist returns and a PCN has been started but is not completed before the vehicle is driven away, the CEO must make a clear note to say at what point in the process the vehicle was driven away.
- 7.8 Where a vehicle has been driven away whilst a CEO is in the process of issuing a Notice or the CEO is prevented from issuing a Notice because of the action of the driver or a third party, a Regulation 10 Penalty Charge Notice (Reg 10 PCN) will be issued and sent, by first class post, to the registered owner/keeper of the vehicle. The Reg 10 PCN will be sent to the registered owner/keeper of the vehicle regardless of whether they were driving the vehicle or not.

## **8. Considering Challenges – Statutory Grounds for appeal**

- 8.1 All the evidence available, including information recorded by the CEO, information available at the location and any comments or evidence made by the motorist will be considered before a decision is made about whether and how to pursue a Penalty Charge. This is to try to ensure that any issues are resolved as early as possible. In addition, evidence held by the Council will be made available to the motorist at the earliest practical point in the process.
- 8.2 All challenges will be considered on the issues raised and judged against the statutory grounds listed below. In addition to the grounds specified below, it will also be decided whether there is a compelling reason why, in the particular circumstances of the case, the Penalty Charge should be cancelled (see section 9 below). The Council aims to answer Informal Challenges within 10 working days and Formal Representations within 15 working days.
- 8.3 The grounds for Formal Representation are
- the alleged contravention did not occur,
  - the vehicle was permitted to remain at rest in the place in question by a person who was in control of the vehicle without the consent of the owner,
  - the Penalty Charge exceeded the amount applicable in the circumstances of the case,
  - there was a procedural impropriety on the part of the enforcement authority,
  - the order which is alleged to have been contravened in relation to the vehicle concerned is invalid,
  - the recipient was a vehicle hire firm subject to a hire agreement and the person hiring it had signed a statement of liability,
  - the recipient never was the owner of the vehicle, had ceased to be the owner before the date of the alleged contravention or



- became the owner after that date,
- the Notice to Owner should not have been served because the penalty charge had been paid in full or had been paid at the discounted amount within the time permitted,
- the Penalty Charge had been paid in full or that the discount amount was paid during the discount period.

### **Appealing against the Council's decision**

- 8.4 If one or more of the grounds listed above apply, the Council may cancel the Penalty Charge or Notice to Owner. However, the Council will also consider all circumstances put forward and decide whether to cancel the charge. If a Notice to Owner has been served and the Council does not cancel the charge the owner/keeper of the vehicle will be informed how to appeal to an Independent Adjudicator.

## **9. Considering Challenges – Mitigation**

- 9.1 The aim of enforcing the restrictions is to deter contraventions. In Guildford the risk of receiving and having to pay a Penalty Charge is the sole deterrent. For the deterrent to be effective, motorists must realise that Penalty Charges are likely to be enforced. However, the Council recognises that there will be exceptional circumstances that occur which may warrant the cancellation of a Penalty Charge. The Council has a duty to consider whether there are compelling reasons why a Penalty Charge should be cancelled.
- 9.2 The Council has a responsibility for ensuring that the restrictions are adequately signed and marked. A motorist must check any applicable signs and markings before parking. It will not be sufficient for a motorist to say they were unfamiliar with the restrictions if the restrictions are correctly signed and marked. The Council will consider any other circumstances put forward, particularly any that may have confused the motorist.
- 9.3 We will assess extenuating circumstances that may have contributed to a PCN being issued. Such circumstances could include a medical emergency, an accident or an incident. The circumstances put forward will be judged to the extent that they would affect the motorist's ability to comply and where relevant:
- previous contraventions where similar circumstances have been put forward by the motorist or others,
  - any evidence of the incident occurring,
  - the location in which the vehicle was parked
- 9.4 There are also occasions when accidental contraventions occur. The motorist may have made every attempt to comply but, for example, a permit or Pay and Display ticket falls off the windscreen. Where it can be shown the correct permit or Pay and Display ticket was in the



vehicle, the Council will normally cancel the charge on the first occasion.

- 9.5 Another common area where the motorist seeks discretion is their ability to pay. It is very difficult to assess someone's financial standing and a Penalty Charge will normally be progressed to Enforcement Agents if necessary.
- 9.6 In exceptional cases when the Supervisor or Manager for Administration are fully satisfied there is financial hardship, an arrangement can be made over a short period of time. During this period, the arrangement will be terminated if further contraventions occur, or if a payment is missed. Under these circumstances, the case or cases will progress in the normal way.

#### **Appealing to the Traffic Penalty Tribunal (TPT)**

- 9.7 The TPT only consider cases under the grounds set out in section 8.3 above. The TPT cannot directly consider mitigating circumstances. However, where the TPT considers that the contravention occurred, but that there are compelling reasons why the charge should not be pursued, the TPT can recommend to the Council's Managing Director that the charge be cancelled. The Council must, within 35 days, starting on the date the recommendation was made, either cancel the charge or inform the Adjudicator and the keeper of the vehicle why it does not support this course of action.

### **10. Payment**

#### **Resetting the discount**

- 10.1 If an Informal Challenge is received within 14 days, starting with the day the Penalty Charge Notice is issued and as a result of an assessment of the comments made, the PCN is not cancelled, the motorist will usually be offered a further 14 days to pay at the discounted rate.
- 10.2 Where a motorist or organisation continues to make the same point against a number of PCNs the discount will not be re-offered. When it is felt that this is the case, the Council will write informing the party concerned that if they continue to receive PCNs, the discount will not be reset if they write to make the same point.
- 10.3 Once the discount period has been re-offered on one occasion it may not be re-offered again. The motorist will be informed that the charge will revert to the full amount and if they continue to challenge the Penalty Charge, a Notice to Owner will be sent to the keeper of the vehicle and this will allow a formal representation to be made. If this is rejected, they will have the opportunity to appeal to the TBT.

#### **Receiving Payments**

- 10.4 The date a payment is made is the date on which the Council receives the payment and not the date it is processed.



- 10.5 Where payment is received by post the Council may keep the envelope in which payments are received as proof of postage.

**Overpayments**

- 10.6 Where an overpayment is made, the additional money will either be transferred to an outstanding Penalty Charge for the same owner/keeper, or returned to the owner/keeper, if known. Where a payment is transferred, the owner/keeper will be informed.

**Underpayments**

- 10.7 Where an underpayment is made, the PCN will be progressed in the normal way until the full amount is received.

**Conditional Payments**

- 10.8 The regulations provide motorists with a discount if they pay a Penalty Charge in the first 14 days. The intention is to encourage motorists who accept a contravention has occurred to pay quickly. Sometimes a motorist places conditions on a payment. In particular, some motorists offer to pay at the discount providing they can continue to appeal. Such conditions are contrary to the intention of the legalisation and we do not accept them. In such cases, we will return the payment to the payee with an explanation and an invitation either to pay at the discounted amount or to appeal, which would suspend the notice while under investigation.

**11 Monitoring**

- 11.1 The Council will monitor the effectiveness of parking enforcement to deliver the objectives set out above. The Council will publish the results of our enforcement in Guildford Borough Council car parks and the results of enforcement carried out in the boroughs and districts on behalf of Surrey County Council in the annual Parking Business Plan.

**12. Consultation**

- 12.1 Comments on our policies are welcome and should be addressed to:

The Parking Services Manager  
The Parking Office,  
Laundry Road,  
Guildford,  
Surrey,  
GU1 4PX

Or e-mail – [Parking@guildford.gov.uk](mailto:Parking@guildford.gov.uk)