

## EXECUTIVE DECISION RECORD SHEET

<b>Name of decision maker:</b>	Councillor Herbert Chapman
<b>Portfolio:</b>	Environment and Regeneration
<b>Date of Portfolio Holder Decision:</b>	10 December 2009

<b>Title of Decision: Publication of the Annual parking Report</b>
<b>Decision made and reasons:</b> That the Annual parking Report for 2008/9 be approved and published as required by the Traffic Management Act 2004 and The Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Regulations
<b>Reports considered: ( here reference can be made to specific documents)</b> None
<b>Officers/Councillors/Ward Councillors/Stakeholders Consulted:</b> None
<b>Monitoring Officer/Chief Financial Officer Comments:</b>  Monitoring Officer  No further comments to add to this report  Deputy S151 Officer:  Financial Services confirm that the amount included for the calculation for the audited CPZ statement agrees to the figures submitted by this Council.
<b>Implications:</b>  <b>Risk:</b> None identified in relation to the production and publication of the report. Publication is a statutory requirement under s6 of the Traffic management Act 2004  <b>Value for Money</b> No value for money implications from the publication of this report.
<b>Options Considered and reasons for rejection:</b> <b>Not publishing the report.</b> Rejected as there is a statutory requirement to publish the report. <b>Publishing an alternative report.</b> Rejected as the report produced meets the requirements of the TMA and is a factual summary of the Parking Service's performance during 2008/9 and a statement of the Council's enforcement practices in relation to parking enforcement

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**Portfolio Holders Signature:**

**Date:**

**Details of any interests declared and any dispensations given by the Standards Committee:**

### **For Member Support Officer use only**

Date Decision Record Sheet received from portfolio holder: 07/12/09

Date Decision Published: 10/12/09                      Decision No: PH/065/09

Date of Expiry of Call-In Period: 17/12/09

Date any Call-In received or decision implemented:

### **BACKGROUND**

1. The Traffic Management Act 2004 requires that Local Authorities that carry out civil parking enforcement publish an annual report at the end of every financial year in relation to civil enforcement activity carried out. Statutory guidance published by the Department for Transport defines the content of the annual report and a draft report complying with that guidance has been prepared for formal approval by the Council.
2. A copy of the draft report is attached at Annex A and it is recommended that it be formally approved for publication as a record of the Council's Civil Parking Enforcement activities in line with the published statutory guidance.



# **Dacorum Borough Council**

## **Parking Service**

### **Annual Parking Enforcement Report**

**2008/2009**

# **EXECUTIVE DECISION RECORD SHEET**

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## 1. Introduction

In accordance with the Traffic Management Act 2004, local authorities that carry out civil parking enforcement are expected to be accountable and transparent and as such are required to publish an annual report within 6 months of the end of every financial year. They must also make statistical returns to the department of Transport on 1<sup>st</sup> October for the previous financial year, annually.

*The Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Regulations* suggests what local authorities' annual reports might contain. This report includes these items but goes further in terms of explaining the statistics in the context of Dacorum Borough Council's overall policy objectives. Where possible, the Council's performance is benchmarked against previous years' figures, national standards, local performance indicators or by reference to figures issued by nearby local authorities with similar demographics.

## 2. Background

Dacorum Borough Council adopted Decriminalised Parking Enforcement (DPE) powers in October 2003. In respect of on-street parking enforcement, Dacorum Borough Council acts on behalf of Hertfordshire County Council (the highway authority) under the terms of a parking agency agreement between the two authorities. As the parking authority Dacorum Borough Council is responsible for the enforcement of its own off-street car parks.

Dacorum Borough Council works in partnership with Watford Borough Council (who also works in partnership with Three Rivers District Council) and Watford Council hosts a parking enforcement contract, with an external parking enforcement contractor, Vinci Park Services UK. This contract provides parking enforcement officers, operation of parking shops, back office functions, pay and display maintenance, permit issue etc.

Watford and Three Rivers will each produce their own annual reports. This report covers only the activity of Dacorum Borough Council the period April 2008 - March 2009.

## 3. The Purpose of Civil Parking Enforcement

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Local authorities have been able to enforce their own off-street car parks for many years; however until recently most on-street parking enforcement was undertaken by police officers or police traffic wardens.

