Leicestershire County Council

Parking Policy: Consolidation of Existing Policy, Guidance and Working Practices

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Traffic and Safety

Network Management –
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1.0 Overview

This purpose of this document is to bring together Leicestershire County Council's policy for the management of parking and parking enforcement in the county. It will describe the current parking policy already set out by the Leicestershire Local Transport Plan and the Network Management Plan and describe the procedures and priorities currently in place to support these.

This policy does not invoke new powers or make any changes to the current working practices or the existing parking policy; it collates all existing Leicestershire County Council policy and guidance on the subject.

1.1 Why do we need a policy?

The management of parking in Leicestershire is critical to the effective management of traffic and congestion. It is essential therefore that this is conducted in a manner which considers the needs of all road users and provides a suitable balance of facilities and restrictions to best meet the needs of communities. At the same time consideration needs to be given to road safety, the maintenance of the free flow of traffic and other pressures on the use of road space.

In order to achieve this Leicestershire has already adopted a number of policies and procedures which help us achieve the optimum combination of restrictions and ensure that those that are in place are subject to suitable enforcement procedures.

This document therefore has two aims:

- To set out the policies and procedures in place to ensure suitable parking control systems are provided to meet local and county wide requirements.
- To set out our current procedures for the enforcement of parking restrictions, and the specific policy applicable to the Civil Parking Enforcement (CPE) of restrictions in Leicestershire.

1.2 Existing parking policy

All Transport policy including the parking policy for Leicestershire is presented as a part of the Leicestershire Local Transport Plan (LTP) which is currently on its 3rd version[1]. This document is reviewed at intervals, consulted on publicly and monitored on a regular basis.

The current LTP states our aim as

1) **Improving the management of our road network, such that it provides improved journey time reliability for the movement of goods material and people by continuing to develop and refine our approach to civil (on-street) parking enforcement, particularly**

[1] LCC 2011 The Leicestershire Local Transport Plan Version 3.
www.leicestershire.gov.uk/roads-and-travel/road-maintenance/local-transport-plan

a) by making use of the outcomes from congestion studies to inform our parking enforcement in each of the county towns, and the impact this may have on peak hour congestion.

b) by assessing the potential impacts of additional enforcement powers on our parking and network management approach as and when they become available. This refers to the use of our powers to enforce against motorists who obstruct dropped kerbs or double park, available since March 2011.

c) by assessing the potential for introducing road use charging through on-street parking charges in our county towns and larger urban areas. (*This is a long-term strategy aim and if it were to be introduced would be subject to further consultation.)*

The approved policies in the LTP3 are then used to shape other policies and guidance to implement day to day parking management and parking enforcement in Leicestershire. One of these policies is the 'Network Management Plan 2014-2026'[2]. In this the following secondary policies with an impact on parking have been adopted:

We will ensure that our hierarchy of roads, and our traffic sensitive road network, remains appropriate in the light of changing circumstances. In order to improve our understanding of our network functions and the impact that congestion has on them we will be undertaking a programme of congestion studies. These will focus on the County Towns and larger urban areas. The evidence generated will help us to develop future programmes of traffic management intervention, aimed at improving network capacity, reliability and resilience. These will include:

- A review of existing traffic management measures.
- A review of existing parking provision, demand for parking and the impact of parking enforcement.

We will ensure that unplanned events are coordinated and managed effectively, so as to minimise disruption to the network. Illegal and inconsiderate parking is an unplanned event which can cause congestion, reduce road safety and cause problems in our towns and villages and pedestrians, cyclists, public transport and other motorists. In order to this we will continue to refine the efficiency and effectiveness of our parking enforcement operation.

In addition where required stand-alone guidance documents have been produced to support these and to provide clarification on operation of parking management. Where such guidance exists either as a document or as reference pages on the www.leicestershire.gov.uk website it will be referred to in this document.

1.3 Legal Background

The Road Traffic Regulation Act 1984[3] conferred a duty on local authorities to ensure the expeditious, convenient and safe movement of traffic and the provision of suitable and adequate parking facilities as far as is practicable. In recognition of this duty it has provided

[2] LCC 2014 Network Management Plan 2014-2026 - https://www.leicestershire.gov.uk/roads-and-travel/road-maintenance/transport-policy-plans-and-studies

[3] DfT 1984 The Road Traffic Regulation Act 1984

the current legislation to control waiting and loading and to provide suitable parking places where needed to allow this to be achieved. This is undertaken by the use of legal documents to introduce parking restrictions (Traffic Regulation Orders (TROs).

These restrictions are denoted by road markings and/or signage which must comply with the current 'The Traffic Signs Regulations and General Directions' published by the Department for Transport (DfT).

The Road Traffic Act 1991[4] allowed local authorities to apply for the powers to enforce their own parking restrictions as civil rather than criminal offences. This introduction of decriminalised parking enforcement (DPE) was designed to reduce the demand on police resources and court systems.

The Traffic Management Act 2004[5] was introduced to tackle congestion on the local road network, and replaced some of the provisions contained within the Road Traffic Act. Under the Traffic Management Act, a framework was set up to allow highway authorities to introduce and operate a system of Civil Parking Enforcement (CPE). It also allowed for the appointment of Civil Enforcement Officers (CEOs) for the enforcement of parking restrictions and bus lanes.

