

# **Parking Control**

## **Enforcement Activities and Policies**



**North Tyneside Council**

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## 1. BACKGROUND

The Road Traffic Act 1991 introduced the concept of Local Authorities undertaking enforcement of parking management schemes. This system was called Decriminalised Parking Enforcement. Parking 'offences' became 'contraventions' and parking attendants employed by the relevant Local Authority, issued [civil] Penalty Charge Notices.

The subsequent introduction of the parking related sections of Part 6 of the Traffic Management Act 2004 on 31st March 2008 changed the legal framework. It widened the scope of local authority parking enforcement and harmonised the regulations applicable to authorities inside London with those pertaining to authorities outside of the Capital. Under the new Act de-criminalised parking enforcement became Civil Parking Enforcement (CPE) and Parking Attendants were re-named Civil Enforcement Officers (CEOs).

### **North Tyneside Council's Powers of Enforcement**

On 23 May 2007 the Secretary of State for Transport, Local Government and the Regions, in exercise of powers conferred by paragraphs 1(1), 2(1) and 3(3) of Schedule 3 to the Road Traffic Act 1991 and of all other powers enabling him in that behalf, made the following Order:-

**The Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of North Tyneside) Order 2007.** This Order came into force on 24 June 2007.

#### ***Statutory Instrument 2007 N° 1511***

The area for which the Council has been granted Permitted Parking Area and Special Parking Area status, is the whole of the Metropolitan Borough of North Tyneside except –

- (a) The entire length of the A19 within the borough, including its on and off slip roads and the length within the Tyne Tunnel; and
- (b) The A1058 from the eastern borough to its junction with the A1108, including its on and off slip roads and the junction with the A1108.

As a consequence of the above legislation, as from 24 June 2007, the responsibility of enforcing on-street parking restrictions moved from Northumbria Police to North Tyneside Council. The responsibility for enforcing the Council managed car parks had always been the Council's, so the legislation did not change this.

Legislative changes (effective from 31 March 2008) have superseded the above regulations and Civil Parking Enforcement within North Tyneside is now undertaken in accordance with Part 6 of the Traffic Management Act 2004.

In addition to the above, on 1st November 2005, the Statutory Instruments came into force under the Transport Act 2000 enabling Council's undertaking decriminalised parking enforcement to issue Penalty Charge Notices to vehicles which are illegally in bus lanes. Bus Lane enforcement was undertaken in the London Boroughs for several years prior to this.

Priority lanes have been a feature of Tyne and Wear's transport system for many years. Their aim is to assist in the efficient management of the highway network by giving priority to more sustainable modes of travel. They enable buses, in particular, to operate more quickly and reliably and thus help to make public transportation an attractive alternative for people. One of the main barriers to this is prohibited vehicles travelling in and using the bus lanes, and adversely affecting the ability of buses to travel.

North Tyneside Council have undertaken enforcement of bus lanes, bus gates and bus only streets utilising static cameras since 2013.

## 2. RESPONSIBILITIES OF PARKING CONTROL

The Parking Control team are responsible for:

- Enforcement of waiting, loading and permitted parking restrictions in on-street and off-street (Car Park) locations;
- Operation of CCTV Enforcement Vehicle;
- Operation of Bus Lane Enforcement Cameras;
- Dealing with appeals to penalty charge notices issued in relation to the above enforcement;
- Management and maintenance of public car parks (42no.)
- Management and maintenance of controlled on-street parking places;
- Cash Collection and banking service from P&D machines (162no.);
- First line response to P&D faults and management of external maintenance contract
- Administration of Parking Permit Applications;
- Processing of applications for temporary dispensations and suspensions;
- Maintenance of all regulatory lines/signs associated with parking facilities and Waiting/Loading restrictions;
- Management of Traffic Regulation Consolidation Orders relating to Waiting/Loading, Permitted Parking, Off-Street Parking and Bus Lane restrictions in the borough.

Requests for new parking restrictions, new permit restrictions, amendments to existing restrictions, white H-bars and advisory disabled bays are dealt with by the officers in the Traffic team. Requests for any of the above can be sent by e-mail to [traffic@northtyneside.gov.uk](mailto:traffic@northtyneside.gov.uk) or submitted via the Authority's website at [www.northtyneside.gov.uk](http://www.northtyneside.gov.uk).

### 3. GLOSSARY OF TERMS

**CIVIL ENFORCEMENT OFFICERS (CEOs)** - The name given in the Traffic Management Act 2004 to those engaged by authorities to issue PCNs.

**CONTRAVENTION** - A contravention occurs when a motorist does not comply with decriminalised regulatory parking controls.

**DECRIMINALISATION** – Formally, under Road Traffic Act 1991 and now under the Traffic Management Act 2004, the Secretary of State for Transport can make orders such that motorists who do not comply with the parking controls covered by the orders no longer commit a criminal offence subject to a Fixed Penalty Notice. The controls are said to have been decriminalised. Contraventions then have to be enforced through civil procedure using Penalty Charge Notices.

**DISPENSATION** - A temporary consent to relax particular parking controls for a specified vehicle or parker.

**DVLA** - Driver and Vehicle Licensing Authority at Swansea.

**EXEMPTION** - Certain vehicles are exempt from some parking restrictions, often when carrying out activities listed in Traffic Regulation Orders. Examples of these vehicles are those of the statutory undertakers when on operational duty, removal lorries, vehicles involved in loading or unloading.

**HAND-HELD COMPUTER (HHC)** - A small hand-held computer which can be used to register parking contraventions and prepare a PCN for a small printer carried by the CEO.

**PARKING PLACE** - Any area of highway designated within a Traffic Regulation Order as a place where vehicles may be parked.

**PENALTY CHARGE NOTICE (PCN)** - The notice used to indicate that a contravention is believed to have occurred.

**PERMITTED PARKING** - Parking that is permitted in designated parking bays.

**TRAFFIC REGULATION ORDER (TRO)** - An order made under the Road Traffic Regulation Act 1984 for controlling and regulating the movement of traffic.

## 4. INTRODUCTION

- 4.1.1 Waiting restrictions and controlled parking places are required to increase road safety and to prevent obstruction of the highway. Other reasons include: Protecting visibility at junctions and pedestrian crossings. Maintaining access (including emergency access) along narrow streets.
- 4.1.2 Bus Lanes are required to increase bus service reliability and therefore improve bus passenger journey times. Other reasons include: encourage greater use of public transport.
- 4.1.3 It is clear that parking and bus lane regulations need to be enforced to be effective, but to be enforced the Council must ensure that they are right, and they must be properly indicated.
- 4.1.4 The Enforcement staff are committed to enforcing parking and bus lane regulations fairly and equitably; to improving conditions for people living and working in North Tyneside and visitors to the borough, through effective on-street parking enforcement; reducing the dangers posed by illegal, inconsiderate and dangerous parking; and to use parking enforcement to improve safety for pedestrians and cyclists by keeping junctions and pavements clear. Further benefits are improved access for the emergency services, public transport services and reductions in congestion and associated airborne pollution.
- 4.1.5 This guidance is intended to provide information to all interested parties on how the authority undertakes parking and bus lane enforcement under normal circumstances. Nothing in this manual is intended to act as definitive instruction to Enforcement staff on what action to take in all circumstances but simply to provide a reference manual for common situations that occur in the enforcement role.
- 4.1.6 For further guidance on the appeals process associated with Civil Parking Enforcement, North Tyneside Council have produced a complementary document titled “**Appeals Processes and Discretion Polices**”, which should be read in conjunction with this document.
- 4.1.7 The Council acknowledge that traffic, parking and loading patterns may change over time and it may be that the reasons why the restriction was introduced initially no longer exist. Justifying why a restriction is in operation are not however a matter for the CEOs. The Council’s Traffic team will investigate any reasonable request for amendments or additional restrictions in accordance with the Council’s established criteria. They can be contacted by e-mail at [Traffic@northtyneside.gov.uk](mailto:Traffic@northtyneside.gov.uk)

## **5. PARKING REGULATIONS, SIGNS AND LINES**

- 5.1 The starting point of Civil Parking Enforcement (CPE) is having the proper restrictions, adequately indicated by signs and lines, where appropriate.
- 5.2 All restrictions need appropriate legislation or have to be supported by a Traffic Regulations Order (TRO), which details the prohibition or restriction and the length or part of the road to which it applies. The procedures for making TRO's are laid down by the Secretary of State and must be observed by the Council. The procedures require the Council to consult on the proposed TRO's with interested parties and then publish notices in the local press and on street (where contentious proposals are brought forward) detailing the proposal and inviting valid objections in writing. Once the Council have considered any formal objections received, it is required to publish a further notice in the local press and on-street confirming the Making of the Order.
- 5.3 The restrictions need proper signs and markings which comply with the requirements of the Department for Transport's (DfT) Traffic Signs Regulations and General Directions (unless specially authorised by the DfT) and follow the guidelines and advice provided in the DfT's Traffic Signs Manual, wherever appropriate. To ensure consistency across the country, the Council have little control on the layout of the signage and must comply with the prescribed layout/text used. Signs and lines that are significantly different from what is set out in the relevant TRO or legislation might not be enforceable.



