



Civil Parking and Bus Lane Enforcement Policy 2023

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Document History

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CONTENTS

- 1. Introduction**
- 2. Summary of Supporting Legislation and Guidelines**
- 3. Enforcement Policy Objectives**
- 4. Enforcement Priorities**
- 5. Parking and Bus Lane Enforcement Policy**
- 6. Definitions**

Appendix A - Sheffield City Council Civil Enforcement Officer (CEO) handbook

Appendix B – Persistent Evaders and Dangerous / Obstructive Parking Policy

Appendix C - Guidance Policies for Civil Parking and Bus Lane appeals

1. Introduction

This Policy has been written to explain how Sheffield City Council manages enforcement of parking and bus lanes (including what our responsibilities are in law).

Sheffield City Council recognises the needs of road users to have access to suitable and adequate car parking and for that to be properly managed. The Council aims to keep Sheffield's streets and roads safe for road users (including for example pedestrians and cyclists, as well as motorists) by carrying out responsible parking provision and enforcement.

It also supports other objectives of the Council's Transport Strategy such as managing the availability of spaces for users (residents, businesses and visitors), and reducing the amount of avoidable congestion and emissions from traffic circulating seeking a parking space.

Through the enforcement of bus lanes, we aim to support bus service reliability, reduced public transport journey times and reduced congestion.

This Policy references legal duties and whilst every effort has been made to keep it reader-friendly, we will refer to legal wording where necessary. We will make every effort to ensure our notices and letters are written in Plain English.

A list of definitions is included in this document to explain the meaning and use of certain words and phrases used in the Policy (and in our official notices).

This Policy sets out:

- An overview of national regulations and guidance
- Sheffield City Council's main objectives and priorities managing enforcement of parking and bus lane restrictions (including some more detailed guidance on specific scenarios)
- Information about some of the different restrictions and how these may be enforced.
- How appeals against Penalty Charge Notices (PCNs) are dealt with
- How requests to suspend parking bay restrictions, or applications to grant dispensations are considered
- How Council staff and others working with us will conduct themselves whilst carrying out their legal duties.

The Council will endeavour to treat people fairly, equally and with respect, taking account of their personal circumstances, and in keeping with the Government's enforcement guidance.

This Policy has been developed from:

- Sheffield City Council's previous and current enforcement and transport practices and policies.
- Best practice in the parking enforcement industry.

- Reviews of recommendations from the Traffic Penalty Tribunal (TPT).
- National statutory and operational guidance guidelines and publications available to local authorities and highway users. These include:
 - The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions
 - The Traffic Signs Regulations and General Directions 2016 (as amended) and related circulars
 - Department for Transport Traffic Signs Manuals
 - The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022
 - Sheffield City Council's Traffic Regulation Orders (TROs)
 - The Highway Code and Know Your Traffic Signs publications.

We would like to point out that it is impossible to provide in this document, specific guidelines to cover all circumstances.

2. Summary of Supporting Legislation and Guidelines

The Traffic Management Act 2004 was introduced to place a duty on local authorities to tackle congestion and disruption on the road network (working in partnership with other nearby authorities) so far as may be reasonably practicable while having regard to its other obligations, policies and objectives.

This Act provides councils with legal powers to support the regulation of parking (and some moving contraventions) by way of enforcement, as well as other activities such as coordinating street works. Part 6 of the Act covers the enforcement of traffic contraventions.

The Council will use these powers with regard to this policy, which is aimed at achieving:

- More effectively implemented and enforced parking policies to improve traffic and public transport flow, road safety, use of parking spaces and environmental benefits.
- Co-ordination of enforcement and parking policy so that we can better utilise enforcement and respond to what local people want as well as what authorities are required to do.
- Re-investment of PCN income back into the service and other transport related projects.

The design and review of parking and traffic restrictions are the remit of the Transport team. This policy covers the enforcement of restrictions once implemented and the subsequent appeals process.

There are various associated regulations and national guidance stemming from the Traffic Management Act 2004. These set the rules for parking and bus lane enforcement for local authorities and motorists.

- The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022
- The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022
- The Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007
- The Removal and Disposal of Vehicles (Amendment) (England) Regulations 2007

Penalty Charge Notices issued prior to 31 May 2022 were covered by earlier regulations from 2005 and 2007.

The Department for Transport also publishes statutory guidance for Councils to follow.

For most types of restriction enforced using PCNs, there must be a Traffic Regulation Order (TRO) which creates that restriction. Certain restrictions do not require a TRO and can be created simply by placing the necessary traffic signs (such as bus stop clearways and crossing controlled areas (marked by white zig zags)). Certain other matters may be dealt with based purely on the circumstances, such as where parking occurs at dropped kerbs or double parking.

A TRO is a legal document which sets out the Council's intended restrictions, including how and where they are applied. Councils must follow legislation such as the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended) to create Traffic Regulation Orders. This ensures a consultation process is followed and (unless restrictions are only temporary) objections can be made within set timescales.

We would include evidence of any relevant TRO if a case were taken to appeal at the Traffic Penalty Tribunal (TPT). Some of our existing TROs can be viewed in the TRO Library on the TPT website (www.trafficpenaltytribunal.gov.uk/tro-library/).

There are also rules about the signage that can be used to inform drivers of the relevant restrictions. For new schemes, these are laid out in The Traffic Signs Regulations and General Directions 2016 (as amended). Some older schemes may still be marked out using signage contained in earlier versions of the Traffic Signs Regulations and General Directions.

Occasionally a Council may need to introduce a restriction which is not provided for in the national regulations. To use non-standard traffic signs, the authority must get approval from the Department for Transport. Details of such approved signs are available online: www.dft.gov.uk/traffic-auths/

The Highway Code

All road users should read the Highway Code and be aware of its contents, which include rules about driving and parking.