Leicestershire County Council introduced a regime of civil parking enforcement in July 2007, in partnership with the seven district/borough councils within Leicestershire:

Blaby District Council
Charnwood Borough Council
Harborough District Council
Hinckley & Bosworth Borough Council
Melton Borough Council
North West Leicestershire District Council
Oadby & Wigston Borough Council

An agreement was made committing all authorities to joint working and setting up procedures for implementation which included the establishment of integrated parking services for:

- the employment of Civil Enforcement Officers
- the processing of penalty notices
- the management of representations and appeals
- the issuing of parking tickets
- the management of the necessary systems, interfaces and databases

The Traffic Management Act also allowed authorities to apply for areas to be designated as Special Enforcement Area's (SEAs). This allowed Penalty Charge Notices (PCNs) to be issued for contraventions against dropped footway crossings, crossing zig-zags and double

[4] DfT 1991 The Road Traffic Regulation Act 1991
[5] DfT 2004 The Traffic Management Act 2004

parking throughout the county. Further details of these contraventions are given in Appendix A.

1.4 Parking for new developments

In Leicestershire the local planning authority of the relevant district or borough council are responsible for approval of planning applications and parking for new developments. However as the local highway authority we will act as a statutory consultee for this process. As part of this we expect all new developments to meet our standards for parking, as set out in the Leicestershire Highway Design Guide[6] and which covers both on and off street parking on new developments of all sizes.

2.0 Parking provision in the county

2.1 Off- street Parking

LCC currently only operate off-street car parks at several country parks in the county. Parking charges are displayed within the car parks. The local district and borough councils also own and operate a number of off-street carparks. Parking charges are controlled by boroughs/districts and details of these can be found on the relevant council's website.

2.2 On-street parking

Leicestershire's roads are used by a wide variety of different individuals with varying requirements. It is important that the use of road space for parking is managed in a manner which allows all groups needs to be met for accessibility, flow of traffic, road safety and parking purposes. There is ever growing pressure on the road space available for parking and it is critical that the right combination of parking restrictions and spaces are provided to meet the needs of all road users.

In order to ensure that this is possible a system of parking controls has been introduced where required on the county's roads to ensure safe and suitable access for all. Most of these controls are implemented by TROs. These are controls on the way which road space can be used and are supported by a legal order. These place restrictions on, or designate specific areas for parking in a number of ways including restricting waiting or loading as well as providing designated parking for set periods or users.

The parking controls currently used in Leicestershire include the following:

2.2.1 Loading and waiting restrictions.

These include single yellow lines, double yellow lines and restrictions marked by kerb tabs. These all restrict the ability of vehicles to stop and wait in an area to varying degrees and will be introduced mainly for road safety reasons or to restrict parking in unsuitable areas.

[6] LCC 2022 The Leicestershire Highway Design Guide- https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide

2.2.2 Parking places

These are marked out bays which designate spaces where parking is available. These places may serve a variety of different purposes and be available to all users or limited to specific users. They are generally used to ensure the turnover of car parking spaces in area of high parking stress, or to allow accessible spaces for users or groups which may have a special need to be able to park in the area.

They include loading bays, limited waiting bays, residents' parking bays, ambulance bays, coach/bus parking bays, motorcycle parking, disabled parking bays and taxi bays.

They may also include shared use bays where in order to make the best use of the available road space in the area the same parking bay can be used by varying users at different times of the day. For example: a disabled bay during the day and a taxi bay at night. These are generally used in high stress areas such as town centres.

2.2.3 Bus /cycle lanes

These are areas of restricted road space where sections of the road been designated for the use of specific non car users. These areas are usually designated by the provision of a solid white line over which you should not cross unless you are the permitted user. These areas are generally subject to loading and waiting restrictions which may be full or part time and are designed to prevent the lane being blocked with stopped or parked cars and to allow the safe movement of cyclists and the free movement of buses.

2.2.4 School keep clear markings

These are located outside schools and colleges and designate areas in which no cars vehicles should stop. They are designated by the use of yellow zig-zags and school keep clear markings. Where installed they have been introduced for road safety reasons.

2.2.5 Bus stop clearways

Bus stop clearways are designated by yellow bus stop cages and associated markings accompanied by a 'No Stopping except Buses' sign. These are used to prohibit stopping on the bus stop during its operational hours.

2.2.6 Specific users – residents' parking bays /permit only zones

There are a number of residents' parking and permit only zones in Leicestershire all of which have been introduced in areas where there is high demand on the parking.

Residents parking zones are designed to help residents to park close to their homes. They do not reserve places exclusively for specific permit holders but permit holders may park, without restriction in the resident parking bays provided in any streets within their designated zone(s).

A number of residents parking zones are in operation in Leicestershire. The majority of these are preferential i.e. allow non-permit holders to park for a limited period of time between 30 mins and 2 hours. In general, the zones operate only during the working day, though there

are some in operation for 24 hours a day. However there are some parking bays which are for use of residents only and this will be reflected on the signage.

These zones were all introduced following consultation with the local residents and are specific to the individual roads and the parking limitations they face. Details of all zones and their limits and individual rules are shown on the Leicestershire County Council website[7].

The specific rules relating to the use of residents parking areas are explained in detail by 'The Operation of Residents Parking in Leicestershire' Guidance document which is available on the residents parking section of the Leicestershire County Council website. This also includes details of restrictions and exemptions applicable to these areas.

2.2.7 Specific Users - Disabled parking

In order to meet the needs of all road users it is recognised that some disabled people who live in, work in or visit the county have specific parking requirements. Therefore parking bays are provided throughout the county, particularly within town centres and local shopping areas, for the exclusive use of holders of a disabled persons blue badge.

There are two types of on-street disabled bays: those with a time limit and those without. In order to park in these spaces you must display a blue badge (and the blue parking clock if the bay is time limited).

Holders of the blue badge can also park in locations specified in the 'The Blue Badge scheme: rights and responsibilities in England' published by the Department for Transport[8].

