

# **Civil Parking Enforcement- Code of Practice**

**December 2017**

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## 1. Introduction

This document sets down parking enforcement guidance and protocols for Civil Enforcement Officers (CEOs) to observe whilst enforcing the parking restrictions within the boundaries of the city of Portsmouth. We aim to deliver a high quality parking service to all road users in a fair and consistent manner, to ensure there is clarity of the enforcement requirements and policy for all CEOs to follow.

This guidance complies with the Traffic management Act 2004 and the Operational Guidance to Local Authorities: Parking Policy and Enforcement issued by the Department for Transport in March 2008 and revised in March 2015.

Parking contraventions are usually dealt with by the issue of a Penalty Charge Notice (PCN) and, in appropriate circumstances, by the immobilisation of a vehicle by wheel clamping or the towing away of the vehicle.

The enforcement guidelines and protocols are intended as a reference document for use on and off street or in the office. It describes the contraventions, their codes and details of information to be recorded in each case in order to prove that the contravention took place.

Minimum observation times, exemptions and when loading or unloading is permitted are dealt with. The protocol refers to all types of parking restrictions, for example, yellow lines, permit parking, meter parking, free parking places, loading places, bus stop clearways and school zig zags.

## 2. Definitions

### General



**Parking Place:** Any area of highway designated as a parking place. It may contain one or more bays or spaces.



**Parking Space:** An area or areas within a parking place provided for the leaving of a vehicle.



**Parking Bay:** An individual bay within a parking place, which is provided for the leaving of a vehicle upon payment or display of a permit or voucher as required.



**Loading Bay / Place:** An area of highway designated as a loading bay/place under a loading bays/places order. It may contain one or more loading bays or spaces.

### **3. General Notes**

#### **3.1 Motorcycles**

Motorcycles may park free of charge (where advertised) in designated bays in on and off street pay and display areas and also in controlled resident zones, except where indicated otherwise. They are not exempt from the time restrictions in free bays. Motorcycles with sidecars are treated as cars. Motorcycles are motor vehicles and are thus subject to all other parking restrictions.

#### **3.2 Overnight Parking Ban**

The overnight ban applies to commercial vehicles over 5 tonnes maximum gross weight (MGW) and buses. The MGW is shown on a plate on the vehicle, but this might be shown only inside the cab. All streets/roads where the ban is in force are signed on the approach roads in the south of the city.

#### **3.3 Footway Parking Ban**

Parking on footways and footpaths is not permitted except where clearly marked. Vehicles parked on footways and footpaths or an area of the road that forms part of a footway or footpath can cause a problem for pedestrians, especially wheelchair users, parents with pushchairs or people with mobility difficulties. A PCN may be issued in some circumstances.

### **4. Essential Information to be recorded by the CEO and shown on the PCN**

1. Date the Notice is Served
2. Grounds of issue, namely:
  - a. Vehicle registration mark (VRM)
  - b. Date and time of alleged contravention
  - c. Contravention description and code
  - d. Location of alleged contravention (street name)

#### **4.1 Other Essential Information to be shown on the PCN**

1. PCN number
2. Name of Enforcing Authority
3. Penalty charge amount
4. Methods of payment
5. Payment periods (i.e. statutory payment and discount periods)
6. Address for payment and correspondence
7. How to challenge the PCN

## **4.2 Recommended Information to be recorded by the CEO**

1. Vehicle make/model and colour (if evident)
2. CEO number
3. Detailed location (reference to meter or parking bay number, house number, lighting column or post number, or nearest road junction as appropriate)
4. Observation start and finish times (if applicable)

## **4.3 issuing the notice**

The PCN must be affixed to the vehicle or handed to the person appearing to be in charge of the vehicle. If the CEO is prevented from the issuing the PCN by either of the methods below, the PCN will be served under Regulation 10 of the Traffic Management Act 2004 and will be sent in the post to the registered keeper/owner as either:

- a) If the CEO attempted to serve the PCN by affixing it to the vehicle or giving it to the person in charge of the vehicle but was prevented from doing so by some person.
- b) If the CEO had begun to write the PCN but the vehicle was driven away before the PCN could be served.