## **6. CIVIL ENFORCEMENT OFFICERS (CEOs)**

### **6.1 General**

- 6.1.1 CEOs are the public face of CPE, therefore it is essential that they present a professional image. It is important that enforcement is effective, efficient and fair and that it is seen to be so. CEOs will issue a PCN where they believe a contravention has occurred and to record any observations. They are not allowed to cancel PCNs once issued or select not to issue unless an exemption has been identified.
- 6.1.2 CEOs need to demonstrate firmness, sensitivity and tact, at all times. They should have good judgement and patience, thinking clearly and reacting rationally under pressure. Appropriate training has been provided by the authority to encourage this practice prior to the officer being deployed in an enforcement capacity.
- 6.1.3 The CEOs are salaried employees and do not receive bonuses based on the number of PCNs that they issue.

### **6.2 CEO Duties:**

- 6.2.1 The main objective of a CEO is to ensure CPE is observed and enforced in a fair, accurate and consistent manner. CEOs must comply with the national legislation that applies to all local authority staff.
- 6.2.2 The main duties of a CEO are:
- enforcing parking regulations by serving PCNs where vehicles are parked in contravention of the restrictions;
  - logging all their daily activity in their hand-held computer (HHC);
  - processing contraventions captured by an approved device.
- 6.2.3 However, CEO duties will also include related activities such as:
- assisting the public as the first point of contact, regarding minor parking enquiries and enforcement matters;
  - inspecting parking equipment such as payment machines and reporting any faults observed;
  - checking and reporting defective traffic signs and road markings including signs that are missing, obscured or damaged and broken or faded road markings;
  - reporting suspected Blue Badge abuse.

### **6.3 Training**

- 6.3.1 The Council recognise the importance of the role of the CEO, ensuring that suitable personal are recruited and provided with appropriate training, equipment, guidance and supervision to undertake the role, enforcing civil parking fairly, accurately and consistently.
- 6.3.2 The Council will endeavour to make sure that CEOs understand all relevant up to date exemptions, such as those applying to Blue Badges issued to disabled people, and are

aware of their powers to inspect Blue Badges and the sensitivity required should they need to exercise them.

#### **6.4 Uniform**

- 6.4.1 CEOs must wear the correct uniform whilst on foot patrols. The Department for Transport has published Operational Guidance which sets out various operational procedures that Local Authorities must follow. Chapter 8 of the Guidance covers Enforcement, Paragraph 8.4 sets out Uniform requirements.
- 6.4.2 Given the unpopular nature of parking enforcement, the Council's CEO's also wear body cameras which record footage whilst they are on duty. The Council will not tolerate abuse or violence against its staff and these cameras have a deterrent effect, whilst also providing additional evidence for the Police to use when prosecuting individuals that have been involved in threatening or anti-social behaviour. The equipment can also provide useful information to the Management team when considering allegations of unprofessional conduct against the CEOs.

#### **6.5 Deployment Strategy**

- 6.5.1 Many of the restrictions in operation within the borough apply 7 days a week and 24 hours a day, so it is necessary that the Council provide a deterrent during most of these hours to ensure that motorists comply.
- 6.5.2 Deployment of the CEOs is done on a rotating shift pattern and individual patrol areas, so it is unlikely that the same CEO will patrol the same area on consecutive days. A deployment strategy has been established to maximize the coverage available whilst patrolling the restrictions and parking places which are enforceable.
- 6.5.3 CEOs are on duty throughout the main controlled hours that apply in the various zones within the borough, as well as additional hours outside those normal hours as needs dictate. The enforcement officers routinely work a shift pattern that provides a presence on all days of the week between 8am – 10pm. These hours of operation are monitored and adjusted as appropriate to reflect seasonal variations in parking demand so as to provide an effective, proactive enforcement strategy for both on-street and off-street operations.
- 6.5.4 Under normal circumstances, a CEO on foot patrol will issue a verbal warning to the motorist giving them the opportunity to move the vehicle prior to commencing the process of issuing a PCN if the driver is still with, or returns to, the vehicle before they have completed inputting the vehicle details into their handheld.

#### **6.6 Complaints against CEOs**

- 6.6.1 Allegations that a CEO has made an error or issued a PCN incorrectly are dealt with as appeals by investigating the matter, considering the available evidence and sending an appropriate reply.
- 6.6.2 *Allegations that a CEO has been rude to a member of the public, or otherwise behaved inappropriately, are not the same as appeals against PCNs. They will be*

passed initially to the Senior Parking Officer within the Parking Control team who, as line manager, will investigate the complaint and review any body-worn video footage which may be available before replying to the complainant in line with relevant Council policies, detailing his findings and any action taken.

- 6.6.3 All allegations of misconduct or rudeness made against Enforcement/Parking Control staff are taken seriously and referred to the relevant manager for investigation and, where proven, such action as is considered appropriate in the circumstances. North Tyneside Council has a formal complaints procedure that determines the timescales for dealing with formal complaints and responses to the person making a complaint. Further detail of the Authorities Corporate Complaint procedure can be found on the Council website at <https://my.northtyneside.gov.uk/category/479/complaints-procedure>
- 6.6.4 It should be noted that an appeal against a PCN (at whatever stage) is handled as part of a formal process to which timescales apply, some of which are set by law. Any complaint about the behaviour of the CEO and/or any request under the Freedom of Information Act will be handled in the appropriate manner but will not normally affect those timescales.

## **7. PENALTY CHARGE NOTICES (PCNs)**

### **7.1 General**

- 7.1.1 A PCN is the prima facie evidence of the parking contravention. There are two types of PCNs – those that are served on the spot (Regulation 9 Notices) and those that are served by post (Regulation 10 Notices).

### **7.2 Regulation 9 PCNs:**

- 7.2.1 The statutory requirements for a Regulation 9 PCN in England are set out in the Civil Enforcement of Parking Contraventions (England General Regulations 2007, Regulation 9 and the Schedule to those regulations and in the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007, Regulation 3.
- 7.2.2 The handheld computer (HHCs) utilised by the CEOs transfer details of any PCNs issued electronically to a central database which prevents any changes to the data once the PCN is issued. A second copy is not produced when serving a PCN but can be produced at a later time, for example, for the purposes of proceedings before an adjudicator and needs to be an exact copy of the original PCN.
- 7.2.3 If two or more PCNs are issued for the same contravention within the same period of controlled hours to a vehicle that has not been moved, the Appeal Staff may cancel all but one PCN, following a review all the PCNs issued.
- 7.2.4 If two or more PCNs have been issued and one PCN is at the higher rate and the other(s) at the lower rate, the lower rate PCN(s) will normally be cancelled.

### **7.3 Regulation 10 PCNs/Notice to Owner:**

- 7.3.1 Regulation 10 deals with the service of PCN by post. There are three sets of circumstances in which this can occur, and the Notices have to be different depending on which set of circumstances applied, namely:
- (a) Where on the basis of a record produced by an approved device i.e. CCTV;
  - (b) Where a CEO has attempted to serve a PCN in accordance with regulation 9 but was prevented from doing so by some person; and
  - (c) Where a CEO had begun to prepare a PCN for service in accordance with regulation 9, but the vehicle concerned was driven away from the place in which it was stationary before the CEO had finished preparing the PCN or had served it in accordance with regulation 9.

All regulation 10 notices have one thing in common in terms of their format, they operate both as a PCN and as a Notice to Owner and the information required to be included within the notices reflects this.

- 7.3.2 The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 Schedule details the contents of a regulation 10 PCN.

#### **7.4     *Contraventions and associated code numbers***

- 7.4.1 The motorist must be able to read and understand why the PCN was issued. The key element is the contravention description, as the use of the code on its own is not enough information.
- 7.4.2 A standard list of contraventions and associated code numbers used by North Tyneside is included within the Enforcement Policies part of this document – **CONTRAVENTION CODES AND DESCRIPTION.**
- 7.4.3 Authorities must only use those codes and suffixes found in the contravention code list and must not use any other codes.

#### **7.5     *Service of PCNs***

- 7.5.1 The General Regulations indicate that a postal PCN (Regulation 10) may be served by first class post, but not second-class post. Unless proved otherwise, service of first-class post is taken to have been on the second working day after the day of posting. A working day excludes Saturdays, Sundays, Christmas Day, New Year's Day, Good Friday and any other English bank holidays.

## 8. ENFORCEMENT BY CCTV:

- 8.1 TMA Regulations give limited powers to authorities throughout England to issue PCNs for parking contraventions detected solely with a camera and approved devices, certified by the Secretary of State. To comply with certification, the system must be used in accordance with the guidelines issued by the Vehicles Certification Agency.
- 8.2 North Tyneside Council utilise static cameras for enforcement of bus lanes and a Mobile CCTV Enforcement Vehicle for enforcement of some parking contraventions. Both devices capture contraventions using Automatic Number Plate Recognition technology to detect offences for subsequent review by a CEO.