2.2.8 Enforcement of parking on dropped footway crossings, zigzags and double parking

Following the introduction of the Traffic Management Act 2004[5], authorities which have CPE powers have been able to apply to enforce prohibitions of parking on pedestrian crossing zigzags, dropped footway crossings and double parking. Leicestershire County Council are currently able to enforce under these powers as below:

2.2.9 Parking alongside dropped kerbs

This is the contravention of parking adjacent to a dropped kerb and applies where a vehicle parks on the carriageway next to a place where the footway, cycle track or verge has been lowered to the level of the carriageway (or where the carriageway has been raised to the level of the footway, cycle track or verge) to assist:

- Pedestrians crossing the carriageway
- Cyclists entering or leaving the carriageway; or
- Vehicles entering or leaving the carriageway across the footway, cycle track or verge.

This is enforced to protect the safety of vulnerable road users.

[7] https://www.leicestershire.gov.uk/roads-and-travel/cars-and-parking/parking-permits/parking-schemes-in-leicestershire

[8] DfT 2007 The Blue Badge Scheme: Rights and Responsibilities in England.

2.2.10 Double Parking

Double Parking is defined as when a vehicle parks on any part of the carriageway such that no part of the vehicle is within 50cm of the edge of the carriageway. Enforcement of double parking is undertaken to prevent congestion and to allow the free flow of vehicles which may be obstructed by inconsiderate parking, such as ambulances, refuse vehicles and fire engines.

2.2.11 Pedestrian crossing zig-zags

Enforcement of crossing zig-zags is designed to assist all road users. Vehicles stopped on zig-zag markings create a special hazard for pedestrians and prevents them crossing safely. Therefore we will issue a penalty charge notice for any vehicle found stopped/parked on pedestrian crossing zig-zags.

The police will also continue to enforce pedestrian crossing zig-zags, although, a ticket issued by the police results in both a fine and penalty points.

2.3 On –street parking charges

Leicestershire currently has no on-street parking with parking charges (e.g. meter or pay and display parking). This is something that has been identified in LTP3 as a possible amendment to the parking strategy and is something the Authority will review periodically. The introduction of parking charges in any area will be subject to a full consultation process before implementation.

3.0 Changes to Parking Controls

Parking restrictions in the county are regularly reviewed and amended to address the changing needs of road users and to ensure they are in line with the parking policies presented in 'The Leicestershire Local Transport Plan 3'[1] and comply with current legislation. The need for alterations to parking controls may be identified as a result of:

- enquiries from members of the public
- responding to needs identified from larger area wide studies of parking restrictions.
- responding to alterations to the local area e.g. following new development

When considering potential changes to the parking controls in an area the existing demand on parking is evaluated as well as any anticipated future changes in both the parking and road use requirements.

Whenever changes are proposed to the existing parking restrictions in an area a legal process is followed which includes a mandatory three-week public consultation period. This period allows anyone with an interest to comment on or object to the proposals. Notice of proposals will appear in the local paper and will be advertised on the Leicestershire County Council Traffic Management consultation webpage[9]. Suitable measures will also be taken to

[9] https://www.leicestershire.gov.uk/roads-and-travel/cars-and-parking/traffic-management-consultations

ensure that any interested parties have been informed; this may include site notices or letters to frontages.

4.0 Parking enforcement - background

4.1 Existing parking restrictions

As part of our original application to undertake parking enforcement a comprehensive review of all parking restrictions in the county was undertaken in order to:

1) provide clear, unambiguous TROs for use by Traffic Penalty Tribunal
2) ensure the accuracy of the lining and signing on the ground.
3) ensure the appropriateness of all TROs.

The work was completed before civil parking enforcement commenced in the county. In addition a geographic database of all parking restrictions was set up and is still maintained.

4.2 Reporting of signing and lining Issues

Ensuring that the legal orders as well as signing and lining on site are accurate, clear and comply with current legislation is essential to the enforcement of parking restrictions. We aim to ensure that all Traffic Regulation Orders are correct and match on site restrictions.

Where any damaged or missing signs/lines are identified we aim to correct these as soon as reasonably possible.

5.0 Parking enforcement - current

5.1 Objectives of parking enforcement

Leicestershire County Council is a member of The Joint Committee of England and Wales for the civil enforcement of Parking and Traffic Regulations Outside London (PATROL) and responsible for the enforcement of all on-street parking restrictions across the county in accordance with the Traffic Management Act 2004[5].

This work is carried out in conjunction with the district and borough Councils who are also responsible for the enforcement of off-street parking restrictions. Civil Enforcement Officers (CEOs) previously known as Parking Attendants or Traffic Wardens can issue a Penalty Charge Notice (PCN), previously known as a Parking Ticket.

The aim of Civil Parking Enforcement is to achieve better enforcement of parking. This will reduce the number vehicles parked in contravention of restrictions which will in turn:

- Reduce congestion and pollution.

- Improve turnover of parking spaces with easier access to shops and services, leading to associated economic benefits.
- Aid reliability of public transport journey times, making it more attractive to potential and existing users, in turn reducing reliance on the private car.
- Improve access and improve reliability of response times for the emergency services.
- Allow residents' parking schemes to operate effectively

5.2 Parking enforcement - procedures

In order to undertake effective parking enforcement and meet the aims above the Council have specific operational procedures that they utilise. A summary of the current operational standards and discretionary policy operated by Leicestershire County Council in regard to its civil parking enforcement is given in Appendix A. This includes details of parking enforcement procedures, discretionary policy and bailiff procedures.

5.3 Compliance and monitoring

The aim of parking enforcement in Leicestershire is to achieve full compliance with the parking controls. In order to achieve as close to 100% compliance as possible the parking enforcement steering group meets on a regular basis to discuss current issues and levels of compliance with restrictions. This includes representatives from the County Council as well as district and borough councils. These meetings allow data to be shared, compliance levels monitored and enforcement routes to be adjusted as required to encourage the highest level of compliance possible.