As well as the Highway Code, the DfT also publishes further guidance to motorists in 'Know Your Traffic Signs'. These DfT publications are available online as well as hard copies. As stated in 'Know Your Traffic Signs', it is essential that drivers have knowledge of traffic signs, including keeping up to date with changes to road signs.

Periodically national regulations and guidance are updated by government. The Council will have regard to these updated materials when published.

3. Enforcement Policy Objectives

Enforcement is carried out at locations where restrictions are correctly signed and (if required) a valid Traffic Regulation Order (TRO) is in place.

Enforcement is aimed at:

- Discouraging parking which is dangerous or obstructs other motorists, pedestrians, cyclists and disabled people.
- Improving the quality and accessibility of public transport and bus journey times.
- Helping Sheffield be a sustainable city economy, supporting high streets and district centres; balancing the needs of different road users, including vehicles required for deliveries.
- Improving the local environment.
- Supporting the needs of disabled people, including those who rely on the use of a vehicle.
- Delivering the objectives of parking schemes, such as permit parking zones to help residents and local businesses.
- Improving compliance - issuing Penalty Charge Notices acts as a deterrent, but through publicity campaigns, warning notice periods for new restrictions, website information, the appeals process and CEO advice to the public, we also aim to educate.
- To support Transport Strategy targets and objectives, and to help meet the requirements of The Traffic Management Act 2004, including reducing congestion and improving road safety.

4. Enforcement Priorities

Evidence for PCNs issued using CCTV is captured using Automatic Number Plate Recognition (ANPR). As such the cameras capture all vehicles that enter the restricted area. Any vehicles that are known to be exempt or authorised are filtered out by the system before review work is carried out. The regulations¹ require that a request is made to the DVLA within 14 days from the contravention date so as to get the registered keeper details. The Council aims to review all CCTV footage in time for the DVLA information to be requested. This also ensures the keeper receives the notification of the contravention promptly (following the DVLA response and processing of the PCN for issue).

It is not feasible to patrol all on-street and car park restrictions constantly. To meet the objectives of parking enforcement, restrictions have been ranked according to levels of priority. Generally, these align with the above objectives and with the higher and lower level contraventions rates (as listed in the Civil Enforcement Officer (CEO) handbook).

Some restrictions will be given more focus at different times – for example, school keep clear restrictions would be prioritised around the school start and finish times, or restricted streets near football grounds on match days.

To cover different areas throughout the city officers are assigned routes ('beats' to patrol on foot or areas to visit using transport). These are kept under review by the enforcement team.

The enforcement team may be made aware of 'hotspot' areas with current issues through liaison with other parties such as bus companies and elected members, plus other feedback and assessment.

If a high volume of contraventions occurs in a particular area, the underlying reasons should be investigated.

Drivers who believe there is a low risk of getting caught should not contravene a restriction. PCNs may be issued anywhere that has restrictions implemented.

Members of the public can also report where they think vehicles are parked in contravention of restrictions, including suspected Blue Badge misuse. These requests would be assessed on priority too. We need details such as the exact location, times of day and days of the week when regular parking issues are occurring, so that we can follow up on these requests. Information about reporting incorrectly parked vehicles is available on the Council website.

Where camera enforcement is not possible, Penalty Charge Notices can only be issued where one of our CEOs observes a vehicle in contravention.

¹ Regulation 10 The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022

Department for Transport Operational Guidance to Local Authorities (2010) recommended not pursuing more than one PCN issued over a 24-hour period where a parking contravention has occurred and the vehicle has not moved.

Whilst not contained in 2022 Statutory Guidance, our policy still provides that the CEOs should only issue one PCN within a single 24-hour period. Drivers should not regard the PCN as a 'permit' to park. In some circumstances and where appropriate, the Council may instruct removal of the vehicle after a PCN has been issued. Vehicles parked for longer than 24 hours at a location where a restriction applies may also be issued further PCNs.

There may be instances where it may seem a vehicle is in contravention, but it is not – for instance, a vehicle parked on a waiting restriction may have a Blue Badge correctly displayed, or the vehicle may be parked in a relevant bay with a valid virtual parking permit, or cashless payment session. Checks can be made from the control room to see if a vehicle has a virtual permit or cashless payment session.

Type of restriction	Priority ranking	Planned assignment of CEOs
Bus lanes and bus stops	High	Daily as part of patrols of key routes and beats; also enforced using CCTV
Peak period no loading restrictions on key main roads connecting the city	High	Daily as part of patrols of key routes and areas
Single/double yellow on main roads	High / medium	Beats and areas
School keep clear restrictions (which have a Traffic Regulation Order)	High	Daily enforcement during term time on a pre-planned schedule of schools (note: signs do not specify the restrictions apply term time only – drivers should observe the signed restrictions); also enforced using CCTV
Permit Parking Zones	Medium	Beats and areas
Pedestrianised Areas	High / medium	Beats and areas
Taxi ranks	High / medium	Some ranks (e.g. near shops) are always enforceable; on other

Type of restriction	Priority ranking	Planned assignment of CEOs
		streets enforcement is prioritised in the evenings as they service night-time economy premises
Disabled bays	High / medium	Depending on location – some will be observed more frequently as they are in areas which have other high priority restrictions
Loading bays and other bays for specific users (e.g. motorcycle bays, electric vehicles)	Medium	Depending on location – some will be observed more frequently as they are in areas which have other high priority restrictions
City Centre Pay & Display or cashless parking bays (on and off street)	Medium / low	Beats
District shopping areas – parking bays	Medium / low	Beats and areas
Road junctions with restrictions (not main roads) and other yellow lines	Medium	Beats and areas
Events	High	Based on when these are scheduled
Temporary restrictions for works such as highway maintenance (Streets Ahead)	High	Based on when these are scheduled
Bay suspensions	Medium	Based on when these are scheduled
Blue Badge Misuse	High / Medium	Beats and areas
Red routes and other no stopping restrictions	High	Daily as part of patrols of key routes and areas