### 8.3 *Bus Lane Contraventions*

- 8.3.1 Bus priority lanes have been a feature of Tyne and Wear's transport system for many years. Their aim is to assist in the efficient management of the highway network by giving priority to more sustainable modes of travel. They enable buses, in particular, to operate more quickly and reliably and thus help to make public transportation an attractive alternative for people. One of the main barriers to this is prohibited vehicles travelling in and using the bus lanes, and adversely affecting the ability of buses to travel.

- 8.3.2 Bus priority measures may be in the form of:

- bus lanes
- bus only streets (being a one- or two-way road for use by Buses and prescribed vehicles only)
- bus gates (being a short section of Bus Only Street)

Collectively these are called 'bus lanes'.

- 8.3.3 Hours of operation may be at All Times or at specified hours and/or days as shown on road signs. ***For clarification, if the sign does not specify a day or time then the motorist should assume that the restriction applies All Days and at All Times.***
- 8.3.4 The Transport Act 2000 provides for authorised local authorities to issue a PCN by post to the owner/registered keeper of a vehicle seen in a bus lane. The contravention is **"being in a bus lane"** which means that the Council can issue a PCN to *any* unauthorised vehicle seen in a bus lane (stationary or moving). The contravention is identified by an approved fixed or mobile camera device and the PCN is served on the person or company notified by the Driver and Vehicle Licensing Agency (DVLA) as being the registered keeper.

### 8.4 *Parking Contraventions*

- 8.4.1 Prior to amendments to the CPE legislation in April 2015, many local authorities within England utilised CCTV enforcement vehicles to enforce:
  - school 'keep clear' zones;
  - bus stops;

- pedestrian crossings or crossing areas marked by zig-zags;
- restricted streets where waiting and loading or unloading restrictions are in force i.e. yellow lines with associated kerb blips;
- Some Local Authorities also utilise the vehicle to enforce bus lanes.

8.4.2 Since the legislation was introduced, Local Authorities in England are only permitted to use these vehicles for enforcement of:

- school 'keep clear' zones;
- bus stops;
- bus lanes.

8.4.3 To ensure that the public are fully aware that the authority is operating mobile CCTV enforcement, the vehicle is clearly liveried to indicate its intended use and signs displayed in all bus shelters around the area to indicate that camera enforcement is in operation within the borough.

## 9 ENFORCEMENT POLICIES

The following section of the document sets out the Authority's current parking and bus lane enforcement policies at time that the document was published (see date on front cover).

Reasonableness, proportionality and consistency form the basis of the council's enforcement policy. To ensure that this is applied, the CEO's are required to enforce all parking restrictions and do not have a flexibility to be selective in respect of which restriction they choose to enforce. If the signs and/or lines indicating the restriction/rules are clear and a contravention is being committed, then they are required to issue a PCN. This is to ensure fairness, transparency and equality of treatment as well as preventing the possibility of corruption and minimizing the risk of verbal / physical assault.

The Secretary of State considers that the exercise of discretion should rest with back-office staff as part of Appeals process, when officers believe it is warranted and this may take precedence over any guidance given in this manual. For further guidance on the Council's discretion policies as part of the Appeals process then please refer to the '**Appeals Processes and Discretion Policies**' that is available to view on the Council website at

<https://my.northtyneside.gov.uk/category/1421/parking-strategy-policies-and-operational-reports>

Although we try to keep this document up to date, national and local rules do change from time to time. In the event of any confusion or conflict between expressions or definitions used in this document and formal regulations or traffic regulations orders, the provisions, expressions or definitions in those regulations or orders will prevail.



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## ABANDONED VEHICLES

Where a vehicle remains parked, in a restricted area, for a period during which multiple PCNs are issued (multiple = 3) for the same offence, the CEO will report the vehicle as *potentially* abandoned and it will be dealt with by the Council's abandoned vehicle section under the provisions of Refuse Disposal (Amenity) Act 1978.

Criteria used in identifying Abandoned Vehicles:

1. Untaxed or showing out of date tax disc.
2. No evidence of movement.
3. Multiple Penalty Charge Notice's attached to vehicle.

Whilst the vehicle is being dealt with as *potentially* abandoned no further PCNs will be issued.

Issued PCNs will be enforced against the registered keeper of the vehicle in the normal way.

PCNs will not normally be served on vehicles displaying official Police 'aware' notices or a Council abandoned vehicle notice unless the CEO has specifically been instructed to do so by Management within the Parking Control team.

## ADVISORY DISABLED BAYS

In order to help people who have serious health problems affecting their mobility and who have no existing off street parking facilities, the Council's Traffic Team will consider marking the highway outside their property with an advisory disabled bay to enable them to park their vehicle as close to their home as possible. Due to the number of requests received, the Council have established a strict criteria which Officer's apply to ensure that the bays are only established for residents that have severe mobility issue and then only at locations where serious parking issues exist.

For further details of the provision and the criteria that the Traffic Team use to evaluate requests please see <https://my.northtyneside.gov.uk/category/725/disabled-parking-bays>

As these bays are only advisory, the CEOs do not have any powers to issue a PCN to any motorist who parking the bay without a valid Blue Badge.

Please note that if an advisory disabled bay is within a Permit Parking Zone, then the motorist using the bay must also display a valid permit for that zone.

## BANK HOLIDAYS – RESTRICTIONS APPLICABLE

Unless signs on display at the location specifically state otherwise, parking restrictions (whether they relate to waiting, loading, resident parking or any other type of restriction) are in force throughout the year, *including* Bank Holidays. ***For clarification, if a regulatory sign does not specify a day or time then the motorist should assume that the restriction applies All Days and at All Times.***

## APPROVED DEVICE

An approved device is a term used to describe cameras that have been approved by the Secretary of State as a means of obtaining evidence in support of detecting a contravention.

## BANK AND BUILDING SOCIETY VISITS

Only security vehicles can normally claim a loading/unloading exemption when carrying cash and other valuables, due to the very significant quantities that are normally involved. Unless the Council accepts that extenuating circumstances existed, there is no exemption for other vehicles visiting the bank.

## BLOCKED ACCESS / OBSTRUCTION OF THE HIGHWAY

If someone is unable to gain access to their private or commercial property, this does not entitle them to park somewhere else in contravention of the regulations. Any PCN issued as a result will normally be upheld, although the circumstances of each case will be considered on its merits.

Only Northumbria Police have the power to deal with highway obstruction offence. Whilst being unable to access the highway from a property would normally fall within this definition, that is not the case when a vehicle cannot gain access to a property from the road. It is entirely at the discretion of the police whether to attend such reports on the basis of their operational priorities. Where they do, it is for the attending police officer(s) to decide what action, if any, to take in each situation; North Tyneside Council has no control over this.

## BLUE BADGE DRIVERS/PASSENGERS

Under the terms of the national scheme, a disabled badge holder must not park in the following places:

- At a time when loading or unloading is prohibited (02 contravention);
- In a bus or tram lane during the hours of operation;
- In a cycle lane;
- On any clear way;
- On pedestrian crossings;
- In parking places reserved for specific users e.g. resident bays, loading bays, taxi, cycles;
- In suspended parking bays;
- Where temporary parking restrictions are in force along a length of road;
- On School 'Keep Clear' markings;
- Bus stops;
- On a pavement (unless signs permit it);
- In front of a dropped kerb.

In North Tyneside, the following allowances are made for Blue Badge Holders:

- Parking on a single or double yellow line (where there are no loading restrictions) is permitted, but is limited to 3 hours maximum and both the disabled badge and time clock (which must be set to show the time of arrival) must be displayed.

- Parking in Council-managed Car Parks for an unlimited time provided that a valid blue badge is correctly displayed.
- Parking in on-street pay and display bays, free of charge and without time limit, provided that the disabled badge is clearly displayed with all the relevant details visible and the bay concerned was not restricted to use by other classes of vehicle (such as motorcycle's, doctors, etc).
- Parking in a permit zone is permitted but is limited to 3 hours maximum and both the disabled badge and time clock (which must be set to show the time of arrival) must be displayed.

It should be noted that the badge can only be used when the holder is personally present in the vehicle (either as the driver or passenger) *and the journey is for the badge-holder's purpose*. It is not valid for use by anyone else, e.g. doing shopping or collecting a prescription on behalf of the blue badge holder.

By virtue of section 94 of the Traffic Management Act 2004, the Councils' CEOs have the power to inspect badges in the same way that police officers may. It is a criminal offence to refuse or fail to produce a badge when requested to do so by any of these authorised persons.

The power to inspect badges can be used by an authorised officer whenever the parking concessions available under the Scheme are being used or appear to have been contravened. However, this power can legally only be exercised when a person is in the vehicle or when they are leaving the vehicle or returning to the vehicle that is displaying a badge.

No assumption should be made about the medical condition which led to the award of the blue badge. Some impairments are not always apparent, and the absence of any visible impairment is not an effective guide to whether a person is entitled to hold a blue badge.

It is not the role of the CEO to determine why an individual has been issued with a badge and as such this should never form any part of a routine inspection. Under no circumstances should an authorised officer seek justification from a badge holder regarding the impairment that resulted in a blue badge being issued to them.

If the CEO suspects that a Blue Badge is being used fraudulently, then they will issue a PCN. The Blue Badge Holder will then have to demonstrate that the Blue Badge was being used correctly as part of the appeals process.