The effectiveness of our on-street parking policies will be monitored by the use of area wide congestion studies and also by general monitoring of comments/compliments/complaints submitted to the customer service centre. Also in line with our current parking policy (as stated in LTP3) we may investigate the potential for introduction of parking charges in our county towns and urban areas. Should this be adopted then monitoring of the existing parking provision, and assessment of the impacts of introducing any changes, would be undertaken before any specific scheme was adopted.

Any feedback regarding recommended changes to parking restrictions or to the counties parking policy will be passed to the relevant officer for consideration.

6.0 Parking and parking enforcement - publicity and information

6.1 Information – existing parking restrictions

The current on-street parking restrictions in the county are available to view on the online parking map (https://www.leicestershire.gov.uk/roads-and-travel/cars-and-parking/controlled-parking-spaces). This shows details of the extent of all restrictions as well as a brief description

of the restriction itself including the times and days of operation[10]. The County Council website www.leicestershire.gov.uk contains a large amount of information on all aspects of parking in Leicestershire including residents' parking areas. It also provides links to all off-street parking in the county currently operated by other authorities.

In addition a number of reports are published on the website regarding parking and parking enforcement. These include the annual parking account which gives details of income and expenditure on the authorities parking account and how the authority has spent any surplus.

6.2 Publicity – changes to parking policy

Any significant changes or additions to the parking policy will be publicised to ensure that all road users who may be affected have sufficient opportunity to be made aware the changes.

In addition, the county wide policies regarding parking will be reviewed as part of the ongoing development of LTP4 and consulted on with the general public and stakeholders as part of this process. The result of this consultation will then be updated in this policy document.

The policy will be updated as required to ensure it reflects current national and local policy and practice. The most up to date version of the parking policy document will be published on the County's website, www.leicestershire.gov.uk.

[10] https://www.leicestershire.gov.uk/roads-and-travel/cars-and-parking/controlled-parking-spaces

Appendix A

Parking enforcement procedures

A1 Parking Enforcement

Parking enforcement is overseen by a civil enforcement partnership of county and district/borough councils across Leicestershire. The current service includes CEOs who are on patrol around the streets and off-street car parks in Leicestershire. These officers are employed by the district and borough councils. The district/borough Councils are also responsible for most training and resourcing of CEOs.

Leicestershire County Council operates the centralised administration service for penalty charge notices across the Civil Parking Enforcement partnership. They are also responsible for the repair, repainting and renewal of traffic signs and road markings across the County.

A2 Enforcement – Penalty Charge Notices

A2.1 What is a PCN?

Joint enforcement of on and off street restrictions is provided by Civil Enforcement Officers. Vehicles are observed where appropriate to ensure vehicles are not carrying out an activity that provides an exemption to the parking restrictions in place. Evidence is collected by the CEO to support the issue of a Penalty Charge Notice.

A Penalty Charge Notice or PCN may be issued to any vehicle observed by a Civil Enforcement Officer parked/stopped in contravention of a parking restriction.

PCNs can be served in three ways.

- Attached to the vehicle
- Handed to the driver
- Served by post (if the CEO is prevented from serving the PCN in the other two ways).

Once a PCN has been served the CEO has no power to cancel the notice and the motorist/owner must follow the legislative process in place to submit a representation if they feel the penalty was incorrectly issued.

A2.2 Penalty Charge Bands – Contravention Codes

A2.2.1. Penalty charge bands

The Government requires councils to use a two-tier parking charge system. There are two different levels of charges depending on the parking contravention. A £50 fine will be issued for ‘lower level’ contraventions and a £70 fine for ‘higher level’ contraventions. These are in compliance with the current guidance.

A2.2.2 Contravention codes

All PCNS are issued for a specific contravention of the parking controls. The codes below are standard codes which are used in Leicestershire:

On-Street Parking Contravention Codes		
Code	Description	Level
01	Parked in a restricted street during prescribed hours	Higher
02	Parked or loading/unloading in a restricted street where waiting and loading /unloading restrictions are in force	Higher
04	Parked in a meter bay when penalty time is indicated	Lower
05	Parked after the expiry of paid for time	Lower
06	Parked without clearly displaying a valid pay and display ticket or voucher	Lower
07	Parked with payment made to extend the stay beyond the initial time	Lower
08	Parked at an out of order meter during controlled hours	Lower
09	Parked displaying multiple pay and display tickets where prohibited	Lower
10	Parked without clearly displaying two valid pay and display tickets when required	Lower
11	Parked without payment of the parking charge	Lower
12	Parked in a residents or shared use parking place without clearly displaying either a permit or voucher or pay and display ticket issued for that place	Higher
14	Parked in an electric vehicle charging place during restricted hours without charging	Higher
16	Parked in a Permit Space without displaying a valid permit	Higher
18	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher
19	Parked in a residents or shared use parking place or zone either displaying an invalid permit or voucher or pay and display ticket, or after expiry of paid for time	Lower
20	Parking in a loading gap marked by a yellow line	Higher
21	Parked in a suspended bay/space or part of bay/space	Higher
22	Re-parked in the same parking place or zone within one hour after leaving	Lower
23	Parked in a parking place or area not designated for that class of vehicle	Higher
24	Not parked correctly within the markings of the bay or space	Lower
25	Parked in a loading place during restricted hours without loading	Higher
26	Vehicle parked in a special enforcement area more than 50 centimetres from the edge of the carriageway and not within a designated parking place.	Higher
27	Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway	Higher
28	Parked in a special enforcement area on part of the carriageway raised to meet the level of a footway, cycle track or verge	Higher
30	Parked for longer than permitted	Lower
35	Parked in a disc parking place without clearly displaying a valid disc	Lower
40	Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge.	Higher
41	Parked in a parking place designated for diplomatic vehicles	Higher
42	Parked in a parking place designated for police vehicles	Higher
45	Parked on a taxi rank	Higher
46	Stopped where prohibited (on a red route or clearway)	Higher
47	Stopped on a restricted bus stop or stand	Higher
48	Stopped in a restricted area outside a school	Higher
49	Parked wholly or partly on a cycle track	Higher
55	A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban	Higher
56	Parked in contravention of a commercial vehicle waiting restriction	Higher
57	Parked in contravention of a bus ban	Higher
61	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	Higher
62	Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway	Higher
63	Parked with engine running where prohibited	Lower
70	Parked in a loading place or bay during restricted hours without loading	Higher