Type of restriction	Priority ranking	Planned assignment of CEOs
		Also red routes may be enforced using CCTV
Cycle lanes with restrictions	High	Beats and areas; also mandatory cycle lanes with waiting and / or loading restrictions may be enforced using CCTV
Car parks outside the city centre (permits)	Medium	Beats and areas
Car parks outside the city centre (pay and display, limited waiting)	Low	Beats and areas
Dropped kerbs	High / Medium	Based on requests for enforcement if blocking a drive, otherwise depending on location – some will be observed more frequently as they are in areas which have other high priority restrictions (e.g. main pedestrian routes with tactile paving)
Double parking	Medium	Depending on location – some instances will be observed more frequently as they are in areas which have other high priority restrictions
Environmental (e.g. engine idling FPNs)	See relevant parking restriction type	Linked to enforcement of relevant parking restrictions

CEOs also carry out other duties including:

- Reporting any signage issues
- Issuing warning notices
- Reporting potential abandoned vehicles

- Putting up signs indicating the suspension of parking places and removing them
- Helping with some parking surveys and providing reports
- Providing witness statements; officers could also be requested on rare occasions to give evidence directly in an adjudication hearing
- Reporting relevant activities to other departments (for example Highways) and the police
- Assisting with general queries about parking to help drivers understand the rules; engaging in events when required to promote understanding and find out local issues

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5. Parking and Bus Lane Enforcement Policy

The following section document lists the most common scenarios that will be considered by CEOs when patrolling restrictions.

Bus lane restrictions and some parking contraventions are enforced using CCTV enforcement.

More details of different restrictions and the issuing of PCNs are contained in Appendix A: Sheffield City Council Civil Enforcement Officer (CEO) handbook.

We aim to:

- treat everyone fairly and consistently
- be balanced in how we enforce parking.

All staff are required to adhere to the Council's Code of Conduct which lays out expected standards of behaviour, including being respectful to others, not influenced by personal gain and adhering to the Council's policies and procedures.

As enforcement staff may encounter vulnerable adults and children whilst patrolling and may be regarded as an official figure in uniform, all our CEOs have a Disclosure and Barring Service (DBS) check. This checks for criminal convictions and cautions.

As with all services, the Council must put in place safe systems of work and take whatever measures are necessary to protect its staff and keep them safe, while carrying out their duties. Examples of this include body worn cameras and not patrolling alone in some areas.

A Civil Enforcement handbook has been included as part of the policy. This details reasons why a PCN may be issued, observations that a CEO will carry out and exemptions that apply in different circumstances.

Staff working on behalf of Parking Services undertake relevant training, including in-house training and development.

Once a PCN has been issued there is an opportunity to appeal. Guidance Policies for Civil Parking and Bus Lane Appeals are also set out within this document.

Abandoned Vehicles

Abandoned vehicles can be reported online via the Council's website (www.sheffield.gov.uk) if there is evidence it is:

- not taxed
- in a very poor condition (e.g. flat tyres and broken windows) and it does not appear to have been for a significant amount of time (i.e. has been left parked at the same location without being moved for more than two weeks).

If a CEO suspects a vehicle meets the above criteria, checks should be made by the Parking Services enforcement team to see if it is:

- taxed (using the www.gov.uk website); If a vehicle is untaxed but it appears it is not abandoned this can be reported via the www.gov.uk website.
- Contacting the police to verify if it is stolen

The Council's abandoned vehicle section can deal with such vehicles under the provisions of the Refuse Disposal (Amenity) Act 1978. If a vehicle is abandoned and has already been issued at least 3 PCNs, no further PCNs should be issued.

Once a vehicle has been deemed abandoned it can be removed to a secure compound, where if not claimed is destroyed. Vehicles can be removed from the public highway and from any land in the open air (including private land) after notice is given and where the occupier does not object.

Bank Holidays

If a bank holiday is on a day when restrictions normally apply, signing rules say that the restriction applies as normal, unless the signs specifically state 'except bank holidays'.

Bank Visits & Security Vans

If restrictions are in place near a bank, these should be complied with by all motorists.

The only exemption which applies is for armoured vehicles (operated by companies licenced under the Private Security Industry Act) which are delivering/collecting cash or other valuables to banks or other business premises and are occasionally required to park near business premises in order to safely deliver or collect high value amounts.

Security vans involved in the delivery of mail or other such low value items are expected to comply with parking restrictions.

CCTV enforcement of parking restrictions

The Council can issue parking PCNs for certain contraventions detected using CCTV and associated recording equipment (a certified approved device). Images are reviewed by the enforcement team to carry out checks the vehicle registration has been recorded correctly and that the evidence shows the vehicle is in contravention before the case is referred for a PCN to be issued.

Such PCNs would be served by post after the keeper details have been obtained from DVLA.

The restrictions that such PCNs can be issued for are if vehicles are parked:

- In a bus lane (waiting and loading restrictions will apply)
- In bus stop clearway or bus stand clearway
- On 'keep clear' zig-zag markings outside schools
- On a red route
- In a mandatory cycle lane (which has waiting or loading restrictions)

Such enforcement would normally be used if enforcement by CEOs on patrol has challenges and traffic management issues cannot be resolved. This may include areas where officers have experienced abuse, or where vehicles are temporarily moved when an officer is seen but then returned to the restriction resulting in ongoing traffic management and road safety issues.