## BROKEN DOWN VEHICLE

A note left in the windscreen, stating that "the vehicle has broken down", will not by itself be accepted by the CEO as a reason for not issuing a PCN. Neither, on its own, will it normally be accepted as grounds for cancellation of the PCN.

## BUILDERS / TRADESMEN

Builders and Tradesmen are governed by the same regulations as other road users and in the following criteria will apply throughout the Borough.

**Residential Parking Zones:** All trade vehicles parked within a controlled resident zone must display either a valid Visitor's Parking Permit (obtainable from the resident) or a Temporary Tradesmen Voucher (obtainable from the Council's Parking Control team). Further information of the Authorities temporary voucher process is available on the Council website at <https://my.northtyneside.gov.uk/category/710/parking-vouchers>

**Yellow Line restrictions:** Parking will only be allowed whilst loading / unloading of tools and materials is taking place. At all other times the vehicle must be moved to a permitted parking area.

In certain circumstances, the builder/tradesman can apply for a dispensation to park on the restriction or a suspension of the restriction in operation outside of the property they are working on. There is a charge for both services, and the Council reserves the right to refuse such applications. Further information of the Authorities dispensation and suspension processes is available on the Council website at <https://my.northtyneside.gov.uk/category/700/dispensation-and-suspensions>

The CEO will issue a PCN to any vehicle parked in contravention of the restriction. The penalty charge will be upheld unless the builder can provide proof that they had purchased/obtained a permit prior to the PCN being issued.

## **BUS LANES**

The Transport Act 2000 provides for authorised local authorities to issue a PCN by post to the owner/registered keeper of a vehicle seen in a bus lane. The contravention is "**being in a bus lane**" which means that the Council can issue a PCN to *any* unauthorised vehicle seen in a bus lane (stationary or moving).

There are, however, certain exceptions provided for within the Traffic Regulation Orders, some of which apply throughout the Borough and some of which apply in certain bus lanes but not in others - this will usually be apparent from the camera footage (in which case a PCN will not normally be issued). Where it is not apparent, *the Council will expect any Representations to be accompanied by satisfactory evidence.*

It should be noted that Northumbria Police retain all of their powers to enforce moving traffic offences in bus lanes alongside our own powers. In the unlikely event that they issue a fixed penalty notice to someone for this offence (or prosecute them) and the Council has also issued a PCN, then the Council will cancel its PCN when it receives satisfactory evidence of the police action.

## **BUS STOPS**

The promotion of public transport is part of the Council's traffic management priorities. Parking in a bus stop can disrupt bus routes and timetables, as well as adding to traffic congestion. It is therefore a high priority for parking enforcement, which may be by CEOs on foot or by mobile CCTV vehicle.

Bus stops can either be restricted or unrestricted:

**Restricted (24 hours):** A 24-hour restricted bus stop will have a yellow bus bay incorporating a solid yellow clearway marking along with a sign plate showing that stopping is not allowed “At Any Time Except Buses”. Most restricted bus stops in North Tyneside are of this type.

**Restricted (limited period):** A limited period bus stop will have a yellow bus bay incorporating a solid yellow clearway marking. It will have a similar time plate to the one above but showing the hours of operation (e.g. between 7am and 7pm).

**Unrestricted:** An unrestricted bus stop will not have a sign plate but may show advisory road markings; these are not subject to enforcement.

A PCN will be issued to any non-exempt vehicles waiting in a restricted bus stop during its hours of operation. Because there are no exempt activities (such as for blue badges or for loading) a PCN will be issued without an observation period. The penalty charge will be pursued in all but exceptional circumstances.

## CAR CLUB PARKING SPACES

The basic idea of a car club is that people can have access to a car in their neighbourhood without having to own it. Members pay a monthly fee to an operator (Co-wheels) who provides and maintains a number of vehicles. Members are then provided with a smartcard which has a personal identification number and access which is used to book the car online or via the phone and unlock the car. The car is picked up at a specific location and then returned back to the bay when the member has finished that particular journey. They then pay by the hour and mile for each trip that they undertake.

The car club can also provide access to a vehicle for employers and their staff who use the car club as ‘pool cars’ for staff travel, reducing the number of vehicles used to commute to and from work.

Car clubs enable people to have access to a vehicle without the need and burden of car ownership. Tyne and Wear has one of the fastest rates of increasing car ownership. This causes local issues such as parking problems in residential streets, congestion, and poor air quality. By providing sustainable travel initiatives in local areas such as car clubs these localised problems can be reduced significantly.

Further details of the Car Club facility that operates in North Tyneside can be found at [www.co-wheels.org.uk/northeast](http://www.co-wheels.org.uk/northeast)

If the CEOs observe a vehicle which is not liveried up as belonging to the appropriate Car Club as indicated on associated signage adjacent to the bay, then they will issue a PCN.

## CARAVANS AND TRAILERS

A caravan or trailer is not classed as a motorised vehicle unless it is attached to a vehicle. As a result, it is not possible for the Council’s CEO’s to issue a PCN in these situations.

Caravans/trailers stored on the highway or public land constitutes an obstruction of the highway under section 137 of the Highways Act 1980.

If you observe a caravan or trailer which is causing a nuisance then contact the Council's Streetworks team by e-mail at [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) who will investigate and if appropriate initiate the relevant statutory process to encourage the removal of the caravan or trailer.

## **CONTRAVENTION CODES AND DESCRIPTIONS**

The PCN contravention codes and definitions are standard throughout England and Wales. Listed below are the one's that this Council's CEOs utilise, along with some explanation where the wording is obscure. *Please note that any examples are given for illustration purposes only. They are not intended to constitute legal definitions and do not prevent those codes being used for other contraventions where they may also be appropriate.*

The relevant charge levels for PCNs are also listed, which are either lower level (£50.00) or higher level (£70.00). Payments made no later than the last day of the period of 14 days (21 days where the PCN was served by post), beginning with the date on which the PCN is served, will have a 50% discount applied i.e. £25.00 or £35.00. The exception to this is code 34 (being in a bus lane) where the charge is £60.00, discounted to £30.00 if paid within 21 days beginning with the date of service. *These charges are set nationally by the Secretary of State for Transport and Parliament, not arbitrarily by local authorities.*

When a vehicle is parked in breach of the rules, the CEO *may*, depending on the type of restriction, observe the vehicle for a time before serving a PCN. An observation period is primarily designed to ensure that the vehicle is not engaged in an exempt activity, such as loading or unloading.

It should be noted that *there is no legal requirement to give an observation period. Moreover, there will not normally be an observation period where there are no exemptions to the restrictions.* The standard observation times applicable to each code within North Tyneside are indicated alongside each contravention, although there may be circumstances in which a CEO will give more or less time when there appear to be grounds for doing so.

In addition, a CEO on foot patrol will issue a verbal warning giving the motorist the opportunity to move the vehicle prior to commencing the process of issuing a PCN if the driver is still with, or returns to, the vehicle before they have completed inputting the vehicle details into his handheld.

### **Contravention Codes for parking ON the street**

**01 Parked in a restricted street during prescribed hours. £70.00** (e.g. parking on double yellow lines or single yellow lines during their hours of operation.) (Observation period – 5 minutes)

**02 Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force. £70.00** (e.g. parking or loading/unloading on double or single yellow lines when a loading ban indicated by kerb markings is also in force.) (Observation period – None)

**05 Parked after the expiry of paid for time. £50.00** (e.g. parking after the time shown on a pay and display ticket or the end of time purchased by smart phone, where available.) (Observation period – None. However, a PCN will only be issued where the ticket has expired by more than 10 minutes.)

**06 Parked without clearly displaying a valid pay & display ticket. £50.00** (e.g. parking without displaying a pay and display ticket or where the pay and display ticket has been obscured, is face down or has fallen to the floor.) (Observation period – 5 minutes)

**12 Parked in a residents' or shared use parking place or zone without clearly displaying either a permit or voucher or pay-and-display ticket issued for that place. £70.00** (in North Tyneside, this normally applies to vehicles parking in residents' parking bays without displaying a permit) (Observation period – 5 minutes)

**19 Parked in a residents or shared use parking place or zone displaying an invalid permit, an invalid voucher or an invalid pay-and-display ticket. £50.00** (in North Tyneside, this normally applies to vehicles parking in residents' parking bays while displaying a permit that has expired or is incorrectly completed or is partially obscured) (Observation period – None)

**21 Parked in a suspended bay/space or part of a bay/space. £70.00** (cones or notices on display at or near the bay will indicate that it is out of use.) (Observation period – None)

**22 Re-parked in the same parking place within one hour\* of leaving. £50.00** (*\*or other period, as indicated*) (adjacent signs will indicate the period within which vehicles may not return once they have departed. Observation period – None)

**23 Parked in a parking place or area not designated for that class of vehicle. £70.00** (bays designated for use by the types of vehicles indicated. These might include bus or coach stands, "Goods Vehicles Only" bays and bays designated as charging points for electric vehicles. Importantly, *different rules may apply at different times*, as indicated on adjacent signs) (Observation period – None)

**24 Not parked correctly within the markings of the bay or space. £50.00** (where one or more wheels is outside the markings) (Observation period – None)

**25 Parked in a loading place during restricted hours without loading. £70.00** (parked in a loading bay without any loading or unloading activity being observed – see the separate listing for "*Loading and Unloading of Goods*" for further guidance. Observation period – 5 minutes for a car, 20 minutes for a van or other vehicle intended to carry goods)

**26 Parked more than 50cm from the edge of the carriageway and not within a designated parking place. £70.00**  
(*no signs or markings are necessary for this to apply.* Observation period – None)

**27 Parked adjacent to a dropped footway. £70.00** (no signs or markings are necessary for this to apply. Observation period – None)



**30 Parked for longer than permitted. £50.00.** The time limit will be indicated on signs in or near the bay. (Observation period – None. However, a PCN will only be issued where the vehicle has overstayed by more than 10 minutes.)