In the mid-1990s central government gave local authorities the right to apply for powers to enforce on-street parking restrictions. The adoption of what was then called Decriminalised Parking Enforcement (DPE) but is now termed Civil Parking Enforcement, or CPE, spread rapidly across the United Kingdom in the following fifteen years. The Secretary of State has now taken reserve powers within the Traffic Management Act 2004 to compel any remaining local authorities to adopt CPE once a 'critical mass' has adopted these powers.

There were three main drivers for decriminalisation:

- Police forces had signalled to central government that that they could no longer regard parking enforcement as a priority function given other demands upon their limited resources. In many areas traffic wardens had effectively been withdrawn, causing growing parking anarchy on our streets.
- It was considered that many parking "offences" would be better dealt with under civil law procedures, which are typically more cost effective and less formal to operate, rather than allow them to clog up the criminal courts.
- Local authorities themselves argued that as representatives of their community they were best placed to design and run an enforcement regime that met the priorities of that community. In Dacorum Borough Council's case, this was particularly relevant because residents living in Hemel Hempstead town centre area were calling for controlled parking zones but the Police would not agree to enforce them – indeed, Hertfordshire Constabulary were one of the first to withdraw the traffic warden service.

The primary purpose of CPE, as identified in statutory guidance, is to support local authorities (county and district) in their delivery of their overall transport objectives in areas such as those detailed below.

- Managing the traffic network to ensure expeditious movement of traffic, (including pedestrians and cyclists), as required under the TMA Network Management Duty.
- Improving road safety.
- Improving the local environment.
- Improving the quality and accessibility of public transport.
- Meeting the needs of people with disabilities, some of whom will be unable to use public transport and depend entirely on the use of a car.
- Managing and reconciling the competing demands for kerb space.

These and other objectives that a local authority may seek to meet through its CPE operations are achieved primarily through encouraging compliance with parking restrictions – and it is with this objective in mind that Dacorum Borough Council enforces parking both on and off-street throughout the district.

It is not always easy to prove that CPE has a beneficial effect. Driving along a free-flowing road or walking along a footway without being blocked by parked cars is seldom noted or associated with CPE. Likewise, finding space in a clean, safe, well lit car park is taken for granted. It is often noted, however, when these desirable benefits are not available.

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Central government is also very clear in explaining what CPE is *not* about. In particular, government emphasises that CPE is not to be regarded as a revenue raising exercise. Whilst Government accepts that local authorities may seek to make their CPE operations as close as possible to self-financing as soon as possible, it advises that any shortfall must be met from within existing budgets rather than falling on the local or national taxpayer. (See Section 7 of this report).

### 4. Civil Parking Enforcement in Dacorum Borough Council's district.

CPE in Dacorum Borough Council's district is undertaken by a team of approximately fourteen Civil Enforcement Officers spread around the town. The enforcement function is contracted out and the enforcement contractor is managed by Watford Council, operating according to a contract in accordance with policy objectives agreed by the Council. Subsequent processing of Penalty Charge Notices, is undertaken by the Council. This is in accordance with the regulations; once issued, all processing of PCNs, including the investigation of challenges, representations and appeals, is dealt with by Dacorum Council officers, working in accordance with statute, regulations, guidance and Council policy.

Although it has the powers, Dacorum Borough Council does not clamp or remove vehicles. Clamping is no longer favoured as an enforcement tool, as all too often it simply results in a "problem" vehicle being made to remain at an inappropriate location for longer than is necessary. The cost of setting up and running a removal operation, including a vehicle pound for the purpose of storing vehicles would be disproportionate to the benefit for a council such as Dacorum Borough.

### 5. Enforcement Activity – On street and in Car Parks

The number of PCNs issued in Dacorum Borough Council's district since 2005/06 is detailed below:

Year	Total PCNs
2005/06	20673
2006/07	19821
2007/08	19144
2008/09	18030

This pattern is common to local authorities that take on CPE powers. An initially high level of PCNs declines quickly as motorists recognise that parking enforcement is in operation and compliance grows.

The primary purpose of CPE is to ensure compliance with parking controls and improve road safety; therefore enforcement of car parks, where road safety considerations are slight, is secondary to enforcement of yellow line restrictions on the highway, which have more evident safety connotations. That said, our town relies on visitors to local shops, businesses and restaurants and enforcement of car parks is important, both to ensure turnover of vehicles and that car park users correctly pay and display

The proportion of on and off-street PCNs issued in previous years is given in the table below.