## **4.4 Other Supporting Information**

The CEO will also record the following information:

1. Whether the PCN was affixed to the windscreen or handed to the driver
2. Whether the CEO was prevented from serving the PCN by some person, or the vehicle drove away before the CEO had had time to complete the PCN
3. Whether the driver was seen and any conversation with the driver
4. Any evidence of loading or unloading activity after the PCN had been issued
5. Expiry time of pay and display ticket or arrival time or value shown on vouchers/scratch cards and serial number and expiry time of pay-and-display ticket or voucher (when relevant).
5. Details of any permit / badge displayed
6. Any evidence of breakdown
7. Details of any notes in or on the vehicle, including any alleged meter faults
8. Tyre valve positions
9. Pocket book reference (if there is a relevant entry)
10. Details of suspensions and signage in relation to the vehicle
11. Details of any roadwork's which are likely to affect parking
12. Details of yellow lines (single, double or broken), and nearest plate (where appropriate)
13. Any other information, which is likely to be useful

## **4.5 Photographic Evidence**

As additional evidence, photographs will be taken whenever possible. Whilst this is not compulsory the evidence provided is extremely useful.

## **5. Vehicle Removals**

Under some circumstances, vehicle removals under the Traffic Management Act 2004 may take place. This includes, but is not limited to :-

- Persistent evader vehicles found parked in contravention
- Fraudulent use of disabled persons parking blue badges or an article that purports to be a disabled blue badge.
- Parked in a disabled persons parking bay without displaying a disabled blue badge.
- Parked using a fraudulent Portsmouth City Council permit, voucher, scratch card or pay and display parking ticket; inclusive of cashless parking sessions and virtual permits
- Parked in a manner that causes serious obstruction to emergency services and other road users. (For more details see the Vehicle Removal Policy)

## **6. General Exemptions**

### **6.1 The Blue Badge Scheme**

The purpose of the blue badge scheme is to help badge holders park closer to their destination, either as a passenger or as a driver. It allows badge holders to park on single or double yellow lines for up to three hours, except where there is a ban on loading or unloading. The blue badge also allows free parking on pay and display zones, both on street and in off street car parks operated by Portsmouth City Council (Note: in privately operated car parks, check signs for available concessions). Unlimited parking is also available for limited wait bays. Disabled bays may be provided for blue badge holders and these may restrict the length of stay. On yellow lines or in restricted bays the blue badge and clock showing the time of arrival must be displayed.

Disabled parking bay permits - A Blue Badge or corresponding disabled parking bay permit must be displayed whilst parked within an allocated disabled bay in residential areas. A Blue Badge cannot be used in another vehicle within the vicinity if the Blue Badge permit is being used. A PCN may be issued to the vehicle displaying the Blue Badge permit if a CEO records the Blue Badge being used at the same time.

Blue badges are valid for 3 years and show the name of the holder, serial number, expiry date and the issuing authority. The badge must be displayed on the nearside front windscreen or in a conspicuous position on the vehicle with the front of the badge facing forward.

### **6.2 Vehicles Always Exempt from restriction's**

Fire, police and ambulance vehicles on official business.

A vehicle, which is military or visiting military forces.

A vehicle, which has been told to wait by a police constable or a CEO in uniform or has to stop in order to avoid an accident.

A vehicle prevented from moving by circumstances beyond the drivers control

### **6.3 Utilities Companies**

Gas, electricity, water utility, communications and cable and signals companies will from time to time need to carry out emergency works on or off the highway. Vehicles carrying out such emergency works may park in restricted streets. If necessary, CEO's may ask drivers to move such vehicles to a more suitable location.

### **6.4 Additional Exemptions which may apply to individual situations.**

- Setting down and/or picking up of passengers, or to load or unload any personal luggage. This should not take longer than 2 minutes unless the person suffers from a disability or when dropping off a child.
- A vehicle on the service of the local authority providing that it is being used in the exercise of a statutory power or duty and it is necessary for the vehicle to wait in that location.
- A vehicle used for the removal of furniture to or from adjacent premises
- A vehicle involved in the removal of any obstruction to traffic
- A vehicle waiting while a gate or barrier is opened/closed to allow access or departure to/from premises.
- A stationary vehicle selling goods from a pitch on a restricted street whilst holding a licence from the Council to do so.