**34 Being in a bus lane. £60.00** (Observation period – None)

**40 Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge £70.00** (e.g. where the blue badge is shown face down, with the details obscured, a time clock is not also displayed where required or where the badge has expired or is otherwise invalid) (Observation period – None)

**42 Parked in a parking place designated for police vehicles. £70.00** (signs in or near the bay will show that only police vehicles can park there. These are marked or unmarked vehicles owned or leased by the Police and Crime Commissioner for operational policing purposes, not simply vehicles being driven or used by police officers or police staff. *Police officers' own vehicles used for business purposes are not exempt from these restrictions.* Observation period – None)

**45 Parked in a taxi rank. £70.00** (Observation period – None)

**47 Stopped on a restricted bus stop/stand. £70.00** (Observation period – None)  
(Enforcement of this contravention type may be carried out by mobile CCTV equipment as well as by CEOs on foot)

**48 Stopped in a restricted area outside a school when prohibited. £70.00** (parked on a mandatory School Keep Clear marking during the restriction period) (Observation period – None) (Enforcement of this contravention type may be carried out by mobile CCTV equipment as well as by CEOs on foot)

**49 Parked wholly or partially on a cycle track or lane. £70.00** (this only applies if the cycle lane is mandatory, i.e. solid white line segregating it from the main carriageway) (Observation period – None)

**99 Stopped on a pedestrian crossing and /or crossing area marked by zig-zags. £70.00** (white "zig-zag" markings will indicate where this applies. Observation period – None)

### **Contravention Codes for parking Off -Street (Car Parks)**

**71 Parked in an electric vehicles' charging place during restricted hours without charging** (used in locations where a vehicle was parked in a designated electric vehicle (EV) charging bay during the times when restrictions are in force, but it was not actively charging) (Observation period – None)

**73 Parked without payment of the parking charge. £50.00** (this code may be used in car parks where payment by mobile phone is available, as well as by traditional Pay & Display tickets.) (Observation period – 5 minutes)

**74 Using a vehicle in a parking place for the sale, or offering or exposing for sale, of goods when prohibited. £70.00** (Observation period – None)

**80 Parked for longer than the maximum period permitted. £50.00** (used in areas which have a restriction on the length of stay, as indicated on signage in the car park.) (Observation period – None. However, a PCN will only be issued where the vehicle has overstayed by more than 10 minutes)

**81 Parked in a restricted area in a car park. £70.00** (any area marked with diagonal yellow lines or hatching. The areas are normally in front of doorways, work areas or areas where the parking of a vehicle may be dangerous or cause an obstruction) (Observation period – None)

**82 Parked after the expiry of time paid for in a pay & display car park. £50.00** (Observation period – None. However, a PCN will only be issued where the ticket has expired by 10 minutes or more.)

**83 Parked in a car park without clearly displaying a valid pay & display ticket. £50.00** (e.g. parking without displaying a pay and display ticket or where the pay and display ticket has been obscured, is face down or has fallen to the floor. Observation period – 5 minutes)

**85 Parked in a permit bay without clearly displaying a valid permit. £70.00** (signs in the car park or near the bays concerned will indicate whether a permit is required. Please note that *blue badges are not permits*; they are not valid in “permit holders only” bays unless a permit for the bay is also displayed. Note also that some bays in the Civic Centre car park are covered by “gateway signs” instead of there being signs in individual bays). (Observation period – 5 minutes)

**86 Parked beyond the bay markings. £50.00** (where one or more wheels is outside the bay markings) (Observation period – None)

**87 Parked in a disabled person’s parking space without clearly displaying a valid disabled person’s badge. £70.00** (including where the disabled person's badge is displayed face down, with the details obscured, the clock not displayed where required or where the badge has expired or is otherwise invalid) (Observation period – None)

**90 Re-parked within one hour\* of leaving a bay or space in a car park. £50.00** (\*or other period, as indicated. This contravention only applies if the rules and regulations indicated on the conditions board within the car park indicate that there is a restriction on purchasing a further ticket once your current parking ticket expires.) (Observation period – None)

**91 Parked in an area not designated for that class of vehicle. £70.00** (bays dedicated for use by the types of vehicles indicated. These might include motorcycles, permit holders, blue badge holders and bays designated as charging points for electric vehicles) (Observation period – None)

**92 Parked causing an obstruction. £70.00** (parked in such a manner as to cause an obstruction or danger, whether to other vehicles or to pedestrians. An example would be where a car is parked next to or on a ramp or on the approach road into a car park) (Observation period – None)

**95 Parked in a parking place for a purpose other than the designated purpose for the parking place. £50.00** (this might include activities such as trading from the vehicle and electric vehicles parking in designated recharging bays without recharging) (Observation period – None)

## DISPENSATION (also known as WAIVERS)

The Council recognises that on occasions it may be necessary for some vehicles to be parked adjacent to properties governed by waiting restrictions. If it is considered essential that the vehicle must be parked nearby then, in certain circumstances, Parking Control will issue a dispensation, that enables a vehicle or vehicles to park lawfully in what otherwise would be a contravention of a Traffic Regulation Order.

A dispensation allows a specified vehicle to park on single or double yellow lines or within a permit parking only zone during restricted hours in a particular location, for a specific time. If an application is approved, a certificate is issued which must be displayed clearly in the vehicle.

Parking Control will consider dispensation applications for:

- building / maintenance / repair works where close proximity to the site is essential and the vehicle is essential to the building work that is being undertaken;
- domestic removals;
- weddings, funerals or special events;
- goods deliveries in respect of which it is reasonable to allow longer than that normally permitted by the regulations;
- vehicles essential to filming operations.

Prior to providing a response, an officer will inspect the site to confirm that the temporary dispensation will not be detrimental to safety or significantly impede the free flow of traffic. Their decision is not subject to appeal.

Applications for temporary Dispensation Notices can be submitted using the e-form that is available on the Council website at

<https://my.northtyneside.gov.uk/category/700/dispensation-and-suspensions>

The Dispensation Notice must be displayed in the vehicle so that it can be seen by the CEO. It shows the vehicle details, the date and times between which it is valid and the reason for its issue. It will also specify where the vehicle must be parked. A PCN will be issued where the terms of the Dispensation Notice are not complied with, e.g. if the vehicle is waiting at a different location, outside the times and date shown on the waiver, or for a different purpose.

## DOUBLE PARKING

Available space on the Borough's roads is very limited in places; motorists wishing to park their vehicles on the highway should bear that limited space in mind. With a few exceptions, North Tyneside Council has the power to issue PCNs for what is termed "double parking". This applies where any part of the side of the vehicle nearest the kerb is more than 50cm (just over 19 inches) from that kerb, except where the car is wholly parked within a marked parking bay; it is not necessary for another vehicle to be present. Northumbria Police also have the power to deal with offences involving obstruction of the highway.

Exemptions apply to some vehicles, including:

- operational police, fire or ambulance vehicles;

- those which are loading or delivering and cannot reasonably park elsewhere, for a *maximum* of 20 minutes;
- vehicles being used in connection with certain works on the highway.

CEOs will normally issue a PCN whenever they encounter a contravention unless the vehicle is obviously exempt. Unless an exemption applies, those penalty charges will normally be pursued unless there are exceptional circumstances.

## DROPPED FOOTWAYS (DROPPED KERBS)

The Traffic Management Act enables authorities with CPE powers to enforce an obstruction of a dropped footway as well as the Police. The contravention applies where a vehicle parks on the carriageway next to a place where the footway, cycle track or verge has been lowered to the level of the carriageway (or where the carriageway has been raised to the level of the footway, cycle track or verge) to assist:

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

A dropped kerb is where the footway, cycle track or verge has been lowered to meet the level of the carriageway (or the carriageway raised to meet the footway, cycle track or verge). Dropped footways are there for a reason, and parking next to one can cause considerable inconvenience to residents or to other road users or pedestrians. It can also put vulnerable road users at greater risk of being involved in a road traffic accident.

The Department for Transport stipulate that no signage or markings are required to enable a local authority to enforce this contravention.

The way in which the CEOs exercise their enforcement powers will depend on the type of dropped kerb.