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Year	On-Street PCNs	Off-Street PCNs
2007/08	45.82%	54.18%
2008/09	49.57%	50.43%

The number of PCNs issued for the **main** on-street and off-street parking contraventions is detailed in **Appendix A** (see page 11).

With effect from 2008/09, the government introduced differential penalty charges, whereby some parking contraventions attract a higher level penalty charge according to their perceived seriousness. These are typically on-street contraventions. Details of parking contraventions enforced in Dacorum Borough during 2008/09 and their associated penalty charge are detailed in **Appendix B** (see page 12).

The number of higher level and lower level PCNs issued by Dacorum Borough Council in 2008/09\* is given below.

Year	Higher Level PCNs (£70)	Lower Level PCNs (£50)
2008/09	11092	6938

\*Comparisons with previous years are not possible as differential charging commenced in 2008/09

Dacorum Borough Council will continue to ensure that its enforcement activity is tailored to meet the enforcement and other policy objectives of the authority whilst recognising that flexibility is needed to respond to an environment that can change on an almost daily basis.

### 6. Enforcement activity – Representations, Appeals and Beyond

A 50% discount applies to a PCN paid within 14 days of the date of issue (with the date of issue counting as day 1). The number of PCNs issued in previous years and paid at the discounted rate is as follows:

Year	PCNs Paid at Discount
2007/08	10687 (55.82%)
2008/09	10097 (56.00%)

The above payments will either have been made immediately upon receipt of the PCN or following an informal challenge which the Council has declined. This illustrates the fact that the majority of motorists who receive a PCN accept their liability for the penalty charge and make prompt payment.

Following the 14 day period the penalty charge reverts to its full value and the charge increases in set steps thereafter. The number of PCNs issued in previous years that were paid at the full rate or higher is as follows:

Year	PCNs Paid at Full Charge or Higher
2007/08	2017 (10.53%)
2008/09	2247 (12.46%)*

\*A number of PCNs issued in 2008/09 remain the subject of active enforcement; therefore this figure will increase.



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Any motorist who receives a PCN is entitled to challenge its issue. The Traffic Management Act 2004 sets out a number of statutory grounds on which a PCN may be challenged. **Appendix C** (see page 18).

In addition to the statutory grounds which, if established, *require* the council to cancel liability for a penalty charge, a large number of motorists contact the council offering mitigating circumstances which they hope will lead to cancellation of the penalty charge on discretionary grounds. Dacorum Borough Council has adopted a set of guidelines to guide its staff in enforcement decisions in a wide range of circumstances. In the spirit of openness and transparency these have been published in an abridged format on the Council's website at [www.dacorum.gov.uk](http://www.dacorum.gov.uk).

No set of guidelines can ever cover the entire range of situations in which motorists find themselves; however these guidelines are invaluable in establishing the spirit of the Council's enforcement practices.

Typically around 20% of PCNs issued are cancelled upon receipt of a challenge or representation and the principle reasons ascribed to cancellation of PCNs during 2008/09 are detailed in **Appendix D** (see page 18). Whilst it is difficult to offer evidence to support the claim, experience suggests that the Council's enforcement guidelines and the philosophy that underpins them are set at the more tolerant end of the spectrum.

A number of PCNs are also written off each year, typically because the motorist/owner cannot be traced – either because of an inadequate record at the DVLA or because the motorist/owner is untraceable. Typically around 6 to 20% of PCNs are written off for this reason, depending on local demographics.

The number and percentage of PCNs cancelled in previous years, either following a challenge or because the motorist is untraceable, is as follows:

Year	PCNs Cancelled	PCNs Written Off/ Untraceable)
2007/08	4750 (24.81%)	1116 (5.82%)
2008/09	4668 (25.89%)	785 (4.35%)*

\*A number of PCNs issued in 2008/09 remain the subject of active enforcement; therefore this figure will increase.

Of the 18030 PCNs issued in 2008/09:

1. 5657 were the subject of an “informal” challenge (normally made within 14 days of issue of the PCN).

Of the above, 4261 PCNs were cancelled at this challenge stage.

2. 1252 were the subject of a statutory representation upon receipt by the vehicle's owner of a Notice to Owner (a letter sent to a vehicle's owner no earlier than 28 days after the issue of a PCN).

Of the above, 605 were cancelled at this statutory representations stage.

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Dacorum Borough Council benchmarks its performance on a regular basis with nearby local authorities whose demographics broadly match its own. The following table shows performance for 2008/09 against the above criteria.