### **6.5 Loading and Unloading**

Loading/unloading or delivering/collecting goods are allowed in most places where restrictions apply. However, these activities are not allowed where loading prohibitions apply, for example:

- where there are kerb stripes;
- where there is a temporary ban on loading; or
- on bus stop clearways or school keep clear markings.

Loading/unloading is generally restricted as follows: –

- in loading bays – as time plate stipulates
- designated parking places - 20 minutes
- on yellow lines - 20 minutes as long as there are visible signs of loading/unloading taking place.

A vehicle may only remain in place for as long as it takes to perform the loading or unloading operations, generally defined as being the movement of goods to or from the vehicle, the checking of said goods and the completion of any necessary paperwork. The purchase of goods is not covered by the exemption, for example parking in order to go shopping, purchasing a newspaper or obtaining cash from an ATM.

There is no right to park on completion of loading/unloading. In order to qualify for exemption, vehicles should be parked adjacent, or as close as is practically possible, to the premises receiving the delivery. Although this is not always possible, discretion can be used to allow the vehicle to park in the vicinity of the premises.

Where loading/unloading is allowed, a CEO will observe the vehicle for a period of time to ascertain whether loading/unloading is being carried out. If a goods vehicle is being

observed then it is recommended that the observation time is longer. If loading or unloading is seen after a PCN is issued, this will be noted by the CEO in the pocket book

## **7. On Street Contravention Codes, Descriptions and Charge Level**

**(H) = Higher Penalty Level**

**(L) = Lower Penalty Level**

- 01 Parked in a restricted street during prescribed hours **(H)**
- 02 Parked or loading/unloading in a restricted street where waiting and loading / unloading restrictions are in force **(H)**
- 05 Parked after the expiry of paid for time **(L)**
- 11 Parked without payment of the parking charge **(L)**
- 12 Parked in a residents' or shared use parking place or zone without clearly displaying either a permit or voucher or pay and display ticket issued for that place **(H)**
- 16 Parked in a parking space without displaying a valid permit **(H)**
- 18 Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited **(H)**
- 21 Parked in a suspended parking bay or space or part of bay or space **(H)**
- 22 Re-parked in the same parking place or zone within one hour (or other specified time) of leaving **(L)**
- 23 Parked in a parking place or area not designated for that class of vehicle **(H)**
- 24 Not parked correctly within the markings of a bay or space **(L)**
- 25 Parked in a loading place during restricted hours without loading **(H)**
- 26 Parked in a special enforcement area more than 50cm from the edge of the carriageway and not within a designated parking place **(H)**
- 27 Parked in a special enforcement area adjacent to a dropped footway **(H)**
- 30 Parked for longer than permitted **(L)**
- 40 Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner **(H)**
- 42 Parked in a parking place designated for police vehicles **(H)**
- 45 Parked on a taxi rank **(H)**
- 46 Stopped where prohibited (on a red route or clearway) **(H)**
- 47 Parked on a restricted bus stop or bus stand **(H)**
- 48 Parked on a restricted area outside a school when prohibited **(H)**
- 55 A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban **(H)**
- 61 A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways **(H)**
- 99 Stopped on a pedestrian crossing or a crossing area marked by zigzags **(H)**