CCTV enforcement of bus lane restrictions

The Council can also issue bus lane PCNs for contraventions detected using CCTV and associated recording equipment (a certified approved device).

This footage is also reviewed before a PCN is issued to check the vehicle registration is correct and that a contravention has been witnessed.

These PCNs would also be served by post after the keeper details have been obtained from DVLA.

Bus lane enforcement includes vehicles driving along bus lanes and bus gates (as detailed in the CEO handbook).

Dropped Kerbs

Kerbs may be lowered for the benefit of other road users such as pedestrians, cyclists and vehicles that need to cross the footway (or a verge, or cycle track) to gain authorised access to other premises.

A carriageway may also be raised to meet the level of the footway, cycle track or verge.

Parking in front of such dropped kerbs is not permitted and may cause inconvenience, or even prevent access for others, especially those with a disability or impairment. The Highway Code says not to park where the kerb has been lowered to help wheelchair users / powered mobility vehicles, or in front of an entrance to a property. Parking in front of a driveway can prevent the householder from gaining access to the highway.

Where another restriction is in place (such as double yellow lines), a PCN may be issued to the vehicle if it is contravening that restriction.

In the absence of such restrictions, a PCN may still be issued if a vehicle is parked across a dropped kerb. The exemptions that apply if a vehicle is parked across a dropped kerb may differ to those for other restrictions. Whilst a Blue Badge holder may park on a waiting restriction for up to 3 hours, they are not allowed to park in front of a dropped kerb.

The police may issue a Fixed Penalty Notice for obstruction (if another vehicle cannot get off their driveway), but the council may also issue a PCN if a vehicle is parked across a dropped kerb at locations:

- that form part of a signed cycle network route;
- where tactile paving has been provided; or
- where it has been verified the occupier of premises has complained about a vehicle parked across their driveway and there is a 'H' marking in place to deter parking.

This would not apply if the vehicle is parked fully within a signed parking bay.

The occupier of a residential property may park their own vehicle in front of their driveway dropped crossing (or permit someone else to), providing:

- there is not another restriction in place
- they have not accepted a reward to allow someone to park there
- it is not a shared access

Double Parking / not parking adjacent to the carriageway edge

A PCN may be issued if a vehicle is parked more than 50cm from the edge of the carriageway. Vehicles parked out on the road may impede other drivers from passing along the street, especially larger vehicles such as fire engines, ambulances, buses, or waste collection lorries.

This applies to Blue Badge holders too.

A PCN would not be issued if the vehicle is parked fully within a signed parking bay that is positioned away from the carriageway edge.

Broken Down Vehicles

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. A CEO may exercise reasonable discretion if they observe a driver experiencing difficulties (for example unable to start the car and awaiting recovery). However, if this is not witnessed and a PCN is issued the driver would need to appeal the PCN (see appeals policy).

A vehicle being used to remove a broken-down vehicle from the highway would be exempt whilst engaged in this activity as detailed in the CEO handbook.

Bus Lanes and Bus Gates

Bus lane and bus gate enforcement is carried out using CCTV and PCNs. Such PCNs are issued by post.

When enforcement is introduced in new locations, we will issue warning notices for a period of one month before full enforcement starts.

If there are extensive road works or events in progress which may cause confusion near bus lanes / bus gates, or stop traffic from using other routes, enforcement may be suspended. In such cases, signage will be put in place to inform drivers the bus lane or gate is not operational.

Bus Stops and Bus Stands

Where there is a bus stop clearway (or bus stand clearway), other vehicles are not permitted to stop when the restriction applies, except if exempt (see the CEO handbook). Taxis (licenced hackney carriages, not PHVs) may wait to allow a passenger to board or alight.

Carers/Care Organisations

The NHS and organisations that employ professional carers may apply to the Council for permit staff to park in permit bays to visit patients at home.

Residents may obtain a carer's permit for family and friends who attend as carers (or for the use of professional carers too).

All permits are subject to online terms and conditions.

Carers are not exempt from yellow lines restrictions or other restrictions such as disabled bays, bus stop clearways, loading bays.

Clamping

The Council has the power to clamp vehicles parked in contravention of parking restrictions, in addition to the issue of a PCN. However, the Council consider that the clamping of a vehicle parked in contravention of a restriction does not have clear traffic management benefits. Therefore, we will not clamp vehicles parked in contravention of parking restrictions. However, we may in some circumstances tow a vehicle away (see Specific Policy - Removal of Vehicles).

Complaints

Claims that a CEO has made an error whilst issuing a PCN will be investigated under the normal appeals procedures and a written response will be sent.

Any allegation of misconduct or rudeness made against a member of the enforcement staff will be investigated under the Council's official complaints procedure.

The official complaints procedure is **not** appropriate for use in relation to appeals against PCNs, as there is a separate independent tribunal available for these issues. (see Traffic Penalty Tribunal). Nor is a referral to the Local Government Ombudsman appropriate as again, the Traffic Penalty Tribunal is the relevant body to hear disputes regarding the issue of PCNs.

Council Officers and Members on Duty

All Council officers and members on duty are expected to fully comply with parking regulations.

Disabled Drivers/Passengers

Blue badges may only be used if the vehicle is being used to transport the badge holder. They cannot be used for example by someone else to go shopping on behalf of the badge holder if the holder is not a passenger in the vehicle.

The badge must be clearly displayed so it can be read from outside the vehicle. The front of the badge (showing the expiry date, issuing authority and serial number) should be face up. This side of the badge has a hologram.

Where a time limit applies for badge holders the timer disc must also be displayed and set by the user to show the time the vehicle was parked.

All EU Blue Badges may be used in Sheffield. Non-EU badges may also be used (this is a discretionary allowance) but would still need a timer disc if parked where time limits apply (or a note displayed in the vehicle stating the time of arrival).