Local Authority	PCNs Issued	Paid PCNs	Cancelled PCNs	Live and/or written off PCNs
<b>Dacorum BC</b>	18,030	68.5%	25.9%	5.6%
<b>Watford</b>	22,925	76.2%	14.26%	9.54%
<b>Three Rivers</b>	5088	78%	17%	5%
<b>North Herts</b>	12,492	67%	22%	11%
<b>Cambridge</b>	43,372	75%	19%	6%
<b>East Herts</b>	26,966	69%	24%	7%

Should the council reject a statutory representation, the vehicle's owner is entitled to appeal that decision to the independent Parking Adjudicator.

Of the 18030 PCNs issued in 2008/09:

- 42 were the subject of an appeal to the Independent Parking Adjudicator – an appeal rate of 0.23%.
- Of these 42 appeals, 30 (71%) were upheld by the Adjudicator (including those not contested by the Council) and 12 (29%) were rejected by the Adjudicator (won by the Council).

The Traffic Penalty Tribunal issues an Annual Report in which the performance of all local authorities in England and Wales is benchmarked. The following table compares Dacorum Borough Council's performance at appeal in 2007/08 and 2008/09 to the national average for 2007/08. (The national figure for 2008/09 was not available at time of writing). The appeal figures for 2007/08 for the benchmarked councils on the previous page are also included.

Appeals 2007/08	No. of appeals	Rate of appeal per PCN	Not contested by council	Allowed by Adjudicator	Allowed by Adjudicator inc. not contested	Refused by Adjudicator (Council win)	Awaiting decision
<b>National Picture</b>	11,182	0.29%	31%	29%	60%	39%	1%
<b>Dacorum B.C.</b>	15	0.08%	40%	40%	80%	20%	0%
<b>Watford</b>	75	0.33%	25%	31%	51%	49%	0%
<b>East Herts</b>	74	0.30%	19%	45%	64%	36%	0%
<b>North Herts</b>	32	0.25%	22%	31%	53%	47%	0%
<b>Cambridge</b>	68	0.16%	21%	18%	38%	26%	35%
<b>Stevenage</b>	20	0.36%	20%	35%	55%	45%	0%
<b>Welwyn Hatfield</b>	25	0.35%	8%	36%	44%	52%	4%

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Appeals 2008/9	No. of Appeals	Rate of Appeal per PCN	Not contested by council	Allowed by Adjudicator	Allowed by Adjudicator inc. not contested	Refused by Adjudicator (Council win)	Awaiting decision
<b>Dacorum B.C.</b>	42	0.23%	45.23%	26.19%	71.42%	28.57%	0%
<b>3 Rivers</b>	16	0.31%	6.25%	43.75%	50%	50%	0%
<b>Watford</b>	90	0.39%	16.6%	33.3%	50%	50%	0%

A local authority's performance at appeal can be regarded as a proxy indicator for its performance at earlier stages in the enforcement process. As can be seen, Dacorum Borough Councils' appeals increased in 2008/09 but this is likely to be the result of the new legislation and ethos of transparency and greater publicity about the appeals process. Although Dacorum Borough Council had a higher rate of appeal they had an improved "appeal refused" rate. The Traffic Penalty Tribunal recognises that local authorities may not contest appeals on occasion, primarily when additional evidence comes to light during the appeals process. The tribunal is on record as suggesting a "not contested" rate of 20% of appeals as reasonable – a higher rate might be indicative of poor decision making earlier in the enforcement process, however, there is no indication that this is the reason in Dacorum Borough Council's case.

As well as being an essential judicial "safety valve" for the CPE process, individual appeal decisions and of course the Adjudicators' Annual Report contain findings, information and advice which can be very helpful to local authorities in their operation of their parking enforcement and back office regimes. Dacorum Borough Council has always used this information positively to improve their service and enforcement practices, where practicable.

### **Debt Registration and Bailiffs**

If a motorist does not pay or successfully challenges a PCN (where an accurate address is held by the DVLA) the notice may be registered as a debt in the County Court. Only at this stage does a penalty charge become a debt.

In 2008/09 1556 PCNs were registered as a debt in the County Court.

Failure to pay this debt within the timescale specified will result in the passing of the debt to bailiffs.

In 2008/09 1552 cases were referred to the Council's bailiffs. To date £28,930 has been recovered through bailiff action.