## 7.1 On Street Contravention Codes, Descriptions and Observation Times

<b>Contravention 01</b>	
Description	Parked in a restricted street during prescribed hours
Observation period	Five minutes
Observations	If there is evidence of loading/unloading, CEO to log for minimum of 20 minutes casual observation If a valid blue badge and time clock is displayed, CEO to log and not enforce within three hours If there is evidence of setting down/picking up passengers and luggage is observed, then casual observation to be followed
Specific exemptions	Any vehicle displaying a valid Portsmouth City Council dispensation
<b>Contravention 02</b>	
Description	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force
Observation period	None
Observations	if there is evidence of setting down/picking up passengers and luggage is observed, then casual observation to be followed
<b>Contravention 05</b>	
Description	Parked after the expiry of paid for time
Observation period	Ten minutes
Observations	If there is evidence of loading/unloading, CEO to log for minimum of 20 minutes casual observation If there is evidence of setting down/picking up passengers and luggage is observed, then casual observation to be followed
<b>Contravention 11</b>	
Description	Parked without payment of the parking charge
Observation period	Ten minutes
Observations	If there is evidence of loading/unloading, CEO to log for minimum of 20 minutes casual observation If there is evidence of setting down/picking up passengers and luggage is observed, then casual observation to be followed
<b>Contravention 12</b>	
Description	Parked in a residents' or shared use parking place or zone without clearly displaying either a permit or voucher or pay & display ticket issued for that place
Observation period	Five minutes for cars, ten minutes for HGV's
Observations	If there is evidence of loading/unloading, CEO to log for minimum of 20 minutes casual observation If there is evidence of setting down/picking up passengers and luggage is observed, then casual observation to be followed
<b>Contravention 16</b>	
Description	Parked in a permit space without displaying a valid permit
Observation period	Five minutes for cars, ten minutes for HGV's
Observations	If there is evidence of loading/unloading, CEO to log for minimum of 20 minutes casual observation If there is evidence of setting down/picking up passengers and luggage is observed, then casual observation to be followed

<b>Contravention 18</b>	
Description	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited
Observation period	None
Observations	None
<b>Contravention 21</b>	
Description	Parked in a suspended bay or space or part of a bay or space
Observation period	None
Observations	If evidence of setting down/picking up passengers and luggage is observed
<b>Contravention 22</b>	
Description	Re-parked in the same parking place or zone within one hour of leaving or other specified time
Observation period	Ten minutes
Observations	If there is evidence of loading/unloading, CEO to log for minimum of 20 minutes casual observation If evidence of setting down/picking up passengers and luggage is observed
<b>Contravention 23</b>	
Description	Parked in a parking place or area not designated for that class of vehicle. (This applies to motorcycle and coach bays only)
Observation period	None
Observations	None
<b>Contravention 24</b>	
Description	Not parked correctly within the markings of the bay or space
Observation period	None
Observation	If there is evidence of loading/unloading, CEO to log for minimum of 20 minutes casual observation If there is evidence of setting down/picking up passengers and luggage is observed, then casual observation to be followed
<b>Contravention 25</b>	
Description	Parked in a loading place during restricted hours without loading
Observation period	Ten minutes
Observation	If there is evidence of loading/unloading, CEO to log for minimum of 20 minutes casual observation If there is evidence of setting down/picking up passengers and luggage is observed, then casual observation to be followed
<b>Contravention 26</b>	
Description	Parked in a special enforcement area more than 50cm from the edge of the carriageway and not within a designated parking place
Observation period	Five minutes
Observation	If there is evidence of loading/unloading, CEO to log for minimum of 20 minutes casual observation If there is evidence of setting down/picking up passengers and luggage is observed, then casual observation to be followed

<b>Contravention 27</b>	
Description	Parked in a special enforcement area adjacent to a dropped footway The description, 'parked adjacent to a dropped footway' applies to a dropped footway, which includes driveways. For residential driveways authorisation is required from the property owner/resident that they cannot gain entry/egress from the driveway/garage. There is no authorisation required for enforcement at other dropped footways i.e. with or without tactile kerbs provided to allow wheelchair/pushchair users to cross the road.
Observation period	Five minutes
Observations	If there is evidence of loading/unloading, CEO to log for minimum of 20 minutes casual observation If there is evidence of setting down/picking up passengers and luggage is observed, then casual observation to be followed
<b>Contravention 30</b>	
Description	Parked for longer than permitted
Observation period	Ten minutes are required after free time has elapsed with the same wheel valve positions
Observation	If there is evidence of loading/unloading, CEO to log for minimum of 10 minutes by casual observation If a valid blue badge is displayed then there is no limit on the duration of stay If there is evidence of setting down/picking up passengers and luggage is observed then casual observation to be followed
<b>Contravention 40</b>	
Description	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner
Observation period	None
Observations	None
Specific exemptions	Blue badge holders provided blue badge is on display and/or, if in a residents allocated disabled bay, then the blue badge or disabled bay permit is displayed
<b>Contravention 42</b>	
Description	Parked in a parking place designated for Police vehicles
Observation period	None
Observations	None
<b>Contravention 45</b>	
Description	Parked on a taxi rank
Observation period	None
Observations	None
<b>Contravention 46</b>	
Description	Stopped where prohibited (on a red route or clearway)
Observation period	None
Observation	None

