



Aylesbury Vale
District Council

Civil Parking Enforcement Guidelines

This document is a public document and will be published
on the Aylesbury Vale District Council website.

Glossary

Term	Description
AVDC	Aylesbury Vale District Council
BCC	Buckinghamshire County Council
Charge Certificate	A letter sent to customers when a penalty charge has not been paid and informs the customer that the penalty has risen by 50% of the full charge.
Civil Enforcement Officer (CEO)	A person authorised by or on behalf of the Council to supervise and enforce the parking restrictions outlined in Traffic Regulation Orders.
Contravention	An action committed by a driver of a motor vehicle against the parking restrictions outlined in the Traffic Regulation Orders
Dispensations	A document issued to show that a specific vehicle has been granted an exemption from the parking restrictions in a specific place
DVLA	Driver & Vehicle Licensing Agency
PayByPhone	Service that customers may register for so that parking payment can be made by either phone, in phone application or text.
Face Down	Where the details of a pay and display ticket or Blue Badge are face down on the vehicles dashboard and cannot be read.
Network Time Protocol	A programme used to synchronize the time of a computer or server
Notice to Owner	A letter sent to the registered keeper of the vehicle to inform them that there is an outstanding penalty charge against their vehicle. It also outlines how to appeal against the PCN
Penalty Charge Notice	A notice issued by a Civil Enforcement Officer to any motor vehicles parked in contravention of the parking restrictions
Registered owner/keeper	The current keeper of the vehicle registered with the DVLA
Representation	A statement of reasons made when appealing or protesting against a penalty charge notice.
Traffic Management Act 2004	The act of parliament that gives local authorities the power to enforce the parking restrictions
Statutory Instruments 2015 No.561	An amendment to the Traffic Management Act 2004
Traffic Regulation Order (TRO)	The legal order written to allow parking restrictions to be enforced. Any yellow lines without a TRO cannot be enforced
TPT	The Traffic Penalty Tribunal – an independent adjudication service that has been convened to hear disputed Penalty Charge Notice cases.

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1. Abandoned vehicles

An abandoned vehicle is where a vehicle remains parked in a restricted area for a period during which multiple PCNs are issued (multiple = 3+) for the same contravention, the Civil Enforcement Officer (CEO) will report the vehicle as potentially abandoned and it will be dealt with under the Council's procedures for abandoned vehicles.

Criteria used in identifying abandoned vehicles:

1. Untaxed or showing out of date tax disc
2. General poor condition
3. No evidence of movement
4. Multiple PCNs attached to the vehicle

Whilst the vehicle is being dealt with as potentially abandoned no further PCNs will be issued. Issued PCNs will be enforced against the registered keeper of the vehicle in the normal way.

Where a vehicle is deemed to be in a dangerous condition, it should be reported immediately and earlier removal will be arranged.

2. Bailiffs

Bailiffs will be issued with permits that will allow them to park in any AVDC car park to assist them while carrying out their duties.

3. Blue Badges

See "Disabled drivers and passengers" section 16

4. Broken Down Vehicles (also see "vandalised vehicles" section 65)

Claims of alleged breakdown should be accepted if they appear to be unavoidable and supporting evidence in the form of one or more of the following is produced:

1. Garage receipt or invoice, on headed paper, properly completed (vehicle registration mark, date, description of works carried out, costs) and indicating repair of the alleged fault within a reasonable time of the contravention.
2. Till receipt for purchase of seemingly relevant spare parts purchased on or soon after the date of contravention.
3. Confirmatory letter from the RAC, AA or other similar motoring organisation.

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

In the case of a vehicle with a smashed windscreen, it will not be necessary for supporting evidence to be produced, but the CEO must take a photograph.

Listed below are some areas of contention relative to the alleged breakdown of vehicles:

1. Flat Battery

- The receipt for the purchase of a new battery or parts that could cause a flat battery (alternator, solenoid etc.) should be requested. The receipt should not pre-date the date of the contravention or postdate it by an unreasonable length of time.
- In cases where it is alleged that the vehicle was bump/jump started and no other evidence is received, the PCN should be upheld. (NB. Vehicles with automatic transmission cannot be bump started).
- If no evidence is forthcoming, the PCN should be upheld.

2. Flat Tyre

- It is reasonable to expect that in the event of a flat tyre the driver would be with the vehicle and making efforts to change the vehicle's wheel, or waiting for assistance. If the vehicle is left unattended a PCN will be issued and will be cancelled only if subsequently it is demonstrated that they had gone to obtain assistance. In such instances evidence from the assisting party is required.