In the case of dropped kerbs at pedestrian and cyclist crossing points, CEOs will normally issue a PCN whenever they encounter a contravention unless the vehicle is obviously exempt. Unless an exemption applies, those penalty charges will normally be pursued unless there are exceptional circumstances.

In the case of obstructing residential driveways, due to difficulty in determining whether the vehicle belongs to the occupant of the property or one of their visitor's, who may legitimately have been given permission to park there by the occupant, the CEOs will not automatically take enforcement action where they observe a vehicle parked across the driveway unless the occupier submits a written request to Parking Control confirming that they give the enforcement officers permission to do so. Once formal permission is received, the CEOs will issue a PCN to 'any' vehicle they observe parked across the driveway.

The CEO normally operate within pre-determined areas to ensure an effective deterrent across the Borough. Resource constraints mean that it will rarely be possible to send a CEO to attend a property at very short notice. Where the Council receives reports that vehicles are persistently parking against dropped kerbs (to the extent that they are, in our view, causing

significant accessibility problems) CEOs will endeavour to enforce the location concerned within their routine deployments to that area.

In all cases, however, it must be noted that the CEOs do not have powers of removal in such circumstances; our powers are restricted to issuing PCNs. Only the police have powers to remove such vehicles in urgent situations and they should be contacted in those circumstances.

## ELECTRIC VEHICLE (EV) RE-CHARGING BAYS

The Council is committed to improving and increasing the EV charging network and supporting the growth of electric vehicle use due to the environmental benefits that it offers.

If a vehicle is observed parked within a dedicated EV recharging bay whilst not charging or after their vehicle is fully charged, then the CEOs will issue a PCN.

## FOOTWAY PARKING

If there are waiting restrictions (yellow lines) on the highway adjacent to the footway then a PCN can be issued by the CEOs on any vehicle contravening the waiting restrictions. Waiting restrictions apply from the centre of the carriageway to the back of the adopted footway.

If there are no waiting restrictions on the highway adjacent to the footway then the Council have no powers to act. The parking of vehicles on the footway is a danger to pedestrians, it also constitutes obstruction of the highway and can lead to damage, which are both offences under The Highways Act 1980. Incidences of such parking should be reported to Northumbria Police, for enforcement action to be taken commensurate with their other duties.

## GLAZIERS

For safety reasons and for the secure transportation of glass, glaziers' vehicles will often need to be parked close to the premises on which they are working. Where glaziers' vehicles are parked adjacent to the premises and restrictions apply, CEOs will observe if the glass is of a size (e.g. a shop window) which would warrant adjacent parking. Glaziers will be exempt from the regulations in these cases whilst the window is made safe. Otherwise, the vehicle should be parked in an appropriate parking place in line with the restrictions.

## GRACE PERIODS

National regulations require a 10-minute grace period throughout England after the expiry of any period or paid parking (although that does not apply where no such payment was made in the first place).

There is no requirement for the Council to offer a grace period in any other circumstances.

## H-BAR MARKINGS

Requests for “H-bar” markings and the like are received by this office on a regular basis – however, a positive response to all such requests would not be appropriate, as ultimately, roads would be covered with a proliferation of road markings to the detriment of the local environment. Any effect the advisory markings may have had would quickly be lost. Consequently, the Council would only be able to consider such markings in a few specific instances where accesses are uniquely hidden from view, with no prospect of improvement and where a large proportion of the offending motorists could reasonably claim to be unfamiliar with the area or where previous enforcement action by the Police or the Council’s CEOs have proven to be ineffective.

Requests for new H-bar markings or re-painting of existing H-bar markings should be made to the Council’s Traffic team at [Traffic@northtyneside.gov.uk](mailto:Traffic@northtyneside.gov.uk).

## HACKNEY CARRIAGES / PRIVATE HIRE VEHICLES

Hackney Carriages and Private Hire Vehicles operating within the Borough are licensed by the relevant licensing authority and carry a numbered license plate that must be displayed on the rear of the vehicle.

There is a distinct legal difference between Hackney Carriages and Private Hire Vehicles (PHVs). Where exemptions expressly apply to “taxis”, these apply only to licensed hackney carriages and **not** to PHVs. For example, PHVs are not allowed to ply for hire on the street or park in a dedicated Taxi bay.

Like all vehicles, hackney carriages and PHVs may stop on standard double or single yellow lines to allow passengers to board or alight for as long as is necessary for the purpose.

It is not normally an exempt activity to assist passengers into premises and to leave the vehicle unattended, so the CEO is likely to issue a PCN if they do not observe the driver assisting an elderly or frail passenger to or from the vehicle.

## HGVs PARKING ON RESIDENTIAL STREETS OVERNIGHT

The Councils CEOs cannot take any action against heavy goods vehicles (HGVs) parking up overnight on the public highway unless there is a Traffic Regulation Order in operation that prohibits the vehicle from doing so. This restriction will have to be correctly signed to indicate to the driver that the restriction is in operation.

However, if the HGV’s are over 7.5 tonnes then they require an operator’s licence. This licence is granted to the company by the Local Traffic Commissioner and, when granted, there are a few conditions attached. One such condition is that the vehicle should be garaged overnight either at its operating centre, or as a visitor to another operating centre or at an approved lorry park.

If a resident is experiencing problems with HGV’s parking overnight in their street, then they can either contact the Traffic Manager of the company, using the contact details which are usually displayed on the cab door of the vehicle, explaining the nature of the complaint, the registration number of the vehicle concerned and the time and dates; or contact the North East

Regional Traffic Commissioner to report potential abuse of the license. The Local Transport Commissioner's officer for the North East Region is:

Local Traffic Commissioner  
Hillcrest House  
386 Harehills Lane  
Leeds  
LS9 6NF

Email: [enquiries@otc.gov.uk](mailto:enquiries@otc.gov.uk)

Phone 0300 123 9000

## LAPSED PARKING PERMITS

In situations where a parking permit has lapsed beyond its expiry date, a PCN will be issued to a vehicle parked in contravention whilst displaying such a permit. It is the holders' responsibility to ensure renewal of a permit.

## LOADING AND UNLOADING OF GOODS

Most "no waiting" (single or double yellow line) restrictions do not include a restriction on loading.

The loading and unloading of goods or other items is considered to be taking them to or from the vehicle. It does include paying for, packing, unpacking or assembling the goods or other activities.

Likewise, stopping to go to the toilet (except in the event of a medical emergency), for a conversation or for any other activity not directly involved in the actual moving of the items is also not considered part of the loading process.

The loading should be completed as quickly as possible. The vehicle will be observed by the issuing CEO during the period of loading to ensure that it is continually taking place (i.e. that someone returns to the vehicle with reasonable frequency to load or unload). ***A Penalty Charge Notice will normally be issued where 5 minutes elapses (20 minutes in the case of goods vehicles) with no sign of any loading or unloading taking place at the vehicle.***

Loading and unloading is ***not*** allowed: –

- In bus stop clearways, taxi ranks, or in other places where stopping is prohibited e.g. in doctor/hospital/ambulance bays;
- Where signs and/or kerb markings indicate that a loading ban is in place;
- On zig-zag markings either on an approach to a pedestrian crossing or outside a school;
- In suspended bays;
- In areas specifically reserved for other classes of vehicle (including where different restrictions apply at different times);
- In an area where parking is likely to cause an obstruction.

## LOADING BAY FOR GOODS VEHICLES ONLY

Some of the loading bays in North Tyneside are reserved specifically for Goods Vehicles only. This means that only Goods Vehicles can use these bays during the restriction period indicated on the adjacent signage, and only then whilst actively loading or unloading.

There is sometimes confusion about what counts as a “Goods Vehicle”. The law (Section 62 of the Vehicle Excise and Registration Act 1994) says that a Goods Vehicle is a “*vehicle that is constructed or adapted for the purpose of carrying goods*”. In other words, it depends on what the vehicle was actually built for. Because of this, it is not always possible to say whether a particular make and model is a goods vehicle or not.

As a guide, however:

- A 4 x 4 vehicle such as a Landrover Freelander is capable of carrying bulky items but it is *built* for the purpose of carrying people, not goods. It would therefore *not* normally be treated as a “goods vehicle”.
- A small van, such as a Citroen Berlingo van, *would* count as a goods vehicle because it was *intended* to carry goods when it was built, not people.

If a CEO observes a vehicle parked in one of these bays, which does not appear to be a designated Goods Vehicle, then they will issue a PCN. It would then be a matter for the motorist to provide suitable evidence as part of an appeal against the PCN that the vehicle was constructed or adapted for the purpose of carrying goods – dropping the back seats to accommodate a large load would not fall into this category.

## METER / PAY & DISPLAY MACHINES – NOT WORKING

Prior to undertaking enforcement of any charged parking facility, the CEO will check the Pay & Display machine to confirm it is working and check the mobile phone payment database to see if payment has been received through this facility.

If there is a note on the vehicle indicating that the machine was not working, the CEO will issue a PCN but take a photograph of the note as evidence.

If there was an alternative machine in the car park (or in close proximity for on-street parking areas) then drivers are expected to use that machine instead. In addition, all of the Council's charged car parks and on-street charged facilities also allow payment to be made by mobile phone.

