



Sheffield City Council Civil Parking, Bus Lane and Moving Traffic Enforcement Policy

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Document History

Revision Date:	Version Number	Summary of Changes

January 2024	V1.1	<p>References to moving traffic enforcement added, including reasons for this enforcement.</p> <p>Warning notice period for moving traffic enforcement added.</p> <p>Moving traffic enforcement added to enforcement priorities.</p> <p>Appendix B amended to include unpaid bus lane and moving traffic contraventions; also, to add reporting vehicles to the police (if incorrectly registered at DVLA or without MOT), or DVLA (no tax)</p> <p>Bus gate section added.</p> <p>Roadworks section for CCTV enforcement put separate.</p> <p>CEO Handbook (Appendix A) amended to include box junction and banned turn restrictions and formatting changes to bus lane / gate information.</p> <p>Subject to requirements of the street works permit scheme added to the roadworks item in the key to exemptions in the CEO Handbook (Appendix A)</p> <p>New reasons 54 to 56 and 61 [REASONS FOR APPEALING A PCN] added to Appendix C Guidance Policies for Civil Parking and Bus Lane Appeals</p> <p>Reason 60 amended to reference more support for vulnerable customers in Appendix C Guidance Policies for Civil Parking and Bus Lane Appeals</p> <p>Reason 6 criteria amended from 6 streets to 1km in Appendix C Guidance Policies for Civil Parking and Bus Lane Appeals</p> <p>Appendix C Guidance Policies for Civil Parking and Bus Lane Appeals amended to reference moving traffic</p> <p>CEO Handbook (Appendix A) amended to include exemption for window cleaners and advertising board maintenance from parking places (included in the current consolidated Outer Area TRO)</p> <p>CEO Handbook (Appendix A) amended to clarify in car parks Blue Badge holders cannot park in other restricted areas, or bays reserved for other users (as well as yellow lines in car parks)</p> <p>Passenger boarding/ alighting, avoiding an accident, directed in enter by police and gaining access to premises for bus lanes moved to exemptions section (from exceptions) in CEO Handbook (Appendix A). Wording on the exemptions</p>
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		<p>streamlined. Also blue light vehicle definitions added. Exceptions simplified – removed ones about crossing to turn into a junction and turning left as the design of bus lane markings mean these are unnecessary,</p> <p>CEO Handbook (Appendix A) corrections to school keep clear exemptions, updates to taxi clearways and more detail on footnote for bus stop passengers' exemption footnote; window cleaning and maintaining advertising board exemption for 2008 outer consolidated TRO included</p>

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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 Secretary of State's Statutory Guidance for Local Authorities on Civil Enforcement of Bus Lane and Moving Traffic 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 regarding 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, bus lane and moving traffic 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.

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
Moving traffic restrictions	High	Enforced at locations where ANPR enforcement has been agreed (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

Type of restriction	Priority ranking	Planned assignment of CEOs
Pedestrianised Areas	High / medium	Beats and areas
Taxi ranks	High / medium	Some ranks (e.g. near shops) are always enforceable; on other 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

Type of restriction	Priority ranking	Planned assignment of CEOs
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 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

(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.

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.

- 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.

² Strong v. Dawtry 1961

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 - Bus Lanes

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

Warning Notices – Moving Traffic Enforcement (including new Bus Gates)

When enforcement is introduced at new locations warning notices for first-time contraventions will be issued for 6 months. This applies to:

- new restrictions
- altered restrictions
- existing restrictions where CCTV enforcement has started being used.

Further contraventions by the same driver at the same location may result in the issue of a PCN. This approach has been set by the Department for Transport in *Statutory guidance for local authorities outside London on civil enforcement of bus lane and moving traffic contraventions*. This is intended to promote compliance and helping drivers understand the seriousness of these contraventions.

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.

6. Definitions

The following are definitions of terms commonly used in connection 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.

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 must 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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