3. Overheating

- All cases where it is claimed that the vehicle had overheated due to lack of water should be enforced unless it is directly attributable to a mechanical fault such as: broken fan belt, cracked radiator, burst hose, faulty water pump or thermostat. In such cases evidence of repair must be produced.
- Overheating caused by heavy traffic or hot weather will not be accepted as a valid excuse.

4. Running out of Petrol

- Unless this is due to a mechanical/electrical fault evidenced by repair all PCNs are to be upheld.
- NB: If it is apparent from previous records that the same driver is continuously trying to avoid liability for PCNs by claiming that his/her vehicle is broken down or has run out of petrol, this should be considered when deciding on whether or not to accept their representations. Where representation are accepted on the second or subsequent occasions the keeper should be informed, in writing, that due consideration to previous incidents will be taken into account should another contravention be committed for the same reason.

Note: All broken down vehicles should be moved by the driver/keeper within 24hours or a PCN will be issued.

5. Car Park Permit

1. Conditions of Use

By signing the application the applicant is confirming that they will abide with the Conditions of Use.

- Permit holders must adhere to all regulations within the car park
- Permits are issued at the Councils discretion and may not be issued to anyone with any outstanding Penalty Charge Notices
- A permit must be displayed on the left hand side of the windscreen at all times
- If you change your vehicle you must contact our office immediately, the new permit will not be issued if the old permit is not returned.
- All permits processed will start from the 1st day of any given month.
- Permits can only be issued for either a 6 or 12 month period and will cover whole months only.
- Permits can only be used in the car parks specified by the car park group, this will be explained upon issue.
- Failure to display either a valid parking permit or a pay and display ticket may result in the issue of a PCN

2. Replacements and Refunds

A change of vehicle will require a change of permit. There is currently no charge for a change of vehicle.

If you no longer require the Permit/Electronic card you should return it to us as soon as possible. If you require a refund the permit must be returned with bank details (bank name, sort code and account number) as all refunds are made by BACS, and will be calculated on the full months remaining and is subject to a £15 administration fee. When paying by Direct Debit through your Bank/Building Society you must inform them to cancel this arrangement.

3. Courtesy Cars

Where the permit holder has use of a courtesy car the permit should be removed from their vehicle and placed clearly on display on the courtesy car. We will also need to be advised of the courtesy car details so cover can be provided as the permit details will not correspond with those of the vehicle. Cover will normally be granted for an initial period of 7/14 days. If this is to be extended further information may be required. In cases where there are two vehicle registrations recorded on the permit, the permit must be displayed on the courtesy car. If the permit cannot be displayed, cover will not be given and a pay and display ticket must be purchased.

4. Scratch Cards

Scratch cards are available from Parking Services and can be purchased to pay for parking in advance.

5. Renewals

A renewal letter will be sent to the permit holders at least six weeks prior to the expiry of the permit. A period of 14 days grace will be allowed in respect of an expired permit. This is only valid where the permit is actually renewed and if a permit is issued to another vehicle in this period the period of grace will no longer be given.

10. Stolen or Lost Permits

If a Parking Permit is stolen it must be reported to Parking Services immediately giving a crime number.

Permit with one Vehicle Registration Mark

Lost parking permits will only be replaced after an administration charge of £15 has been paid.

Permit with two Vehicle Registration Marks

Any lost permits with two vehicle registration marks will not be replaced by the Council and permit holder will be required to purchase a new permit.

6. Council Officers & Members

All Council officers and members are expected to fully comply with parking regulations whether carrying out work or duties on behalf of the Council or not:

1. Parking in Council car parks: Staff or members using their own cars to carry out their official Council duties must comply with all parking restrictions, with the exception of those specific locations where staff permits are issued. Such permits must be clearly displayed and are only valid during times when official duties are being carried out. Failure to comply with any of the foregoing will result in a PCN being issued.
2. Request for Cancellation of PCN: this will be considered on the same basis as applied to the general public and must be supported by written confirmation from the relevant manager if booked whilst carrying out work duties.
3. One exception to the above will be Council CEOs while carrying out their duties, who are permitted to park for a period of time which is reasonable in relation to such duties, and Council staff engaged on surveillance duties, which must be confirmed in advance by the head of service or director. (For other exemptions see "statutory vehicles")

7. Court Attendance

Persons attending court must comply with the parking regulations. A claim that attendance at court took longer than expected, resulting in a PCN being issued, will not be accepted as reason for cancellation of the PCN.

8. Dental/Doctors Appointments

A claim that a doctor's or dentist appointment took longer than expected, resulting in a PCN being issued, will not *automatically* be accepted as reason for cancellation of the PCN although full consideration should be given to the merits of individual cases.

9. Diplomatic Vehicles

Diplomatic Vehicles are not exempt in Council run car parks and therefore any seen to be in contravention to the parking regulations should be issued with a PCN.