<b>Contravention 47</b>	
Description	Stopped on a restricted bus stop or stand
Observation period	None
Observations	None
Additional exemptions	Buses as defined- bus means a vehicle which is adapted to carry more than eight passengers Hackney Carriages only- setting down/picking up passengers
<b>Contravention 48</b>	
Description	Stopped in a restricted area outside a school when prohibited
Observation period	None
Observation	None
<b>Contravention 55</b>	
Description	A commercial vehicle parked in a restricted street in contravention of the overnight waiting ban. (This only applies where an overnight waiting sign is displayed.)
Observation period	None
Observations	None
<b>Contravention 61</b>	
Description	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriage ways
Observation period	Ten minutes
Observation	If there is evidence of loading/unloading, CEO to log for minimum of 10 minutes by casual observation
<b>Contravention 99</b>	
Description	Stopped on a pedestrian crossing or crossing area marked by zigzags
Observation period	None
Observations	None

## 8. Off Street Contravention Codes, Descriptions and Charge Level

**(H) = Higher Penalty Level**

**(L) = Lower Penalty Level**

- 70 Parked in a loading area during restricted hours without reasonable excuse **(H)**
- 73 Parked without payment of the parking charge **(L)**
- 74 Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited **(H)**
- 80 Parked for longer than the maximum period permitted **(L)**
- 81 Parked in a restricted area in a car park **(H)**
- 82 Parked after the expiry of paid for time **(L)**
- 85 Parked in a permit bay without clearly displaying a valid permit **(H)**
- 86 Parked beyond the bay markings **(L)**
- 87 Parked in a designated disabled person's parking place without displaying a valid disabled persons badge in the prescribed manner **(H)**
- 89 Vehicle parked exceeds maximum weight or height or length permitted in the area **(H)**
- 90 Re-parked within one hour or other specified time of leaving a bay or space in a car park **(L)**
- 91 Parked in a car park or area not designated for that class of vehicle **(H)**
- 92 Parked causing an obstruction **(H)**
- 93 Parked in car park when closed **(L)**
- 95 Parked in a parking place for a purpose other than the designated purpose for the parking place **(L)**

### 8.1 On Street Contravention Codes, Descriptions and Observation Times

<b>Contravention 70</b>	
Description	Parked in a loading area during restricted hours without reasonable excuse
Observation period	Twenty minutes
Observation	If there is evidence of loading/unloading, CEO to log for minimum of 20 minutes casual observation If evidence of setting down/picking up passengers and luggage is observed
<b>Contravention 73</b>	
Description	Parked without payment of the parking
Observation period	Ten minutes
Observations	If there is evidence of loading/unloading, CEO to log for minimum of 10 minutes casual observation If evidence of setting down/picking up passengers and luggage is observed
<b>Contravention 74</b>	
Description	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited
Observation period	None
Observations	None

<b>Contravention 80</b>	
Description	Parked for longer than maximum period permitted (Applies to all free bays)
Observation period	Ten minutes after free time elapsed are required with the same wheel valve positions
Observations	If there is evidence of loading/unloading, CEO to log for minimum of 10 minutes by casual observation If a valid blue badge is displayed then there is no limit on the duration of stay If there is evidence of setting down/picking up passengers and luggage is observed then casual observation to be followed
<b>Contravention 81</b>	
Description	Parked in a restricted area in a car park
Observation period	None
Observations	None
<b>Contravention 82</b>	
Description	Parked after the expiry of paid for time
Observation period	Ten minutes
Observations	If there is evidence of loading/unloading, CEO to log for minimum of 20 minutes casual observation If there is evidence of setting down/picking up passengers and luggage is observed, then casual observation to be followed
<b>Contravention 85</b>	
Description	Parked in a permit bay without clearly displaying a valid permit
Observation period	Five minutes
Observations	If there is evidence of loading/unloading, CEO to log for minimum of 20 minutes casual observation
<b>Contravention 86</b>	
Description	Parked beyond the bay markings
Observation period	None
Observation	None
<b>Contravention 87</b>	
Description	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner
Observation period	None
Observations	None
<b>Contravention 89</b>	
Description	Vehicle parked exceeds maximum weight or height or length permitted in the area
Observation period	None
Observations	None
<b>Contravention 90</b>	
Description	Re-parked within one hour or other specified time of leaving a bay or space in a car park
Observation period	Ten minutes
Observations	If there is evidence of loading/unloading, CEO to log for minimum of 10 minutes by casual observation If there is evidence of setting down/picking up passengers and luggage is observed then casual observation to be followed