71	Parked in an electric vehicles' charging place during restricted hours without charging	Higher
73	Parked without payment of the parking charge	Lower
74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher
78	Parked wholly or partly in a suspended bay or space	Higher
80	Parked for longer than permitted	Lower
81	Parked in a restricted area in an off-street car park or housing estate	Higher
82	Parked after the expiry of paid for time	Lower
83	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower
84	Parked with payment made to extend the stay beyond initial time	Lower
85	Parked without a valid virtual permit or clearly displaying a valid physical permit where required	Higher
86	Not parked correctly within the markings of a bay or space	Lower
87	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher
89	Vehicle parked exceeds maximum weight or height or length permitted	Higher
90	Re-parked in the same car park within one hour after leaving	Lower
91	Parked in a car park or area not designated for that class of vehicle	Higher
92	Parked causing an obstruction	Higher
93	Parked in car park when closed	Lower
94	Parked in a pay & display car park without clearly displaying two valid pay and display tickets when required	Lower
95	Parked in a parking place for a purpose other than that designated	Lower
96	Parked with engine running where prohibited	Lower
99	Stopped on a pedestrian crossing or crossing area marked by zigzags	Higher

Off-Street Parking Contravention Codes		
Code	Description	Level
70	Parked in a loading area during restricted hours without reasonable excuse	Higher
71	Parked in an electric vehicles' charging place during restricted hours without charging	Higher
73	Parked without payment of the parking charge	Lower
74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher
78	Parked wholly or partly in a suspended bay or space	Higher
80	Parked for longer than permitted	Lower
81	Parked in a restricted area in a car park	Higher
82	Parked after the expiry of paid for time	Lower
83	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower
84	Parked with payment made to extend the stay beyond initial time	Lower
85	Parked in a permit bay without clearly displaying a valid permit	Higher
86	Not parked correctly within the markings of a bay or space	Lower
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	Higher
89	Vehicle parked exceeds maximum weight and/or height and/or length permitted in the area	Higher
90	Re-parked in the same car park within one hour after leaving	Lower
91	Parked in a car park or area not designated for that class of vehicle	Higher
92	Parked causing an obstruction	Higher
93	Parked in car park when closed	Lower
94	Parked in a pay & display car park without clearly displaying two valid pay and display tickets when required	Lower
95	Parked in a parking place for a purpose other than that designated	Lower
96	Parked with engine running where prohibited	Lower

A3 Processing procedure

A3.1 Payments

Payment can be made against any PCN 24 hours a day 7 days a week using the Council's website or a dedicated automated telephone payment line. Payments can also be made by post or by personal visits to some of the district and borough council offices.

Full information regarding the contact details for payment of PCNs can be found on the back of any PCN issued, on any correspondence issued by the notice processing unit or alternatively on the Leicestershire County Council website on the 'Pay Your PCN' page.

A discounted payment of 50% will be accepted if this is received within 14 days of issue of the PCN.

If a penalty remains unpaid after 28 days, the Council reserves the right to serve a 'Notice to Owner' to the person they believe to be the keeper of the vehicle. This information will normally be obtained from the DVLA.

If the penalty remains unpaid for more than 28 days following the issue of the 'Notice to Owner' the Council may serve a Charge Certificate, with the outstanding charge increased by a further 50%.

If payment continues to remain outstanding the Council reserved the right to register the

outstanding debt at the Traffic Enforcement Centre based at Northampton County Court. If the 'Order for Recovery' remains unpaid the Council may apply for a warrant of execution which will be passed to one of the Council appointed Enforcement Agents.

A3.2 Representations

Leicestershire County Council follows current legislation and guidance issued by the Department for Transport to process representations.

An informal representation may be submitted to the Council within 28 days of the issue of the original penalty. The case is put on hold whilst the representations are considered, and a response will be sent to the person making the challenge. If this is submitted within 14 days of issue and the discount period applies, the Council will re-offer a further opportunity for payment to be made at the discounted rate should the representation be rejected. Every effort is made to respond as quickly as possible, but the legislation does not set any timescales for this correspondence.

If no payment or representation is received the Council will request information from the DVLA and a 'Notice to Owner' will be served. Once a 'Notice to Owner' has been served any representations will be considered on a formal basis. The 'Notice to Owner' recipient then has 28 days to submit a formal representation to the Council. The Council has 56 days to respond to these representations. If for any reason the representation is rejected the owner has 28 days in which to make an application to the Traffic Penalty Tribunal to request an appeal to an independent adjudicator.

Details of the Traffic Penalty Process can be found at www.trafficpenaltytribunal.gov.uk.

A3.3 Enforcement Agents (Bailiffs)

Ultimately if a PCN remains unpaid the Council will apply to the Traffic Enforcement Centre (Northampton County Court) to register the outstanding charge as a debt. This may result in a warrant being authorised which is processed by Enforcement Agents (previously known as bailiffs) appointed by Leicestershire County Council.

Enforcement agents follow an agreed procedure and apply charges to individual cases in accordance with Ministry of Justice legislation. This can significantly increase the total amount that requires to be paid.