10. Disabled Drivers/Passengers

Blue Badges are issued to disabled drivers or disabled passengers. They can only be used when the vehicle is being used to transport the disabled person. It is not permitted to use the badge for any other purpose, including shopping for the disabled person when they themselves, are not being transported in the vehicle. If it appears evident to the CEO that neither the driver nor passenger(s) are disabled, they are advised to note down the Badge details and pass these on to the relevant County Council officer.

Valid Blue Badges must be clearly and properly displayed whilst the vehicle is parked. Failure to do so will result in a PCN being issued for the contravention of the relative parking restriction. When considering the matter the Council will take into account previous contraventions by the same vehicle and, or badge holder for failure to display a valid disabled badge..

Where the vehicle has been issued a PCN for having a disabled badge displayed face down, if no previous similar contravention has occurred, the representation should be allowed, providing proof of the existence of a valid badge is supplied. This is in line with the Council's policy on face down Pay & Display tickets. In such circumstances the letter sent to the person making the representation should advise the Council's policy on enforcement and disabled parking and make it clear that this contravention will be taken into account when considering any future contravention and that this may lead to future representations being rejected.

Any other PCNs issued will be considered by the Council on their own merits.

A 14 day grace period will be allowed before issuing a PCN to an out of date Blue Badge.

Blue Badge holders should consider the points listed below when parking :

1. Bays

- Parking Bays - Providing the vehicle is correctly parked within the bay markings, Blue Badge holders may park in these bays for an unlimited time, free of charge, there is no requirement to display a clock. Wherever possible the driver should park in a designated disabled bay.
- Reserved Bays – No exemption, Blue Badge holders are not exempt in bays that are reserved for other uses therefore will be issued with a PCN if found to be in contravention.
- Suspended Bays – Blue Badge holders are not exempt from the restrictions in a Suspended bay and a PCN should be issued.
- Disabled Bays – Blue badge holders may park in these bays for an unlimited time, free of charge, there is no requirement to display a clock.
- Blue badge holders should park fully within the bay markings, if the vehicle is found to be parked outside of the bay markings the vehicle may be subject to a PCN

2. Yellow Lines/Hatch Markings

- Yellow lines and hatch markings indicate restricted areas within a car park, any Blue Badge holders parking in these areas will be subject to a PCN.

3. Council Car Parks:

- Hale Street Car Park – This car park has a maximum 1 hour stay and Blue Badge holders must purchase a pay and display ticket from the machine.
- Exchange Street ½ hour bays – These bays have a maximum ½ hour stay and Blue Badge holders must purchase a pay and display ticket from the machine.
- All other Council car park spaces – Free of charge in pay and display spaces, providing the Blue Badge is correctly displayed.

Note: Parking must always be in accordance with the Blue Badge Scheme. Blue Badge holders are advised to always check the tariff board to ensure that they are aware of any specific instructions with regard to Blue Badges restrictions.

Foreign Disabled Badges

Car Parks

Foreign Disabled Badges and those from the European Union will be accepted in Aylesbury Vale District Council's car parks including those from associate member countries as listed below:

- Australia
- Canada
- Japan
- Korea
- Mexico
- New Zealand
- United States

NB: This list is not exhaustive

11. Bay Suspensions

Suspensions:

Designated parking bays or parking places, may be suspended within the car park for the following reasons:

- To allow maintenance of adjacent property where highway access is required for deliveries, essential vehicles, skips etc.
- At the request of the Police
- For security reasons
- Removals (if parking on waiting restrictions would cause an obstruction)
- Any other reason accepted by the Council.

1. All requests for such suspensions **MUST** be made by completing the form titled *Bay Suspension Application Form*.

2. All requests for a bay suspension **MUST** give at least 8 days' notice.

3. If we receive a request for a suspension by telephone we:

- Ascertain whether we would allow the suspension (i.e. that it is for a removal and not for a builder carrying out general works) and that sufficient notice is possible
- If it is for an acceptable reason and still within the deadline (i.e. The next working day plus 7 days) we advise the following
 - (a) (If Applicable) The costs and how payment may be made
 - (b) That a written request (using the correct applications form) and payment (if applicable) both need to be received at the latest by 4pm on the final deadline date (a blank application form may need to be emailed to them, to be completed and emailed back). A payment, if required can be taken over the phone.
 - (c) The caller would be required to indicate the following on the form:

- (i) location of the suspension
- (ii) purpose of the suspension
- (iii) day/dates of the suspension
- (iv) intended method of payment (if applicable)
- (v) daytime contact telephone number
- (vi) contact address or email address

4. When the form is received, we confirm how much needs to be paid (if applicable) and seek payment through approved methods i.e. Cheque or credit/debit card.