## NOTES IN VEHICLES

Notes in vehicles have no legal status and are not normally accepted by officers considering appeals, unless they refer to a dispensation that has been pre-authorised by North Tyneside Council Parking Control. CEOs will record the existence of such notes, but a PCN will normally still be issued.



## OBSERVATION PERIOD – PRIOR TO ISSUE OF PENALTY CHARGE NOTICE

When a vehicle is parked in contravention of the regulations, and depending upon the type of restriction, the CEO *may* observe the vehicle for a time before serving a PCN.

There is no legal requirement for a vehicle to be observed before a PCN is issued. An observation period only exists to ensure that the vehicle is unlikely to be engaged in an exempt activity, such as loading or unloading. Where no exemption applies, it follows that there is no need for an observation period.

An observation period may not be necessary where it can be determined from other available evidence that no exempt activity appeared to be taking place. See '**CONTRAVENTION CODES AND DESCRIPTIONS**' for details of the observation period that is applicable to each code.

## OBSTRUCTION

Within current civil enforcement legislation, the offence of obstruction cannot be enforced through the process of civil parking enforcement. CEOs can only enforce parking 'contraventions' where there are yellow lines associated with a Traffic Regulation Order. Without such restriction's enforcement associated with vehicles parked in an obstructive manner can only be undertaken by the police (Section 137 of the Highways Act 1980).

## OFF- STREET PARKING PLACES (CAR PARKS)

Off-street parking provision forms an important part of local transport strategies as they offer a key element in managing demand for car use and reduces congestion on the road network from motorists circulating around streets looking for a parking place. For this reason, the Council's car parks are monitored daily by the CEOs. Regular monitoring by our CEOs helps to deter criminal activity and anti-social behaviour, reducing motorists' fear of crime.

Parking Control manages and maintains 42 of the Authority's public car parks, which are a mixture of free and charged car parks.

A PCN may be issued if a vehicle is parked in contravention of the conditions of the Council's Off-Street Parking Places Order governing the car park. Such conditions include:

- (i) Parked without payment of the parking charge or failure to display a valid permit/ticket. (***applicable in a charged car park only***);
- (ii) Parked in a designated disabled bay without displaying a valid Blue Badge;
- (iii) Parked outside or beyond the bay markings;
- (iv) Parked in an area or bay not designated for that vehicle class or type;
- (v) For sleeping or camping purposes;
- (vi) For the purpose of advertisement;
- (vii) In connection with the sale or offering for sale of goods or services.

Payment at any of charged car parks can be made by credit card/debit card at the pay and display machine or through your mobile phone payment option. If one of the payment options

is out of service then the motorist must use one of the other payment options available or park elsewhere.

Details of the current tariff data relating to car parks is available on the Council website at <https://my.northtyneside.gov.uk/category/699/parking-facilities>

## ON-STREET CHARGED PARKING PLACES

The Authority operates a number of controlled on-street parking places, some of which are charged. Pay and display machines are located across the Borough near shops and businesses, allowing residents and visitors to park during operational hours. The general principle underpinning on-street pay and display parking is to provide a quick turn-over of spaces, allowing easy access for motorists who wish to make short visits to shop or conduct business, and therefore park near to their destination. Like any scarce commodity, parking needs to be rationed where demand exceeds supply and it is most effectively done through the charging mechanism.

Due to the importance that these permitted parking bays play in the strategic parking management aspirations of the Council; these parking spaces are monitored regularly by the CEOs.

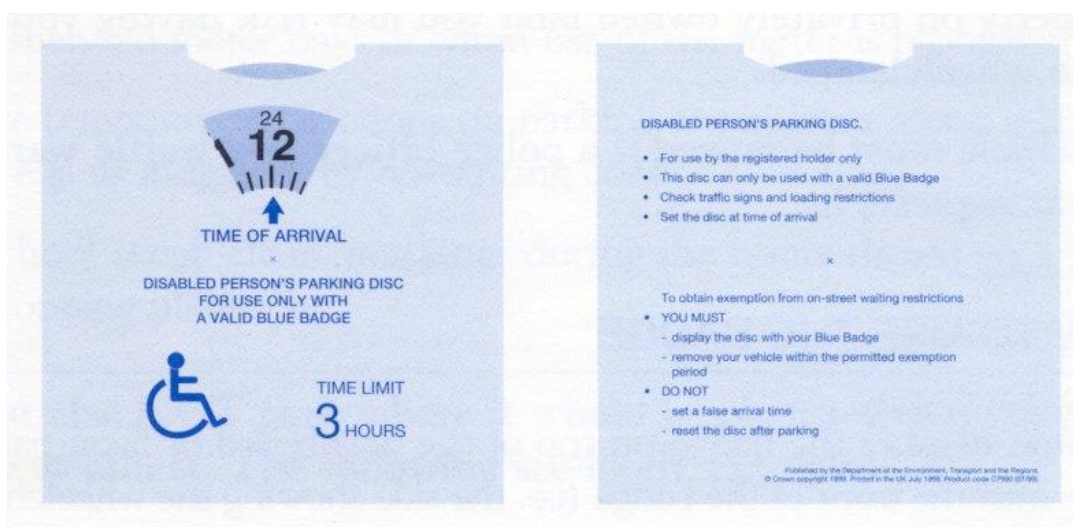
Details of the current tariff data relating to charged on-street parking places is available on the Council website at <https://my.northtyneside.gov.uk/category/699/parking-facilities>

## PARKING DISC

When the Council issues a 'Blue Badge' to a disabled person, a parking disc is also provided. The disc is for use by the registered holder only and can only be used in conjunction with a valid Blue Badge. The time limit for the use of a parking disc is 3 hours.

When using a parking disc the motorist must not

- set a false arrival time; or
- Reset the disc after parking.



An individual's badge may be displayed on a vehicle while it is parked if it –

- a) has been driven by the holder, or has been used to carry the holder, to the place where it is parked; or
- b) is to be driven by the holder, or is to be used to carry the holder, from that place.

When parked on yellow lines or in permit parkin only areas, the Parking Disc must be displayed (as well as a valid Blue Badge). The Parking Disc should be exhibited on the dashboard or fascia of the vehicle, so that the time can clearly be seen through the front windscreen. The clock should be set to show the quarter hour period of the time of arrival at the parking place.

The Parking Disc is not required when parked in a pay and display parking place.

## **PAYMENT BY MOBILE PHONE**

The option to pay for parking sessions using mobile technology and a debit/credit card has been available in North Tyneside since 2011.

Once an account has been created and a vehicle is registered to pay for parking sessions, the booking of sessions is automated and requires no cash or displaying of a ticket in the windscreen. On confirmation of location number and payment, the handheld devices used by CEOs are updated, indicating that parking for that vehicle registration has been paid for.

Details of the Mobile Phone payment zone that is applicable to each charged parking location is available on the pay and display machine.

Details of the Mobile Phone payment zone relating to car parks can also be obtained in advance at

<https://my.northtyneside.gov.uk/category/699/parking-facilities>

Details of the Mobile Phone payment zone relating to charged on-street parking places can also be obtained in advance at

<https://my.northtyneside.gov.uk/category/699/parking-facilities>

### ***What are the benefits for the Council?***

- A more flexible method of payment provides a better customer experience, encouraging more people to visit and do business in North Tyneside;
- Helps to ensure safety and security by reducing cash levels in P&D machines;
- Reduces costs of collecting and processing cash from P&D machines;
- Fewer 'unfair' parking PCNs issued due to faulty machines or incorrectly displayed P&D tickets.

### ***What are the customer benefits?***

- Convenience - no need to leave the comfort of their car (e.g. when it's raining, late at night);
- No more hunting for change;
- No overpayment (this is a regular complaint from users as our P&D machines do not give change);

- Increased choice about how to pay;
- Proof of payment in case it is required;
- No more lost money in broken equipment;
- They can pay using this method in a number of different UK locations once they have set up an account.

In addition to the above, for a nominal charge, the option offers the ability for text reminders when parking sessions are due to expire enabling the motorist to extend parking time, wherever they are, by making a simple phone call or using the RingGo application on their device without having to return to the vehicle.

## PERMIT HOLDERS (CAR PARKS)

The Council issue two kinds of permit for car parks, a permit that is specific to a named car park and a Foreshore permit that enables a motorist to park in any charged parking facility, both off-street and on-street along the Foreshore, the coastal strip in North Tyneside.

Instructions on use are detailed on the rear of the permit and in guidance documentation that is available to view and download on the Council website at

<https://my.northtyneside.gov.uk/category/711/parking-permit-types>

Permits must have been issued (not simply approved and/or paid for) and be clearly displayed in the vehicle so that all of the information on the front of the permit is visible to the CEO through the windscreen.

*Whether or not a permit exists, failure to display it correctly is a contravention of the rules on usage that are displayed on signs within the car park.* This will result in a PCN being issued which will not normally be cancelled unless there are mitigating reasons why the permit was not displayed.

Use of a permit within a car park that it is not valid will also result in a PCN being issued. Again, the PCN will not be cancelled unless there are mitigating circumstances that account fully for the contravention.