A4 CEO's

All Civil Enforcement Officers (CEOs) in Leicestershire are employed by the county/district /borough councils who are responsible for their conduct and working practices. All CEOs wear distinctive uniforms whilst on duty and will have received suitable and sufficient training in all aspects of parking enforcement before starting work.

A5 Removals and Clamping for Parking Contraventions

Leicestershire County Council do not currently have a policy of clamping or removing vehicles for contravention of parking restrictions.

A6 Discretion Policy for parking restrictions (excluding residents parking)

Road users are expected to respect and adhere to the parking restrictions when parking or waiting on the highway. However in order to clarify the response of Leicestershire County Council regarding parking and parking enforcement the following guidance has been provided to address circumstances where there may be confusion. This also includes circumstances where it has been agreed with the district /borough councils that discretion may be applied. It should be noted however that the policy for residents parking bays or zones is addressed in the current residents parking guidance document 'Operation of Residents Parking in Leicestershire'[11]. If a specific issue is not mentioned in the list below, then all restrictions should be obeyed at all times.

Abandoned Vehicles

Where a vehicle remains parked, in a restricted area, for a period during which multiple PCNs have been issued (multiple =3) for the same contravention and the PCNs are not removed from the vehicle the CEO will report the vehicle as potentially abandoned. It will be dealt with by the district/borough council's abandoned vehicle section under the provisions of the Refuse Disposal (Amenity) Act 1978. Any PCNs issued will remain valid although any mitigating evidence submitted will be considered.

Bank Holidays

All parking restrictions in Leicestershire apply throughout the year, including on bank holidays, unless otherwise stated on the signage.

Blocked Access

In instances where a vehicle is unable to gain access to their own drive or property, they will be expected to park in compliance with the parking restrictions. Any comments regarding obstruction of the highways should be directed to the local police.

Disabled Drivers /Passengers

Blue Badges are issued to disabled drivers or a disabled passenger and can only be used by the vehicle being used to transport the disabled person. Full details of all rules relating to the use of blue badges are set out in 'The Blue Badge scheme: rights and responsibilities in England'[12].

Valid Blue Badges (and parking clock where required) must be clearly and correctly displayed whilst the vehicle is parked in a location where the badge is required. Failure to display the badge and clock correctly may result in a PCN being issued.

If the badge and/or parking clock have been incorrectly displayed, then when considering a challenge or representation the Council may consider cancelling the first PCN issued for failure to correctly display the Blue Badge or clock. This will only be considered providing the motorist is parked in a permitted space where the Blue Badge would have ensured

[11] https://www.leicestershire.gov.uk/roads-and-travel/cars-and-parking/parking-permits/parking-schemes-in-leicestershire

[12] DfT 2007 The Blue Badge Scheme: Rights and Responsibilities in England.

compliant parking. However any further PCNs issued for this reason will be upheld although if further mitigating evidence is submitted it will be considered.

Breakdown Organisations

Breakdown vehicles whilst in the course of their duty will not be issued with a PCN as long as the vehicle is being used to actively attend the broken down vehicle and as long as the vehicle is not left unattended.

Unattended breakdown vehicles parked in contravention of parking restrictions will be liable to receive a Penalty Charge Notice.

Broken Down Vehicles

All PCNs which are issued to vehicles which are 'broken down' will be assessed on a case by case basis. Cancellation of a PCN may be considered if sufficient evidence is provided to support that fact that a vehicle had broken down. This will normally be in the form of a relevant receipt for a recovery service or a garage.

A note left in the windscreen of the vehicle stating that it has broken down will not be accepted by the CEO as a valid reason for not issuing a PCN.

Care Organisations/Carers

Carers or any individual providing care is expected to park in accordance with the parking restrictions. Where a carer is attending an emergency situation consideration will be given to the circumstances if a representation is submitted with appropriate evidence.

Council Officers on duty or Members

All County Council employees and elected members are expected to fully comply with parking restrictions. Preferential treatment will not be given to Council vehicles, or Council officers using their own vehicle for business purposes.

Definition of Vehicle

The term 'Vehicle' in this document refers to any 'Motor car', 'Motor cycle' or 'Motor vehicle' as defined by Section 136 of the Road Traffic Regulation Act 1984.

Diplomatic Vehicles

Diplomatic vehicles with D or X registration plates are expected to comply with all parking restrictions.

Dispensations

Dispensation to park in contravention of existing waiting restrictions will be considered in extenuating circumstances in advance of the parking event. This will only be allowed when it is essential that the vehicle be parked in the location and not for parking convenience. It will not be considered when the contravention will represent a risk to road safety or free flow of traffic. This will be at the discretion of the Traffic Manager or any staff member to whom the Traffic Manager has delegated powers. An application will need to be made via the

customer service centre[13] before parking. If permission to park is given, then this may be subject to an administration fee. A retrospective dispensation will not be possible and any PCN will be treated in the normal way if permission has not been gained in advance.

Emergency Vehicles

Police, Fire Brigade and Ambulance vehicles on genuine emergency business are exempted from parking restrictions.

