

# **Civil Parking Enforcement in Bracknell Forest**

## **CODE OF PRACTICE**

### **Introduction**

The Council administers parking controls and parking enforcement within the Civil Enforcement Area (CEA), which constitutes the Borough of Bracknell Forest, to meet the following objectives:

- To preserve and improve the infrastructure and the general environment;
- Improve traffic conditions;
- Reduce the risk of accidents;
- Increase and improve pedestrian and cyclist mobility;
- Regulate and control parking both on and off street to safeguard the needs and requirements of residents, businesses/ organisations and visitors;
- Minimise parking offences within the busiest and most congested areas that experience and research shows to be the case;
- Encourage the use of public transport;

Parking enforcement operations contribute towards these objectives by providing on-street and off-street enforcement of permitted and restricted areas, together with the Council's off-street car parks, and issuing Penalty Charge Notices (PCN's) in regard to parking contraventions observed.

### **Providing a quality service**

The Council will ensure that their processes for handling challenges, representations and appeals are efficient, effective and impartial; responding to motorists promptly and professionally. Motorists are offered flexible and efficient ways to contact the Council, including e-mail, telephone and the internet. An adequate audit trail will be maintained in order to investigate any accusations of unfairness.

### **Enforcement Activities**

The Council wishes to ensure that Civil Parking Enforcement (CPE) is seen as a single, consistent operation across the Borough. As such, the Council's policy is to issue PCN's whenever it's established criteria is met. The table below sets out the parking contraventions that will be enforced.

<b>PARKING CONTRAVENTIONS TO BE ENFORCED</b>
Parked in a restricted street during prescribed hours
Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force
Parked in a permit space without displaying a valid permit (on street or within a car park)
Parked in a suspended bay/space within a car park
Re-parked in the same parking place earlier than the time allowed by the notices.
Parked in a parking place or area not designated for that class of vehicle
Not parked correctly within the markings of a bay or space (on street or within a car park)
Parked in a loading place during restricted hours without loading
Parked for longer than the maximum period permitted (on street or within a car park)
Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge (on street or within a car park)
Parked in a parking place designated for Police vehicles
Stopped on a taxi rank
Stopped where prohibited
Stopped on a restricted bus stop/stand
Stopped in a restricted area outside a school
Parked wholly or partly on a cycle track
Parked in a restricted area within a car park
Parked after the expiry of time paid for within a pay & display restriction (on street or within a car park)
Parked within a pay & display restriction without clearly displaying a valid pay & display ticket (on street or within a car park)
Parked with additional payment made to extend the stay beyond time first purchased (on street or within a car park)

Vehicle parked exceeds maximum weight and/or height permitted in the area (car parks)
Parked causing an obstruction (car parks)
Vehicle parked more than 50cms from edge of carriageway and not within a designated parking place
Parked adjacent to a dropped footway
Parked wholly or partly on a cycle track or lane
A heavy commercial vehicle wholly or partly parked on a footway verge or lane between two carriageways.
Stopped on a pedestrian crossing or crossing area marked by zig zags

## Challenges, Representations and Appeals

It is in the interests of the Council and the motorist to resolve any dispute at the earliest possible stage. Informal challenges, or formal representations will always be given fresh and impartial consideration. Elected members and unauthorised staff do not, under any circumstances, play a part in deciding the outcome of individual challenges or representations.

The process of considering challenges, representations and appeals is a legal process and as such the Officers dealing with these aspects will be trained in the relevant legislation, and how to apply it.

### Informal Challenges

It is likely that the Council will receive informal challenges immediately following the issue of a PCN. The Council will respond to these challenges in writing within 14 days. A challenge that is received within the discount period and subsequently rejected, will be re-offered a further 14 days at discount. If a rejection is received, a motorist can still make a formal representation after a Notice to Owner form has been issued.

### Formal Representations

The grounds on which representations may be made are set out in Regulation and are stated on the Notice to Owner form. The Council will serve notice of its decision on the person making the representations within 56 days of the service of the representations. However, the Council aims to decide on representations as quickly as possible.

If the Council rejects the representation, it will serve's a Notice of Rejection stating that it will issue a Charge Certificate unless the PCN is paid, or an appeal made to the National Parking Adjudication Service (NPAS). The Notice of Rejection includes the forms necessary to make an appeal.

If, following an unsuccessful formal representation, the Council decides to offer a new discount period for prompt payment, it will set out the dates of this period in the Notice of Rejection.

### Adjudication

If the Council rejects a formal representation, the person who made the representation has the right to appeal to NPAS within 28 days of the date of service of the Notice of Rejection. An adjudicator has the discretion to consider an appeal made after 28 days in appropriate circumstances.

If an adjudicator allows the appeal, they may direct the Council to cancel the PCN and refund any sum already paid in respect of the penalty charge. The authority will comply with this direction without delay.

The adjudicator's decision is final.

### Cases referred back to the authority by the adjudicator

An adjudicator may only allow an appeal if one of the statutory grounds for appeal applies. Where a contravention has taken place but the adjudicator considers that the Council should have used its discretion to cancel the PCN, the adjudicator may refer the case back for the Council to reconsider.

If the Council decide to accept the recommendation of the adjudicator, it will cancel the PCN without delay and refund any sums paid.

## **PCN Cancellation**

Cancellations will be made in accordance with the Council's established procedures. Officers will be aware of the need for all motorists to be treated fairly and consistently and PCN cancellations are monitored to ensure that no bias or unfairness has occurred.

## **Discretion**

The Council considers that the exercise of discretion should rest with back office staff, as part of considering challenges against PCNs and representations. This is to protect Civil Enforcement Officers from allegations of inconsistency, favouritism or suspicion of bribery. It also gives greater consistency in the enforcement of traffic regulations.

## **Dispensations**

A dispensation gives a special exemption from the issue of a PCN in respect of a parking contravention. It allows exemptions for specific purposes on specific occasions and locations where the need is proven and it is demonstrated that no alternative arrangements are available or adequate.

A dispensation does not allow a general exemption, or for the exemption to continue once the purpose for the dispensation purpose has been fulfilled. A dispensation may be issued in respect of:-

- Building/ maintenance/ repair works where close proximity to the site is essential;
- Loading / unloading where it is prohibited, or where it is necessary to allow longer than that normally permitted where waiting restrictions are in effect, for example for furniture removals; and
- Other exceptional circumstances where the need for dispensation is proven.

An administration charge per vehicle per dispensation is to be made to cover administrative, operational and other costs.

## **Reporting**

Reporting is an important part of accountability. Monitoring will provide the Council with management information for performance evaluation and will help to identify where it needs to improve its Civil Parking Enforcement regime.

The Council will produce an annual report about their on-street and off-street enforcement activities within six months of the end of each financial year.