<b>Contravention 91</b>	
Description	Parked in a car park or area not designated for that class of vehicle
Observation period	None
Observations	If there is evidence of loading/unloading, CEO to log for minimum of 20 minutes by casual observation If there is evidence of setting down/picking up passengers and luggage is observed then casual observation to be followed
<b>Contravention 92</b>	
Description	Parked causing an obstruction
Observation period	None
Observations	None
<b>Contravention 93</b>	
Description	Parked when the car park is closed
Observation period	None
Observations	None
<b>Contravention 95</b>	
Description	Parked in a parking place for a purpose other than the designated purpose for the parking place
Observation period	None
Observations	None

**In some circumstances certain contraventions may cause the vehicle to be towed away, See the vehicle removal guidance for details. The support line for motorists who have had their vehicle towed is 02392 688290.**

**The above observation times are for guidance only. A CEO may issue a PCN or remove a vehicle without following the guidance if there are compelling grounds to do so.**

## **9. Issuing a PCN where a minor infringement is occurring**

There are certain circumstances where technically a contravention is occurring but it does not warrant a PCN being issued. Verbal warnings may be appropriate for minor contraventions where a driver is with or returns to the vehicle. Two examples of situations where this may occur are given below.

### **9.1 Vehicle Overhang**

A CEO should only issue a PCN if the vehicle is parked in such a way that at least one wheel is wholly in contravention, for example a wheel being wholly outside the parking bay on a yellow line.

In some cases larger vehicles may over hang a bay to an extent which causes an obstruction, a PCN can then be issued. CEOs must use their judgement on this, and record any evidence (especially photographic) that proves the contravention.

This does not apply to disabled bays where any part of a vehicle within a bay may result in a PCN.

## 9.2 Distance from the Kerb

Contravention code 26 refers to a vehicle being more than 50cm from the edge of the carriageway. Although this provision was originally introduced to combat double parking, a vehicle parked a significant distance from the kerb, so that it could be considered to be causing an obstruction/impeding the flow of traffic/cyclists, may be issued PCN. Evidence (especially photographic) proving the contravention should be recorded.

## 10 Issuing a PCN on private land

A CEO with the authority of a senior officer may issue a PCN on private land where it is considered prudent and legal to do so, an example of which is where a 'No Waiting' restriction (double yellow lines) exists on the highway. This will only be where private land is also a section of road or street that the public habitually and freely pass over.

### Links:

**Operational Guidance to Local Authorities:** Parking Policy and Enforcement

<http://www.dft.gov.uk/pgr/roads/tpm/tmaportal/tmafeatures/tmapart6/betterprkoperationalguid/>

**The Highway Code:**

[http://www.google.co.uk/url?q=http://www.direct.gov.uk/en/TravelAndTransport/Highwaycode/index.htm&sa=U&ei=8fD1TZvkMNKAhQfMwZjXBq&ved=0CBkQFjAA&usq=AFQjCNEKne2HQ6mg-y47or\\_HXqXO4k7edw](http://www.google.co.uk/url?q=http://www.direct.gov.uk/en/TravelAndTransport/Highwaycode/index.htm&sa=U&ei=8fD1TZvkMNKAhQfMwZjXBq&ved=0CBkQFjAA&usq=AFQjCNEKne2HQ6mg-y47or_HXqXO4k7edw)