Exemptions to parking restrictions

Most parking restrictions have exemptions to allow specific activities. These vary dependant on the restriction and some common exemptions include:

To allow people to board and alight
For vehicles to be used for fire brigade, ambulance and police purposes.
For goods to be loaded and unloaded from the vehicle
For waiting of vehicles as is reasonably necessary in connection with any wedding or funeral.
For vehicles in connection with: (i) building, industrial or demolition operations (ii) the removal of any obstruction to traffic (iii) the maintenance, improvement or reconstruction of the road (iv) the laying, erection, alternative or repair on, or in land next to the road any sewer or any main, pipe or apparatus for the supply of gas, water or electricity or any telegraphic line as defined in the Telecommunications At 1984
For vehicles used in the service of local authority, Highways Agency, an area health authority or a water undertaker in pursuance of statutory powers or duties and whilst being so used in such service it is necessary for the vehicle to be positioned in the place where it is waiting
For vehicles to be used for the purpose of delivering or collecting postal packets as defined in section 87 of the Postal Services Act 2000 by any universal service provider
Where the person in control of a vehicle has been directed or given permission to stop by a police officer, community support officer or civil enforcement officer.
To enable any motor vehicle that is constructed and adapted for the purpose of carrying monies or valuables under secure deposit and which is in use on a pre-arranged appointment for delivery or collection of monies, financial instruments or valuables (for such a period as is reasonably required to complete the delivery or collection) to any premises
~~F~~or a disabled persons vehicle which displays in the relevant position a disabled persons badge and parking disc (on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began) to wait in the designated parking place

Not all exemptions will apply to all restrictions so advice should be sought regarding the specific exemptions which apply before parking in contravention of a parking restriction under any of the circumstances above.

Footway Parking

We have no powers to enforce against footway parking in Leicestershire and all enquiries regarding inconsiderate parking on the footway should be directed to the police.

Foreign Vehicles

Any foreign registered vehicle parked in contravention of parking restrictions will be liable to receive a Penalty Charge Notice.

[13] Customer Service Centre: 0116 3050001

Funerals/weddings

Funeral and wedding vehicles are able to wait in limited waiting parking bays and on single and double yellow lines where safe to do so for is long as is reasonably necessary in connection with the wedding or funeral. This does not apply to wedding/funeral guests who would be expected to park in compliance with all parking restrictions.

Grace Period

A 10 min grace period is currently applied for off-street and on-street parking places only. This allows a further 10 minutes at the end of the time allowed by the restrictions/on the ticket on limited waiting and pay and display parking places.

Please note that vehicles parking in a pay and display space without purchasing a ticket for 10 minutes would still be liable for a PCN. Also the grace period does not apply to restrictions which are not designated parking places e.g. single yellow lines/double yellow lines or for non-authorised parking in user specific parking bays.

Hire Vehicles

When the registered owner of a vehicle is a hire company there may be instances where the PCN is issued during a period in which the vehicle was on hire. In this instance a representation should be made including a signed copy of the hire agreement showing acceptance of the hirer liability for penalties.

If suitable evidence is supplied further correspondence regarding the PCN will then be directed to the relevant driver.

Loading and Unloading

Loading and unloading from vehicles is generally permitted on waiting restrictions, including single and double yellow lines, as long as there is no loading restriction.

Any vehicle engaged in this activity must be actively loading and unloading. If no authorised loading and unloading activity at the vehicle is observed by the CEO within a 5-minute observation period then a PCN may be issued.

Lost Keys

Representations may be submitted in respect of any PCN that has been issued. Where keys have been lost due consideration will be given to the circumstances described.

Medical Emergencies

Consideration may be given to cancellation of a PCN where the motorist was prevented from returning to their vehicle due to an unforeseen medical emergency. Suitable representations and evidence will need to be submitted to support any such emergency before these mitigating circumstances will be considered. It is important to note that if motorist is aware of an ongoing condition, it is expected that they will have a strategy in place to deal with recurring situations.

Mental Health Issues

The Council will consider reducing a maximum of 2 PCNs back to the discounted rate if suitable evidence is provided to support the fact that a mental health condition has prevented the individual dealing with the correspondence at the appropriate time.

Mitigating Circumstances

The Council will always consider mitigating circumstances when making a decision as to whether the circumstances described warrant the cancellation of a PCN. These decisions are individual by their very nature and it is not possible to define criteria that will result in a PCN being cancelled. However any mitigating circumstances will require suitable evidence to be submitted.

Observation Periods

CEOs will continuously observe a vehicle for a period of 5 minutes prior to issuing a PCN. This is to allow a reasonable period during which activities which may be exempted can be undertaken (for example loading and unloading). In circumstances where it is clear that the car is not being parked in order to undertake an exempted activity a PCN may be issued within this observation period.

Any contraventions observed on loading restrictions or misuse of user specific bays will not be subject to an observation period and a PCN will be issued immediately as in these instances there is no exemption for loading and unloading.

Pay and display ticket /Permits

All parking permits are now virtual, there is no requirement for a permit to be displayed within a vehicle, however, it is the responsibility of the vehicle owner to ensure that the details provided for the virtual permit are correct. It is also the responsibility of the vehicle owner to ensure that a valid virtual permit is active for the vehicle at all times when parked in those areas and at those times where parking is permitted by permit holders only. Private Property

Leicestershire County Council is not responsible for enforcement of any parking restrictions on privately owned car parks or land. Any queries relating to these should be made directly to the landowner or operator.

Registered Owner Liability

Any PCN issued will be the responsibility of the registered owner of the vehicle regardless of who was using the vehicle at the time.

If you receive a ‘Notice to Owner’ about a vehicle you did not own when the penalty charge was issued you should return the representations form explaining your situation. You should include the name and address of the person to whom you sold the car, or bought it from and if possible enclose a copy of the receipt for the transaction. You must do this even if you have returned a previous representation form about another Penalty Charge Notice on the same car.

The only exception to this is hire vehicles where the registered keeper is a hire company and a signed hire agreement showing the acceptance of liability for penalties by the person leasing the vehicle has been provided.

Royal Mail and Universal service provider vehicles

Vehicles belonging to the Royal Mail or universal service providers being used for the purpose of delivering or collecting postal packets, as defined in section 87 of the Postal Services Act 2000, are exempt on some but not all parking restrictions whilst actively undertaking their work. This exemption will not apply on user specific restrictions or on Keep Clear markings.

Any such vehicle parked in contravention of a restriction and not actively undertaking the exempted activity may be issued with a PCN.