A PCN may be issued if:

- the vehicle is parked at a location where Blue Badge exemptions do not apply
- all the details on the front of the badge cannot be seen or are not legible
- the timer disc is not set / displayed at location where time limits apply to badge holders
- it appears the vehicle has been parked for longer than permitted with a blue badge / timer disc displayed
- there is reason to believe the badge is not being used for the benefit of the holder



Information for badge holders is available online:

www.gov.uk/government/publications/the-blue-badge-scheme-rights-and-responsibilities-in-england

If the Blue Badge is believed to be being used for the benefit of someone other than the badge holder, CEOs may request to inspect the badge and retain it if it seems the badge is being misused. Procedures will be followed to establish the badge holder's whereabouts.

In addition to the issue of a PCN (any parking exemptions would not apply if the badge is being misused), the CEO may record a separate statement for any potential Blue Badge misuse cases to be dealt with through criminal proceedings.

Discretion

To protect CEOs from allegations of inconsistency, favouritism and claims of bribery, the government suggests that the exercise of discretion should rest with back-office staff who deal with challenges, representations and appeals.

However, if the driver returns before a PCN has been printed the CEO should verbally advise the driver why they cannot park there (see Regulation 10 PCN information in the CEO handbook).

However, once the CEO has commenced the process of printing a ticket, they must complete the process and issue a PCN. In these circumstances, if the motorist wants to dispute the PCN the appeals process should be followed.

Dispensations and Suspensions

(a) Dispensations

The TROs contain details of exemptions that apply to the restrictions – for example loading / unloading activity on a waiting restriction. In general, where tools, equipment or materials are required, these items should be unloaded (from a location where this activity is permitted) into the relevant premises and the vehicle should then be parked legally elsewhere.

There may be occasions where there is no relevant exemption in the TRO, but it is necessary for a vehicle to park there. Consideration may be given to the issue of dispensations to vehicles which are being used as a workshop. The definition of a workshop vehicle is one where there is equipment which needs to be used directly from the vehicle as part of the work being carried out at an adjacent property (for example a vehicle being used to clear blocked drains that has a hose attached).

Dispensations have to be applied for and paid for in advance of the works taking place. These are processed by the back-office team. Information about applications, including fees is on www.sheffield.gov.uk.

Dispensations are always vehicle specific. If a dispensation is not used in accordance with the dispensation terms and conditions, or the agreed activity for which it was issued is not observed a PCN may be issued.

(b) Suspensions

These must also be applied for and payment made in advance. Information about this process is on www.sheffield.gov.uk. These are signed using Department for Transport approved signs. See the CEO handbook for information about issuing PCNs to vehicles in suspended bays.

There are occasions when parking bays have to be suspended – usually to enable works to be carried out. The bays affected may be free parking bays, pay & display bays, residents parking bays or other bays which are allocated for specific users. Suspension applications will be considered for reasons such as:

- maintenance of adjacent property where highway access is required for deliveries, essential vehicles, skips etc
- skips on the highway
- maintenance of trees
- Police request
- security reasons
- filming - contact us about filming in the city
- any other reason accepted by Parking Services.

Parking suspensions are intended to keep the bays clear.

We will not suspend bays to provide parking for vehicles unless they are essential for works in the suspended area (such as an asbestos removal vehicle). Other examples of vehicles that are essential for the agreed works would be allowed access to the suspended area are:

- if a bay is suspended for utility works, liveried utility vehicles being used in connection with the works
- if a bay is suspended to allow access to a construction site - only works vehicles being used to continuously load or unload goods or materials to that project can use the suspended area
- for filming suspensions - only essential filming unit vehicles such as lighting generators and equipment vehicles.

Bay suspensions are not granted for general parking of personal vehicles (such as cars/vans, people carriers). Other works or private vehicles should be parked legally elsewhere (for example in nearby pay and display parking).

Applications for suspensions must be received at least 10 working days prior to the required date and must be made to the Council's Parking Services section. Full payment must be made at least 9 days prior to the suspension start date. Less notice may be accepted in certain circumstances (e.g. for funerals), subject to discretion.

If granted, suspensions of parking bays / spaces will be clearly signposted with temporary DfT approved signs indicating the exact location and extent of the suspension with the start and finish dates and times. These signs will normally be displayed at least five days before the suspension comes into operation, but less notice may be given in certain circumstances (e.g. for emergency works), subject to discretion. When the signs are erected, a record will be made of any vehicles which are already parked at the relevant location.

Signs are placed to deter motorists from parking in the suspended area, but we are not able to guarantee that vehicles will not park there. Our enforcement team can be contacted to report vehicles.

We do not remove vehicles from the suspended area, but vehicles seen by the Civil Enforcement Officers parked in contravention of a suspension may receive PCNs.

Dropping Off / Picking Up Passengers

The CEO handbook details restrictions where exemptions apply to allow a passenger to be picked up / dropped off. This activity is not permitted where no stopping restrictions apply (for example clearways, red routes, zig-zags outside schools and on pedestrian crossings).

In most circumstances, the driver should remain with the vehicle and a maximum of two minutes allowed (unless passengers requiring more assistance such as elderly, disabled, or young children are involved).

This also applies for Hackney Carriages and Private Hire Vehicles. Special consideration will be given to Hackney Carriages or Private Hire vehicles that will need a small amount of additional time to announce their arrival and accept payment. CEOs will exercise reasonable discretion in such circumstances.

Emergency Vehicles Service vehicles

Emergency service vehicles (such as police, fire and ambulance) are exempted from some restrictions (see Civil Enforcement Officer (CEO) handbook), provided the vehicle is being used for operational duties, rather than parked for convenience outside premises such as police stations, courts, or during breaks from duty.