5. Upon receipt on any relevant payment and a completed application form, the suspension will be processed as usual and the information passed to the operations office for implementation. A confirmation letter or email will then be sent to confirm the suspension.

6. Notes:

- Applications received out of time would be rejected and the applicant notified by telephone/email/letter. The request should be filed electronically in the declined suspension requests folder.
- Applications received in time should be checked for any other problems, i.e. that the location requested has not already been suspended for another purpose, or that the criteria set down at the beginning of the "Suspensions" section is satisfied.
- If the application is successful all of the relevant details should be passed on to the Operations Office including – The consent number, location, duration and reason for the suspension. This in turn should be recorded on the appropriate day in the day diary and 7 days prior to the suspension so that "Advance Warning" signs may go up in time. The end day should also be recorded in the day diary so that the signs may be removed.

7. Cancellation of Suspension

Cancellation requests are required in writing by 4pm at least 2 working days prior to the date of the suspension.

Upon receipt of the cancellation request, the Parking Services Office should advise the Operations Office so that the Advance Warning notices may be taken down.

If the cancellation request is received with the required deadline any relevant charge may be refunded.

8. Details of any cancellation should be recorded in the operational day diary.

9. Postponement of a Suspension

- If a change of date is required, the new date would need to be within the normal deadline requirements.

- Email/written confirmation/suspension application form is required specifying the revised date(s)
- A photocopy of the revised suspension date should be sent to the Operations Office and a new note made in the day diary, ensuring the old entry is deleted.

10. Signage

- If granted, suspensions of parking bays/parking places will be clearly sign-posted by means of temporary signs which will indicate the exact location and extent of the suspension with the start and finish dates and times. These signs will usually be displayed at least 7 days before the suspension comes into operation.

12. Drink Driving or Other Arrest

If the driver of a vehicle has been arrested and, as a direct result, has been forced by a police officer to leave the vehicle in contravention of a parking restriction any resultant PCN should not be upheld unless the driver has had time to safely remove the vehicle after his/her release from custody.

In all cases of arrest claims, the driver should be asked to provide date, time and evidence of arrest including custody number, officer and police station involved. Where written evidence of the arrest cannot be supplied, confirmation should be obtained from the relative police station, by the Council, before the PCN is cancelled. Failure to supply or obtain supporting evidence of the arrest will lead to the PCN being upheld.

13. Exempt Vehicles

1. Fire Brigade vehicles when carrying out their duties
2. Marked Police vehicles when carrying out their duties
3. Ambulances when carrying out their duties

The following vehicles are exempt in the circumstances described:

1. AVDC vehicles (or those of their contractual agents), whilst being used to carry out statutory duties (i.e. refuse or recycling collection, cleansing, maintenance), or whilst carrying out duties that require the vehicle to be in close proximity (i.e. verge grass cutting), including CEO vehicles.
2. Electricity, gas water companies, British Telecom or other telecommunications companies (and, or their appointed contractors), whilst actively laying or undertaking repairs to pipes, cables or other apparatus and in liveried vans, when working within the car park.

All exempt vehicles should be liveried, not private cars or unmarked vans and the exemption does not apply to contractors vehicles unless specified overleaf. In all cases the exemption applies when the vehicles are actively engaged in the relevant activity or has been authorised in advance by the Council's appropriate officer.

14. Hiring Agreement

In the case of a hired vehicle, responsibility for a PCN is generally that of the hirer of the vehicle at the time. Consequently, in this case, the responsibility does not rest with the registered keeper, the hire company, providing they provide the Council with a formal statement following receipt of the Notice to Owner. This representation must be accompanied by a copy of the relevant hire agreement. In all cases this agreement must clearly state: The name and address of the hirer, the start and finish dates for the hire period and the hirer's signature. It must also include a statement regarding the hirer's liability for any PCNs incurred during the hire period. Should any of these details be unclear, absent or in contradiction of the date/time of issue of the PCN, then the PCN will be upheld against the hire company and a notice of rejection of the representation sent to it with the reasons clearly stated.

15. Holidays

Suspended Bays or Parking Places – The Council has the power to suspend parking within a designated parking bay to allow access by a specific vehicle or for bay maintenance to be carried out. In such cases advance notice is placed alongside the bay giving the date, times and length of suspension. If these notices are posted and distributed after the keeper departed on holiday then any PCN issued may be cancelled. Evidence must be provided showing departure date and time (i.e. flight tickets etc.). This should be compared with records relative to the display or the notices. In essence the suspension cannot operate retrospectively.