*Please note that Blue Badges are not “permits”.*

## PERMIT HOLDERS (RESIDENTS’ SCHEMES)

North Tyneside Council operates 40 residents’ parking schemes in the Borough, generating in the region of 11,000 permits. They also provide temporary vouchers to supplement many of the annual permits and offer permits for many of our car parks that offer an exemption to the daily charge (Foreshore facilities) or the restriction on length of stay (town centre facilities).

Most of the current schemes are zonal restrictions offering a mixture of exclusive permit areas and shared spaces. Some of the streets within a single scheme may operate at different times to accommodate localised issues.

Application forms and Notes for Guidance relating to all the current annual permit types and temporary permit types are available on the Council website at <https://my.northtyneside.gov.uk/category/161/parking-permits>

### ***General Terms and Conditions***

- The Council cannot guarantee a parking space will always be available to you;
- It is the motorist's responsibility to ensure their vehicle is legally parked at all times;
- The motorist must ensure the permit is valid at all times and clearly displayed on the windscreen or on the dashboard so it can be readily seen from the outside of the vehicle (unless the permit is a Virtual Permit);
- The motorist may not park in suspended parking bays.

### ***Vehicle Terms and Conditions***

- The vehicle must be able to fit within the markings of the parking place, if applicable, AND be:
  - a passenger vehicle that can carry no more than 13 people including the driver;
  - a vehicle that does not exceed six metres in length;
  - has an unladen weight not exceeding 3.5 tonnes (except for vehicles utilising the business permit).
- The permit/voucher cannot be used on trailers or caravans;
- The vehicle must have a valid road tax license. The permit is not valid if the vehicle is untaxed.

The CEO will issue a PCN to any vehicle that does not comply with the above terms and conditions

### **PERSISTENT EVADER**

Under regulations for the TMA 2004, a vehicle owner can be classed as a 'persistent evader' if there are three or more recorded contraventions for the vehicle and the penalties for these have not been paid, represented against or appealed against within the statutory time limits, or their representations and appeals have been rejected but they have still not been paid.

### **PHOTOGRAPHS**

It is not a statutory requirement to take photographs of a vehicle parked in contravention, as part of the evidence gathering procedure, however photographs can provide confirmation of a situation and remove certain ambiguities when determining the outcome of any representation/challenge.

## POLICE OFFICER ON DUTY (or other emergency services personnel)

PCNs will not be issued to marked police vehicles where they are clearly attending an incident, as they are covered by an exemption in such circumstances. However, this exemption does not apply unless the vehicle is being used in connection with operational policing activities. For example, a police vehicle parked outside a sandwich shop or at a cash point, where the officers appear to be purchasing food or getting cash, is not covered by the exemption.

Many police officers use unmarked cars, and sometimes even their own vehicles, whilst on duty. It must be appreciated that the CEO cannot be expected to know that such vehicles are being used on police business (or even that they are police vehicle) and may issue a PCN.

## ROAD SIGNS/MARKINGS – MISSING, OBSCURED, BROKEN

Prior to 31 January 2003, there was a requirement that double yellow lines should be accompanied by time plates, which stated that parking was not permitted at any time. However, the Traffic Signs Regulations and General Directions 2016 (TSRGD) impose no such requirements on the Council.

There is no requirement for lines or signs to be in pristine condition at all times. A degree of wear and tear is normal and does not invalidate the restriction provided the intention of the restriction is clear.

The CEO will evaluate the signs and road marking prior to issuing a PCN to confirm that, in their opinion, the intention of the restriction is clear.

## ROYAL MAIL VEHICLES

Vehicles officially liveried as belonging to a universal postal service (currently only Royal Mail) engaged in the delivery of postal packets may load or unload in certain places where other vehicles are not permitted to do so. However, CEOs will serve a PCN if they believe that such vehicles are not engaged in delivery. *It should be particularly noted that this exemption does not extend to Parcel Force or other such delivery vehicles.*

## SCAFFOLDERS

Scaffolders are generally not required to obtain waivers/dispensations to park on yellow lines or work out of bays unless there are loading restrictions in place. If loading restrictions are in place, a waiver needs to be obtained and displayed.

Scaffolders are generally exempt from parking restrictions where scaffolding is being constructed. However, CEOs will serve a PCN to vehicles that are not engaged in essential work or covered by a waiver/dispensation or where the CEO does not witness any activity taking place within a reasonable period.

## SCHOOLS

There are over 79 schools operating in North Tyneside, many of which have one or more mandatory School Keep Clear markings at their pedestrian entrances. The purpose of providing

School Keep Clear markings is to keep the space outside of schools free from parked vehicles so that children can be seen more easily when crossing the road.

Inconsiderate parking by parents delivering and collecting children to and from school is a widespread problem and one which is particularly intractable. Parents rarely leave or move from their vehicles and in these circumstances conventional parking restrictions may have little or no effect. In many cases the parking abuse is also only experienced at school opening and closing times, which makes effective enforcement of multiple sites during a similar time using foot patrols alone to be almost impossible with the staff resources available.

The regulations for enforcement of schools at opening and closing times are seen as a key priority to ensure the safe movement of children and pedestrians.

To ensure that the CEOs can patrol the schools effectively and efficiently, the Parking Control team utilise a Mobile CCTV Enforcement Vehicle to supplement any foot patrols. In this way, the officers can potentially cover a wider geographical area and monitor more than one site per school opening and closing period.

Parking Control work closely with the Council's Road Safety team to identify those school sites that experience the greatest level of abuse and regularly patrol these sites to provide an effective deterrent – however we cannot be at every school at drop off and pick times every day therefore the CEOs concentrate on attending schools where we have received reports of unsafe parking.

The over-riding priority for the Council around schools is the safety of children, especially those arriving and leaving on foot.

There are no special arrangements allowing parents to set down and pick up school children in any location and any parents choosing to take their children to school by car must observe the parking restrictions in place.

The majority of School Keep Clear Markings directly outside school entrances in North Tyneside are mandatory. This means that no vehicles may park on the zig-zag or even stop to set down passengers whilst the restrictions are in force.

Because there are no permitted activities, other than for authorised vehicles (such as emergency services vehicles dealing with incidents) *no observation time will be given and the PCN will be issued immediately* (either by a CEO on foot or by means of mobile CCTV equipment).

## SECURITY VANS

Secure cash vans are occasionally required to park close to the premises where large volumes of cash is being delivered or picked up, for safety reasons. However, security vans delivering other 'lower value' items, such as recorded mail, should park in accordance with the regulations.

## STATUTORY UNDERTAKERS

There is a general exemption for liveried vehicles being used in the essential service of gas, electricity, telecommunications or water companies *in relation to* their statutory functions. A PCN will not normally be served in the following circumstances –

- If the vehicle is witnessed by a CEO being used in connection with the undertaking of a *statutory* duty; or
- If the vehicle is witnessed by a CEO being used in connection with an *emergency* situation (e.g. water leak, gas escape etc.).

If the CEO witnesses no such activity, a PCN may be issued.

The company will often arrange for a suspension if pre-planned works are to be carried out, but this is not always possible – especially in an emergency situation. If the vehicle is being used to deal with an emergency, it must be moved once the emergency has been dealt with. The vehicle is not exempt in respect of normal, routine activities, such as inspections or servicing. CEOs will also serve a PCN where it is not obvious that the vehicle is actually being used in connection with work taking place on the highway.

Statutory undertaker vehicles often display signs stating that emergency works are being undertaken. This is not in itself an indication that the vehicle is exempt, and if the CEO is not satisfied that the vehicle is exempt; a PCN will normally be served.

## SUSPENDED BAYS

Parking Control will consider suspending the use of parking places/facilities for:

- building operations;
- domestic removals;
- weddings, funerals or special events;
- delivery of goods taking longer than the permitted time;
- vehicles essential to filming operations;
- special events.

Applications for temporary Dispensation Notices or Suspension of parking facilities can be submitted using the e-form that is available on the Council website at

<https://my.northtyneside.gov.uk/category/700/dispensation-and-suspensions>

Advance notice of suspensions is usually given except in the case of emergency suspensions, which are carried out at short notice. Councils are not obliged to give advance notice of suspensions, although this is considered to be good practice.

Responsibility for ensuring the vehicle has been correctly parked and in accordance with a possible suspension will normally rest with the driver.

The CEO will issue a PCN to any vehicle parked in a suspended parking area that is not authorised to be parked there during the suspension.



## WRONG TICKET MACHINE USED

Charges in car parks and on-street pay and display bays vary considerably across the Borough, particularly in the central area where the level of charges is used to help manage demand for limited space. Similarly, there are often different limits on the duration of stay, especially between on- and off-street parking areas.

It is the *driver's* responsibility to check the signage associated with the car park or the on-street parking bay to ensure that they are purchasing a ticket from the correct machine (and therefore in line with the correct conditions) for the place where they intend to park. Further guidance is also given on the ticket machine itself, so motorists should read this carefully before purchasing a ticket.

The CEO will issue a PCN to any vehicle that is parked in a charged parking area if they are not displaying a parking ticket that is valid for the parking place that they are parked.