Enforcement Agents

Enforcement Agents have certificates (issued by county court judges) which allow them to recover debts. Functions they perform include executing warrants (court

orders) for the collection of money or goods. For this purpose, the Enforcement Agent will always have an appropriate vehicle nearby. If the only nearby available place to leave the vehicle is a yellow line a dispensation may be applied for.

For other locations (e.g., where parking bays are available), or to carry out other activities for which they do not need a vehicle nearby (such as if they are serving a summons or a warrant) they would be expected to comply with parking restrictions.

Footway / Verge Parking

Outside of London, footway parking can only be enforced by CEOs if:

- there are signs on the footway / verge which prohibit waiting or stopping; or



Use code 01



Use code 46

- a signed footway parking ban zone has been set up; or
- there is a waiting restriction on the section of the carriageway *parallel* to where the vehicle is parked. If there is also a loading ban, the PCN may be issued for contravening the loading ban. In such circumstances a PCN may only be issued during times when the waiting / loading restriction applies; or
- there is a no stopping restriction indicated by red lines on the section of the carriageway parallel to where the vehicle is parked. In such circumstances, a PCN may only be issued during times when the red route no stopping restriction applies.

Vehicles parked on the footway where there is not any signage that would allow a CEO to issue a PCN may be issued a Fixed Penalty Notice (FPN) by the police if they consider there is deliberate obstruction.

The Highway Code states: You **MUST NOT** park partially or wholly on the pavement in London, and should not do so elsewhere unless signs permit it. Parking on the pavement can obstruct and seriously inconvenience pedestrians, people in wheelchairs or with visual impairments and people with prams or pushchairs.

See Private Property section too.

Funerals and Weddings

Official vehicles actively involved in a funeral, or a wedding will be given due consideration and PCNs will not be issued (i.e., the official hearse vehicle, or the official wedding car transporting whilst dropping off the bride / groom).

Other vehicles being used by those attending a service should park legally.

Garages

A PCN may be issued if a repair garage employee parks a vehicle on the highway, in contravention of a restriction, whilst maintenance of the vehicle is being carried out, or if there is not enough room in the garage premises for the vehicle. If a garage employee drives the vehicle through a bus lane a PCN may be issued too.

Likewise, drivers should not leave a vehicle in contravention of a parking restriction whilst dropping off a vehicle at a garage.

Liability for PCNs issued to a vehicle whilst it is in the care of a garage remains with the keeper of the vehicle. Any claim for penalty charges incurred would be a civil matter between the two parties.

Loading / Unloading

Loading / unloading is generally permitted when there are waiting restrictions in place, except when there is also a loading restriction. See CEO handbook for more details of where loading / unloading exemptions apply.

There is not a fixed observation period that must be given to see if this activity is happening. The CEO handbook contains suggested observation times that will be applied.

Loading exemptions apply if the vehicle is waiting where permitted and either the goods being delivered/collected are heavy, bulky, or numerous and it would be unreasonable to expect them to be carried from a 'legal' parking place.

It also includes delivery / collection if being done as part of the operations of a commercial delivery business (e.g., couriers).

Loading exemptions do not cover activities such as:

- the driver also stopping for other activity, e.g., carrying out work, getting a drink, serving customers, going to the toilet
- shopping i.e. buying goods before loading them.
- stopping for convenience for collection - e.g., a driver going to collect a takeaway (however, if a driver is delivering food as part of a business, this would be classed as loading whilst they need to collect / deliver it, but not if waiting for the order to be prepared)

Visitors

Visitors should park in accordance with the restrictions in place (such as in limited waiting bays or pay & display bays). This may mean a short walk to the premises they are visiting. If they need to park in a permit holder's only bay, they should request the use of a visitor permit from the resident they are visiting.

Most parking and traffic restrictions in Sheffield and the signs used to denote them are similar to those used in other parts of the country. Visitors to Sheffield are expected to comply with restrictions in the same way as motorists who live in the city.

Discretionary consideration may be given in some circumstances for restrictions indicated by non-standard Department for Transport prescribed signage (not contained in current versions of the Highway Code or Know Your Traffic Signs).

Warning notices – parking restrictions on street

If a new or amended Traffic Regulation Order for parking restrictions is introduced the CEOs may initially issue warning notices for the first 7 days.

On occasion, we need to introduce temporary restrictions. Reasons for this would include short-term traffic management or events. For short-term temporary restrictions, it may not be possible to issue warning notices.

At locations where parking PCNs are issued using CCTV, warning notices will be issued for 1 month.

Obtaining change (for pay and display)

The law does not allow motorists time to park up and then get change (for example from a nearby shop) so a pay and display ticket can be bought. This is a matter that has been decided at High Court.²

A motorist should travel with spare change otherwise, they must park legally elsewhere. At some locations there are alternative options to pay by phone, or by card.

Pay and Display Bays / Cashless Parking Restrictions (On-street and in Car Parks)

Pay and display parking bays / car parks require the purchase of a ticket or payment using cashless parking. Payment must be made at the time of parking.

² Strong v. Dawtry 1961

- Unless a maximum stay applies at the location, cashless parking sessions can be extended remotely if drivers need to park for longer than the initial payment was made for
- Where available only one free parking session should be used at the same parking location on any day – longer parking sessions must be paid for

Further information is provided on restrictions signs, information boards / panels and / or machine facias about the use of pay and display and cashless parking and circumstances in which a contravention may be deemed to have occurred/where PCNs may be issued (such as not clearly displaying a ticket, or parking at a different location to where the parking session was bought for). These requirements are also contained within the relevant TRO underpinning the restriction.