16. Lost Keys

Where it is claimed that car keys have been lost, stolen or locked in a car thus preventing removal of the car from the parking area which in turn resulted in the issue of a PCN, then due consideration should be given to its cancellation. When considering this the representation must be accompanied by supporting evidence. The following should also be considered: If the vehicle was parked in a pay & display car park, did the loss of the keys prevent purchase of additional parking time, for example could the customer have purchased additional time via the PayByPhone service?

17. Misspelling of Keeper's Name

Any spelling errors in the keeper's name and, or address on the Notice to Owner does not invalidate it or discharge the liability of the person receiving it. The onus is still on the genuine keeper to deal with the matter. Such names

and addresses are, in most cases, obtained from the DVLA and are supplied by the keepers themselves. It is also incumbent upon the keepers to ensure that these are correct. If any spelling error is discovered then alterations must be made immediately to ensure that future notices are sent out correctly.

18. Mitigating Circumstances

Each case will be treated on its individual merits and particular circumstances are referred to elsewhere within this document. However, the following are provided as guidelines:

1. Delays:

- Delays due to queues at shops, banks, meetings etc., taking longer than expected and getting caught in crowds are not considered as valid reasons to cancel a PCN. Allowance should be made for such delays when purchasing parking time, as they are a regular occurrence and part of normal life (see emergencies below). Customers may also use the PayByPhone service which allows for top ups to be made remotely.

2. Children/Elderly People

- Claims made by people accompanied by young children or elderly people, that they were delayed because of them should not be considered as a reason to cancel a PCN, because allowance should be made for this when purchasing time. Customers may also use the PayByPhone service which allows for top ups to be made remotely.

3. Emergencies

- An emergency is an unforeseen situation that prevented the driver from moving his/her vehicle. They are usually of a medical nature and leniency should be exercised where it can be seen that the driver could not have foreseen the situation. Claims should be supported by independent evidence wherever possible.

19. Motorcycle Bays/Motorcycle Parking

- Any vehicle, other than a motorcycle, parked in a marked out motorcycle bay is parked in contravention of the surrounding restriction, and any PCN will be enforced.
- Motorcycles parking in marked pay and display bays within a car park must purchase and display a valid ticket.

20. Observation/Grace Periods

Observation periods are designed to allow the CEO to establish if any permitted activities are taking place e.g. loading and unloading. The observation period begins when the CEO enters the vehicle registration number into their handheld computer and ends when the PCN is issued.

This can vary according to the offence code and should be a matter for local discretion. For some contraventions, PCNs should be issued instantly (i.e. bays designated for Blue Badge holders). For other contraventions, a 5 minute observation period may be given.

Note: CEOs **must** ensure that where a vehicle is displaying an expired pay & display ticket, the pay & display ticket has expired by at least 10 minutes before a PCN is issued.

In the case of Wendover car park where there is free time allowed providing a valid ticket is displayed, a code 83 should be used when issuing a PCN to an expired ticket (providing the ticket has expired by at least 10 minutes) as a code 82 refers to *paid for time* which is not relevant in this case. A 5 minute observation period will also be given to vehicles not displaying a valid Pay & Display ticket.

21. Pay & Display Machines

“I did not realise there was one there” – Claims from drivers/keepers that they did not see or realise that they had to use a pay & display machine will normally be dismissed, as clear sign posting must by law be provided. If it should be claimed that in a particular instance the signage was defective, removed, damaged or is or was obstructed, then, after investigation, consideration shall be given to cancelling the PCN.

22. Pay & Display Machines – Not Working

Where it is claimed that a machine is not working then reference must be made to both the maintenance records, the CEO's notes and any machine test records. If it is confirmed that the machine was not working at the time then consideration should be given to cancelling the PCN. But if there was an alternative machine, in working order in the same car park then it is reasonable to expect that the drivers would use this machine and the PCN would not be cancelled. Consideration should also be made as to whether the customer could have used the PayByPhone service.

23. Pay & Display Tickets

Pay and display tickets must be displayed in accordance with the relevant Traffic Regulation Order (TRO) and instructions displayed on tariff boards and, or pay and display machines. CEOs will check for various payment methods when checking car parks, including pay & display tickets, PayByPhone sessions and permits (including scratch cards).

PCNs will be issued for failure to park in accordance with the terms of the relevant TRO and instructions displayed on tariff boards and, or pay and display machines.

Representations made because of delays returning to the car park will be dealt with in accordance with 'Mitigating Circumstances'.

The Council will not *automatically* uphold PCN's issued to persistent contraveners. It must be accepted that each case is considered on its own facts and any PCN must be cancelled if the evidence suggests this is the appropriate course of action.

Where the vehicle has been issued a PCN for having displayed a face down Pay & Display ticket, if no previous similar contravention has occurred, the representation should be allowed, providing that the evidence submitted matches the face down ticket seen at the time of the contravention. In such circumstances the letter sent to the person making the representation should advise the Council's policy on enforcement and make it clear that this contravention will be taken into account when considering any future contravention and that this may lead to future representations being rejected.