Residents Permit Parking

Full details of the operation of all residents' parking in Leicestershire are provided in the 'Operation of Residents Parking in Leicestershire'[14] document available on the LCC website. This will include specific rules for parking areas which fall within this category.

Security vans

Vehicles constructed and adapted for the purpose of carrying monies or valuables under secure deposit and which are in use on a pre-arranged appointment for delivery or collection of monies, financial instruments or valuables to any premises may park for as long as is reasonably necessary on single and double yellow lines and in bus lanes as long as no loading restriction is in force.

Any security vehicle parked in these locations whilst not undertaking the stated activity may be issued with a PCN.

Stolen Vehicles

If a PCN has been issued to a stolen vehicle these will normally be cancelled upon production of a valid crime number relating to the incident if this coincides with the date of the parking contravention(s).

Suspension of Restrictions

Any suspension of restrictions will need to be undertaken by use of a Temporary Traffic Regulation Order (TTRO) and will require the use of temporary signing. This will be subject to a fee and will require a legal document to be produced before any suspension can be implemented. The use of such an order will be allowed at the discretion of Leicestershire County Council and will be considered on the grounds of road safety, traffic management considerations and the reason for the proposed suspension. Any enquires regarding suspension of parking restrictions should be directed to the Customer Service Centre[15].

[14] https://www.leicestershire.gov.uk/roads-and-travel/cars-and-parking/parking-permits/parking-schemes-in-leicestershire

[15] Customer Service Centre: 0116 3050001

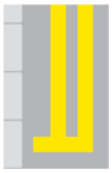
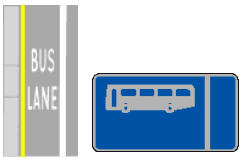
Vehicles left unattended to gain access

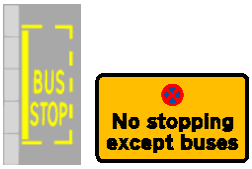
A vehicle may need to be parked for a short period in order to open/unlock a gate to gain access to a property. In such instances the driver would be expected to undertake this activity within the 5-minute observation period. Any vehicle left for longer than this period would be liable to a PCN. It should be ensured that vehicles are only stopped in locations where loading and unloading would normally be possible.

Appendix B

On-street parking – Where you can park

There are a number of different on-street parking restrictions used in Leicestershire. The table below shows the lining and signing which may be found along with a brief explanation of each type. Parking places may be marked by either a lined bay or designated by a different surfacing colour or type, and most will be associated with an upright sign. The diagrams below are examples only and do not show all possible variations of signing and lining. All lining will be in accordance with the current version of 'The Traffic Signs Regulations and General Directions'.

Signing and Lining	Effect of restrictions
	**24 Hour loading restrictions** Double yellow 'tabs' on the kerb mean no loading or unloading can be undertaken in this location at any time
	**Part time loading restrictions** are shown by single yellow 'tabs' on the kerb. They indicate that loading or unloading is prohibited during the time(s) shown on the signs.
	**No Waiting at any time restriction** Double yellow lines along the edge of the road mean you can't wait at any time and cover the carriageway, pavement and verge. No sign is required. However, you may stop while passengers get into or out of the vehicle and to load and unload as long as no loading restriction is present.
	**Part time No Waiting restrictions** Single yellow lines along the edge of the road mean you can't wait during the times shown on the sign and cover the carriageway, pavement and verge. However, you may stop while passengers get into or out of the vehicle and to load and unload as long as no loading restriction is present.
	**Bus lanes** You must not drive or stop in a bus lane during its period of operation. A bus lane is defined by a solid white line. It will be accompanied by a blue sign with operating times (where no times are shown the lane will operate at all times) These will often have associated loading and waiting restrictions.

	**Cycle lanes** These are shown by road markings and signs. You must not drive or park in a cycle lane during its times of operation. A cycle lane is denoted by a solid white line and will often have associated loading and waiting restrictions.
	**Bus stop clearways** You must not stop or park on a bus stop/stand clearway during its hours of operation.
	**Loading bays** A sign will show the times when the bay can be used and whether loading and unloading is restricted to certain types of goods vehicles. Vehicles may not park here if they are not loading or unloading.
	**Limited waiting parking bays** Waiting is limited to the times and duration shown on the associated sign. Also you must not return to the bay within the specified time.
	**Parking bays for specific users** Signage and/or legends will designate user specific parking You must not park in parking spaces reserved for specific users such as Doctors, Ambulances, Coaches, Blue Badge holders or residents only, unless you are entitled to do so.
	**Taxi Ranks** You must not wait/ stop on the area shown by the yellow bay markings during the active times shown on the sign unless you are a licensed hackney carriage
	**Residents /Permit Parking Zones** These are groups of streets where permits are needed to be able to park and will be marked by entrance signs at the start of the zone. There may be no additional signs within the zone once past this gateway point. Any other parking restrictions within the zone e.g. double yellow lines will still apply to permit holders.

	**School Keep Clear** You must not stop or park on a school keep clear marking, even if picking up or setting down children. Extra care should always be taken around schools.
	**Pedestrian Crossing Zig-zags** You must not park on the zig-zags at pedestrian crossings. These are to ensure visibility at the crossing for and of pedestrians
Double parking You must not park more than 50 cm away from the edge of the kerb. This is to ensure that the road and the free flow of traffic is not obstructed by cars parking too far out in the road.	**Dropped Footway Crossings** You must not park over the dropped kerbs which indicate a footway crossing point.

Details of the location and times of all parking restrictions currently in force on Leicestershire County Council controlled roads can be viewed using the online parking map at https://www.leicestershire.gov.uk/roads-and-travel/cars-and-parking/controlled-parking-spaces

Where no on-street restrictions exist 'The Highway Code' should be obeyed with regard to suitable locations for the parking and stopping of vehicles.