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Pay and Display Machines not working

If a machine is not working drivers should either:

- use an alternative machine in working order in close proximity, (i.e. on the same car park or street)
- obtain a cashless parking session (information about this will be shown on the pay and display machine and/or other nearby signs)
- use a credit / debit card to make payment at machines with this facility if the fault is a with getting coins accepted
- find alternative parking

There is a telephone number on the pay and display machines that drivers can use to get advice on their alternative options.

Penalty Charge Notice – recorded observation times

The issue of PCNs is usually controlled by either:

- handheld computer terminals carried by the CEOs.
- Software for CCTV camera systems.

These have integrated clocks which are synchronised to national standards. Time is synchronised with mechanisms such as an Internet Time Service (ITS). It is not possible for the CEO to alter the time stated on such PCNs.

In rare circumstances a handwritten parking PCN may be issued and the CEO will use a digital watch to reference the observation times noted on such PCNs.

Pay and Display machines are also networked. Whilst on patrol CEOs check they are working, including showing the correct time and date. This is done by obtaining a “test” ticket from the machines.

Permits/Permit Parking Zones

As part of some agreed parking schemes permits are issued to eligible applicants. Proof may be required for the issue of permits.

Some permits are virtual parking permits (where their existence can be checked in a manner similar to vehicle tax), whilst others are still physically issued permits which must be clearly displayed in the vehicle.

Examples of permit types include residents’ permits, business permits and visitors’ permits. The types of permits available may be reviewed as part of changes to parking schemes. Current permit types available are published online. All permits are subject to terms and conditions (covering how the permit may be used). This

information is also online, with other information such as how to apply and proofs required.

Private Property

A road is legally defined for the purposes of traffic regulation as "any length of highway or other road to which the public has access". If a vehicle is parked on a section of road where a parking restriction applies, a PCN may be issued.

Highways are regarded in common law as being land on which all members of the public have a right to pass and re-pass. Different types of highway may be used by different types of traffic. For example, highways which are footpaths provide a public right of passage on foot.

Highways can be adopted or unadopted – the adoption status only determines who is responsible for maintaining it. Even if an area of highway is unadopted or privately owned, if it is still highway (i.e., all members of the public still have a right to pass over this section of land) then parking restrictions may still apply.³

The legal definition of road above also includes roads "to which the public has access". It is therefore possible for parking restrictions to apply to land which is not highway but may still be considered a road "to which the public has access". This may result in a situation where a parking restriction applies across the entire width of a road despite only some of it being highway, on the basis that the entire width of the road is accessible to the public.

The existence of this rule means that there should be a physical boundary or barrier between areas of roads which are highway and those which are not but would otherwise be publicly accessible. If not, then parking restrictions may apply across the entire width of the road.

See Footway / Verge Parking section too.

We enforce Council operated car parks on Council owned land and also enter into agreements to provide Council operated off-street parking on their land (for example some Sheffield Hallam University car parks).

Parking restrictions placed on other private property off street cannot be enforced by our Civil Enforcement Officers. The relevant landlord or owner, or enforcement agency should be contacted about queries. The British Parking Association has information about Approved Operators.

Tariffs for Parking – On & Off Street

³ High Court decision (Price v DPP [1989] RTR 413) stated "Although the surface of the pavement differs at or about the line dividing public ownership and private ownership, there was nothing in the photograph or plan, nor anything in the evidence, that suggested that the privately owned part of the pavement was in anyway shut off to pedestrians or in any way delineated so as to indicate that it was not part of the pavement as a whole for the purpose of people walking up and down"

We may periodically review (usually annually) the level of charges for parking on-street and in our car parks. Officers will conduct the review and any recommendations will be placed before appropriate elected members in accordance with the Council's constitution in relation to such decisions. Agreed changes will also follow Traffic Order procedures before being implemented.

Taxi Ranks

Taxi Ranks are for the use of licensed Hackney Carriages Vehicles. Use by Hackney Carriages licensed by other authorities or by Private Hire Vehicles is prohibited.

Taxis parked on other restrictions such as yellow lines outside a taxi rank may be issued with a Penalty Charge Notice.

Sheffield City Council Hackney Carriage Byelaws should also be adhered to by Hackney Carriage drivers. Enforcement of this is separate to the parking policy.

Uniforms – Civil Enforcement Officers

The Traffic Management Act 2004 and associated regulations require CEOs to wear a uniform.

This should show:

- the CEO is involved in parking enforcement
- Sheffield City Council
- a badge number to identify the CEO

The CEOs also carry a Sheffield City Council photo identity card, showing their identification number.

To protect their identity the CEOs name is not on the uniform or ID card.

Foreign Vehicles

Drivers of foreign vehicles should comply with restrictions and a PCN may be issued if not.

6. Definitions

The following are definitions of terms commonly used in conjunction with parking and bus lane enforcement.

Challenge

A “challenge” is a written communication to the local authority in response to the issue of a PCN, during the period prior to the issue of a Notice To Owner. If a challenge is received within the period of 14 days from the date of service of a PCN, the discount period will be re-offered if the challenge is rejected.

Charge Certificate

A charge certificate is issued: -

- (i) Not less than 28 days after a Notice to Owner (NtO) is served and no payment or formal representation is received
- (ii) Not less than 28 days after a Notice of Rejection of Representation is served where no payment has been received and no appeal has been made to Traffic Penalty Tribunal.
- (iii) Not less than 28 days after rejection of an appeal by the Traffic Penalty Tribunal has been served.

When a Charge Certificate is issued the amount of the penalty is increased by 50%

The Charge Certificate is sent to the debtor requiring payment of the full increased amount within 14 days of the date of service.