24. PayByPhone

Where a vehicle is found not to be displaying a pay & display ticket, CEOs will check the PayByPhone database to establish if the vehicle has a valid session.

Where a valid session has been purchased, no PCN will be issued. If the CEO is unable to check the PayByPhone database due to a technical issue or signal problem, the CEO will contact base who will carry out a check on the office computer.

If no PayByPhone information is available at the time of checking, a PCN will be issued and a note will be made in the officers pocket book regarding the status of the database check. Where a check is made and no valid session is found, a PCN will be issued to the vehicle with details of the check made in the officers pocket book.

Where pay by phone has been activated and the Council has received the correct payment for the period purchased, a penalty notice will usually be cancelled in circumstances where:

- the vehicle is mistakenly parked in a car park other than that paid for (including other operators' car parks);
- the VRM registered with the cashless parking provider is different to the vehicle parked because the VRM has been incorrectly registered (i.e. a mistake in the actual VRM); or
- the customer has more than one vehicle registered and has mistakenly paid for a vehicle other than that parked (where a refund has been agreed).

25. Penalty Charge Notice Process

From 31st March 2008 a two-tiered approach to the cost of a Penalty Charge Notice was introduced.

From this date, parking penalties issued in Aylesbury will reflect the seriousness of the contravention. These changes are a result of a change to the parking legislation. The new Traffic Management Act 2004 has been designed to impose a higher penalty on those who commit a serious parking, bus lane or moving traffic contravention, compared to drivers who may have made a mistake or committed a contravention that has less serious implications for other road users.

Examples of more serious contraventions are:

- Parking in a suspended bay or parking in a disabled bay without a valid Blue Badge;
- Parking causing an obstruction or in a restricted area in a car park
- Parking in a permit bay without displaying a valid permit

All of these contraventions carry a £70 penalty (£35 if paid within 14 days from the date of issue)

Examples of less serious contraventions are:

- Parking after the expiry of your pay and display ticket;
- Parking for longer than the maximum permitted time in a parking bay;
- Parking without clearly displaying a pay and display ticket in a pay and display car park;
- Not parking correctly within the parking bay markings.

All of these contraventions carry a £50 penalty (£25 if paid within 14 days from the date of issue)

If a challenge is received from the keeper within 14 days of issue of the PCN the discounted period will be frozen pending the Council's decision.

Should the challenge be rejected the discount period will restart from the date of the Council's written response. This fact is included within the letter itself. If the challenge is received more than 14 days from issue of the PCN the discount period will not be frozen and the full amount will be payable in the event of the challenge being rejected.

If a challenge is rejected and the PCN is not paid the Council will apply to the DVLA for details of the registered owner/keeper of the vehicle. Once details have been obtained a Notice to Owner (NtO) will be sent out. This provides the registered owner/keeper with the opportunity to make a representation against the PCN that has been issued.

The registered owner/keeper has 28 days from the date specified on the NtO to make a representation. Any representations received after this period will generally be disregarded unless evidence of extenuating circumstances can be provided.

If a 'Notice to Owner' (NTO) is sent to the keeper who subsequently states that the PCN was not received at the time of the contravention the discounted amount may be accepted if paid within 14 days following consideration by the

Council. This should be communicated in writing to the keeper with the restarted discount period starting from the date of the letter.

When it is claimed that the PCN was not received the computer system will be interrogated to check whether such claims have previously been made by the same person. If there is a history of such claims the discounted period should not be restarted and the full amount paid unless it can be proven that the PCN was not received.

If the reasons provided in the representation are accepted the case will be closed. If however, the representation is rejected the Council will send the registered owner/keeper a Notice of Rejection. This informs the owner that they have 28 days to either pay the PCN at the full charge or make a further appeal to the Traffic Penalty Tribunal (Independent Adjudicator).

If the owner/keeper does not pay the penalty charge notice or make an appeal to the adjudicator the Council will send a Charge Certificate to the registered owner/keeper this increases the penalty charge by 50% and gives 21 days to pay the charge.

If no payment is received from the owner/keeper the Council will register the debt with the court and the £7 cost is added to the charge.

At this point the owner/keeper has 5 possible courses of action:

- Pay the Charge Certificate plus the £7 cost – this will close the case
- Make a Witness Statement to the Court declaring no NtO was received – The Council will then send a second NtO to the owner/keeper and re-start the process from that stage.
- Make a Witness Statement to the court declaring that no Notice of Rejection was received – The owner/keeper may then take their case to the Traffic Penalty Tribunal (TPT) for consideration and re-start the process from there.
- Make a Witness Statement to the court declaring that no appeal decision was received from TPT – The owner /keeper may then take their case to the Traffic Penalty Tribunal (TPT) for consideration and re-start the process from there.
- Do nothing – The Council will then apply for a Bailiff Warrant – The owner/keeper will then need to discuss the case with the Bailiffs, at this stage Bailiff costs are also incurred and added to the total charge.

NB: A Witness Statement can be lodged with the court at any time. If it is lodged late, the Council have the opportunity to oppose it by writing to the court when they are informed if it is accepted, the procedure outlined above is followed as if it were made in time. If it is refused the Council will continue with Bailiff action.

26. Penalty Charge Notice – Early Issue

Claims that a PCN was issued before the time that a contravention is deemed to be committed require careful investigation. The issue of PCNs is controlled by handheld computers carried by each CEO. These computers have in-built clocks, which are calibrated and synchronised on a regular basis. They will always impose a predefined observation period prior to allowing a PCN to be issued, which will be appropriately indicated on the PCN. The computer system will prevent any subsequent alteration to these times.

The normal procedure is for an CEO to enter the observation details into the computer, then to continue with his/her patrol before returning to the vehicle to complete the issue of the PCN. In all cases the defined minimum time period must be allowed between observation and issue.

27. Penalty Charge Notices – Time to Pay/Instalments

As a general rule Aylesbury Vale District Council will neither offer additional time in which to pay PCNs nor will it enter into instalment payment arrangements. Exceptions to this are only made in cases of demonstrated genuine financial hardship. The Council will not consider such arrangements if bailiff warrant(s) have been issued for recovery of the amount due.

The 50% rate for payment of a PCN is an incentive for prompt payment which must be received by the Council within 14 days of the date of issue. It follows that instalment plans cannot allow the motorist to avail themselves of this incentive. Therefore, as a general rule, instalment arrangements must be for payment of the *full* penalty charge.

Application for time to pay by instalments must be in writing and will be responded to within normal Council response times. The application must contain proposals for payment and be accompanied by any evidence supporting the claim of financial hardship.

The Council's response will signify acceptance or rejection of the proposal, a rejection will be accompanied by the Council's counter proposal which will be the final offer based on:

- Where an instalment arrangement has been agreed, the council will look to recover the debt by setting up a direct debit from the debtors bank account.
- The settlement, normally, of at least two PCNs per month, where the debt involves multiple PCNs if the applicant evidences financial hardship, this may be reduced to at least one PCN per month, by decision of a Parking Manager.
- The payments being applied to the oldest PCN first, thereby preventing the payment of discounted PCNs first.
- A minimum payment of £15 per week in other circumstances.

By agreement with a Parking Manager it may be possible under certain circumstances, for payment to be made by post-dated cheques, to be held by the Council for presentation on the due dates. Non-payment of any cheque

will result in enforcement action being recommenced and all un-banked cheques being returned to the drawer with a letter stating that the arrangement is cancelled.

Payments may be made by post, telephone or through the Council's website or in person at our High Street Offices. The Council will maintain a separate active file for each arrangement reached which, will be reviewed by the relevant manager each month.

28. Penalty Charge Rate

The current PCN rates have been set at £70 & £50. Any changes will have to be approved by members of the Council, and the Secretary of State.

If paid within 14 days of issue the PCN rate is discounted by 50% and either £35 or £25 respectively will be accepted in full settlement.

29. Police Officers On Duty

PCNs should not be issued to marked police vehicles when on active official duty. Requests for cancellation of any PCN issued to an unmarked police vehicle must be made in writing by the officer's area superintendent or equivalent. They should contain confirmation that the officer was on official business and what it was necessary for the vehicle to be parked where it was. PCNs issued to unmarked police vehicles regularly parked outside of a police station should not automatically be cancelled as this can be deemed to be parking at a place of work and therefore no different from any other employed person.

30. Pregnancy/Young Children

Generally pregnancy is not considered to be disability, and delays caused by young children should not normally lead to the cancellation of a PCN. However, this is a sensitive area and each case should be treated on its own merits, i.e. if the delay was caused by a minor medical emergency, child being sick or mother feeling unwell, leniency may be shown, but 'medical emergency' does not include delays in doctors appointments. If the delay was caused by the mother not allowing additional time enough to deal with young children or her own condition, which are both known factors, then the PCN should be upheld.

31. Registered Keeper's Liability

Under the Traffic Management Act 2004 the responsibility for any PCN rests initially with the owner of the vehicle who may be presumed to be the DVLA registered keeper, unless evidence establishes otherwise. The owner of the vehicle is liable for payment of a PCN issued to it, irrespective of the identity of the driver on the day in question.