Debt Registration

This is done at the TEC (Traffic Enforcement Centre) on or after 14 days from the service of a Charge Certificate if the PCN is still open. The local authority must confirm issue of the Charge Certificate to the court and there is a fee payable to TEC for each registration. This is added to the Charge Certificate amount owed to the Council when an Order for Recovery is sent to the keeper / hirer once TEC accept the debt registration

The Order for recovery is sent to the debtor advising him / her that they have 21 days in which to pay the amount owed or make a witness statement to TEC if one of the following applies:

- The Notice to Owner / postal PCN was not received
- Formal representations were made but no reply was received
- An appeal was made to the Traffic Penalty Tribunal but the decision was not received
- The PCN had been paid in full

Failure to do either will result in a Warrant of Execution being applied for by the Council at TEC. Once issued, this will enable the Council to instruct Enforcement Agents to collect the debt on their behalf.

Driver Vehicle Licencing Authority (DVLA)

The government centre responsible for maintaining records of vehicles, their registered keepers and driving licences.

Non Fee Paying Enquiry and Response to DVLA – VQ4 & VQ5

For postal PCNs, or when a parking PCN served on street remains unpaid, the Council will make a non-fee paying enquiry to DVLA to ascertain the identity of the keeper of the vehicle. The enquiry is made electronically via the Council's parking processing system.

The response from DVLA is also electronic and is automatically fed into the Council's system.

Notice to Owner (NtO)

If a parking PCN served on street remains unpaid for 28 days, the Council will make an enquiry with DVLA to ascertain the identity of the registered keeper. Once this is done, a legal Notice to Owner will be sent to the keeper advising him / her that the relative PCN remains unpaid.

The Notice will contain full details of the PCN issued and will request payment within 28 days of service, or it gives the keeper the opportunity to make a formal representation against the PCN, which also must be done within 28 days. This should be done online or by post. The NtO details how to do so.

Penalty Charge Notice (PCN)

Parking PCNs served on street must be affixed to the vehicle or handed to the driver.

Local authorities can also issue parking PCNs by post if the Civil Enforcement Officer has been prevented from issuing it, either because the vehicle has been driven away, or by the conduct of the driver in preventing the CEO. from issuing it to the vehicle. Also local authorities can issue by post, PCNs which have been detected using CCTV (an approved device).

PCNs served on street will identify: -

- the name of the enforcement authority
- the registration mark of the vehicle involved in the alleged contravention
- the date and time at which the alleged contravention occurred
- the grounds on which the civil enforcement officer serving the notice believes that a penalty charge is payable (including a contravention code)
- the CEO badge number
- observation times
- the street or car park name
- the amount of the penalty charge
- that the penalty charge must be paid before the end of the 28-day period beginning with the date on which the notice is served
- that if the penalty charge is paid before the end of the period of 14 days (21 days in the case of PCNs served by post using evidence from an approved device), beginning with the date of service of the notice, the penalty charge will be reduced by the amount of any applicable discount

- the manner in which the penalty charge must be paid
- that if the penalty charge is not paid before the end of the 28-day period, a notice to owner may be served by the enforcement authority on the owner of the vehicle; and
- that the person on whom the notice to owner is served will be entitled to make representations against the penalty charge.
- the date of service (issue) of the PCN
- the make and colour of the vehicle
- location of the vehicle
- Instructions on how to challenge or make formal representations against the issue of the PCN.

Registered Keeper

The person(s) or organisation who are registered at DVLA as being legally responsible for the vehicle. The registered keeper is not necessarily the owner or the driver.

Representation

A “representation” is a written communication to the local authority in response to a Notice To Owner or a PCN which has been issued by post. Where a representation is made in response to a Notice To Owner, the full amount of the Penalty Charge will be payable if the representation is rejected by the local authority.

If a representation is received by the local authority in response to a postal PCN, within 21 days of the date of service of that postal PCN (14 days for a regulation 10 parking PCN), the discount period will be re-offered in the event that the representation is rejected.

Traffic Enforcement Centre (TEC)

The TEC is located in Northampton and is a branch of the County Court, which specifically deals with motoring contraventions / offences.

All case registrations with TEC are carried out electronically.

Traffic Penalty Tribunal

An independent body supported by subscriptions from local authorities by means of a levy on each PCN issued plus an annual fee.

Once a formal representation against a PCN has been rejected, the keeper of a vehicle is given the opportunity to appeal to the Traffic Penalty Tribunal within 28 days of the rejection.

The Traffic Penalty Tribunal will review the case and make an independent decision as to the validity of the PCN based purely on its legality. The standard of proof required by the Traffic Penalty Tribunal is “on the balance of probabilities”. The Traffic Penalty Tribunal will consider whether the Council should have taken into account mitigating circumstances and will refer back to the Council’s Chief Executive for re-consideration any case where the Adjudicator considers that there were grounds for cancellation of the PCN.

The Council will then have 35 days to respond to the Adjudicator, advising whether they will cancel the PCN or giving reason as to why they do not consider that the PCN should be cancelled.

Traffic Penalty Tribunal decisions are final and binding on both parties.

Traffic Regulation Order (TRO)

These are legal documents created by the Council to regulate the use of roads and car parks. TROs may specify restrictions for parking (for example double yellow lines, or permit holder only bays), or traffic movement (for example bus lanes, or one

way streets). Separate legislation specifies what type of restrictions the Council can enforce and which ones the police are required to enforce.

TROs can be

- Permanent (until another TRO is made which changes or removes that restriction)
- Experimental – these are implemented for a temporary period to test how well new restrictions work. Experimental orders can eventually be made permanent.
- Temporary – these are usually to allow works or special events to take place

The TRO document details what and where the restrictions are and detail the rules for these.

The Council has to follow national regulations to create TROs.

A certain type of 'notice' (not an order) may also be used for the short term restriction of traffic movement due to unforeseen circumstances (mainly public safety). Some restrictions do not require a TRO – for example bus stop clearways.

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