32. Lines, Signs & Markings – Missing, Obscured or Broken

1. Yellow Lines:

- Yellow lines in the car parks denote a restricted area, anyone seen to be parked in contravention in a restricted area will be subject to a PCN.
- Where it is claimed that a yellow line within a car park is worn away or has been covered by a repair the area should be promptly inspected and photographed in case of referral to the Traffic Penalty Tribunal, and remedial work undertaken. If it is confirmed that the claim is valid the PCN may be cancelled, where the lines can be clearly seen, even though they may be partially worn, the PCN should be upheld but remedial action to renew the lines should be requested and undertaken.

3. Bay Markings:

- Where it is confirmed with evidence that a vehicle is parked with the inner side of at least one wheel either on or over the line of a marked bay, a PCN should be issued.

4. Obscured Signs:

- Information signs accompanying restrictions must be clearly visible at all times. If it is claimed that a sign was obscured and could not be read (graffiti, weather or overhanging trees etc.) the sign will be promptly inspected, photographed, in case of referral to TPT, and remedial action taken if necessary. If the claim is proved to be correct the PCN should be cancelled.
- If the sign can be easily read then the PCN should be upheld.

5. Missing Signs:

- If a sign is claimed to be missing it should be inspected promptly and, if confirmed, arrangements made for its prompt replacement. Where a sign is missing the PCN should be cancelled unless another relevant sign is nearby.

33. Tariffs/Charging Levels for Parking

Aylesbury Vale District Council will review its car parking tariffs at least annually for parking. Officers will conduct this review and any recommendations for change will be placed before members for their approval or otherwise. The review will, take into account the following:

1. The needs of the local community including residents, shops and businesses.
2. The particular needs of people with disabilities bearing in mind that some of these people are able to use public transport.
3. Existing and projected levels of demand for parking places.

34. Time/Date Calibration of Handheld Computers and Pay & Display Machines

The time and date of the handheld computers is controlled by the networked computers during their download. The time on the networked computers is accurate and calibrated using the Network Time Protocol.

Pay & display machines will be tested at the outset of each day to ensure that they are showing the correct time and date. This is done by obtaining a "test" ticket from the machines, which are kept as part of a daily report function.

35. Unauthorised Movement of a Vehicle

Movement of any vehicle by the police is considered to be authorised. Unless there is clear evidence that a vehicle has been moved by an unauthorised person, then all PCNs should be upheld.

1. Stolen vehicles – Confirmation from the police that the vehicle was reported stolen including the relative crime report number, the time and date the vehicle was reported stolen and the date, time and location and when the vehicle was recovered. A crime reference number with no accompanying letter from the police will not be acceptable.
2. Unauthorised use of a vehicle by another family member or a friend is difficult to substantiate and under these circumstances the PCN should be upheld unless it can be demonstrated that the matter was reported to the police prior to or just after the issue of the PCN. Subsequent reporting will not lead to the cancellation of the PCN.

36. Uniforms – CEOs

The current legislation states:

- Any authorised person carrying out parking enforcement duties will wear such uniform as the Secretary of State shall determine.

All uniforms will have an identification number (usually on the shoulder) for identification purposes and must be visible at all times.

37. Vandalised Vehicles

When a vehicle has been vandalised to an extent that prevents it from being safely moved any PCN issued will be cancelled providing acceptable supporting evidence is provided. This evidence should be from either:

1. The Police – quoting the recorded crime number.
2. Motoring Organisation/garage service who removed the vehicle from the site.

CEO observations from his/her Pocket Book must also be considered providing that it clearly states the extent of the damage. Failure to provide

supporting evidence or the absence of corroboration from the CEO's notes will lead to the PCN being upheld.

38. Vehicles Not at the Scene

- ❑ Vehicle Not at Scene: Where a keeper receives a Notice to Owner and claims that his/her vehicle was not parked in the area at the time, the keeper should be advised that a photograph of the contravention may be viewed using the council's online case management system and the PCN upheld. If a photograph is not available a written request should be made to the keeper to confirm the make, colour and tax disc serial number relative to the vehicle. If these match the records of the Council the PCN should be upheld. If there is no photographic evidence and the details provided do not match then the PCN should be cancelled.

39. Visitors to Britain

If a PCN is issued to a vehicle displaying foreign registration plated it should automatically be recognised by the processing system, as the registration number will not be in DVLA format. Consideration should be given to cancellation of the PCN but, should payment be made then it should be accepted in the normal way. Equally all correspondence and representations should be dealt with in the normal way. If a PCN is issued to a UK registered vehicle, which has been borrowed or driven by a foreign resident, the PCN should be enforced against the registered keeper(s) as they remain liable for it.

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