### **7. Financial Aspects of Civil Parking Enforcement**

Under the terms of the Road Traffic Act 1991, which governed Decriminalised Parking Enforcement until April 2008, local authorities were required to make their parking enforcement regime self-financing as soon as possible. Local authorities were not, however, allowed to design and run their enforcement regime to make a surplus. Any surplus generated was 'ring fenced' to fund related functions such as passenger transport or car park improvements.

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As more and more local authorities took on DPE powers, government increasingly recognised that for many, achieving break-even was simply not possible. Accordingly, the Traffic Management Act 2004 weakened this requirement. From 1 April 2008 local authorities were have been able to apply for CPE powers without demonstrating that it will break even, but on the understanding that any deficit would be met from within existing funding. Government has made it quite clear that national or local taxpayers are not to bear any shortfall.

The annual costs and income streams for the Dacorum parking service are shown in the table below. The largest single income stream is that from the parking fees paid in the Council's off-street car parks.

The surplus generated on the parking account is used to help off-set other transport related costs that fall to the Council, in particular the cost of funding the Travel Concessions scheme for elderly and disabled residents.

The Council has made commitments in its Capital Programme to refurbish a number of its car parks over the next few years. £90,000 has been allocated during 2009/10, £105,000 in both 2010/11 and 11/12 and £120,000 in 12/13.

<b>ON STREET Expenditure</b>	<b>ON Street Expenditure</b>	<b>OFF Street Expenditure</b>
Contract costs	£304,404	£273,214
Staffing and support costs	£168,641	£202,053
<b>Total</b>	<b>£473,045</b>	<b>£475,267</b>
<b>ON STREET Income</b>		<b>OFF STREET income</b>
PCN income	-£259,489	-£179,430
Permit income	-£35,277	-£600
Pay and Display income	-£97,703	-£1,251,358
Other	-£5013	-£3,411
<b>Total</b>	<b>-£397,482</b>	<b>-£1,434,799</b>
<b>BALANCE</b>	<b>£75,563</b>	<b>-£959,502</b>

Net deficit on-street operations	£75,563
Net surplus off street operations	£959,502

The overall surplus generated by the Council's parking operations across both on and off street functions helps off-set the cost of funding the Travel Concessions scheme for elderly and disabled residents which in 2008/9 cost the Authority over £1.7 million

### Future Plans

The traffic management objectives of CPE as identified by Government listed on page four of this report will remain at the core of this authority's enforcement and practices.

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In 2009 Government cleared the way for local authorities to enforce additional contraventions under CPE. The power to issue a PCN to a vehicle parked across a dropped kerb will assist residents whose driveways are obstructed by inconsiderately parked vehicles, just as the ability to issue a PCN to vehicles that park across the dropped kerbs where a footway abuts a road will assist a great many pedestrians as well as other motorists. The power to issue a PCN to vehicles parked an unreasonable distance from the kerb, and therefore obstructing the highway, may also be of benefit.

At the time of writing, Hertfordshire County Council, as the Highway Authority, is working towards agreeing a common approach to these new powers with all Hertfordshire districts and it is anticipated that these powers will be adopted in Dacorum Borough Councils' district soon.

### Appendix A

The number of PCNs issued during 2008/9 for the **main** on-street and off-street parking contraventions are shown below;

<b>On Street Contraventions &amp; Codes</b>	<b>Number</b>
01 - Parked in a restricted street (yellow lines)	4050
05 - Parked after expiry of pay and display ticket.	1049
12 - Parked in a permit/shared use bay without permit/voucher/ticket	1048
06 - Parked without a valid pay and display ticket/voucher	868
40 - Parked in a disabled bay/space without valid blue badge	831
30 - Parked for longer than permitted	389
02 - Parked where loading/unloading is not permitted	189
19 - Parked in permit/shared use bay with an invalid permit/voucher/ticket	181
25 - Parked in a loading place without loading.	125
47 - Parked at a bus stop or stand	119

<b>Off Street Contraventions</b>	<b>Number</b>
83 - Parked in a car park without a valid ticket/voucher	4640
82 - Parked after expiry of paid for time	3030
84 - Parked with additional payment to extend stay (meter feeding)	426
87 - Parked in a disabled bay without a valid blue badge	271
86 - Parked beyond bay markings	266
81 - Parked in a restricted area	253

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80 – Parked for longer than the maximum period	168
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### Appendix B

**Parking Contraventions enforced in Watford, together with their penalty charge are shown below, together with the observation or grace periods allowed before the penalty can be issued.**

#### On-Street Codes

<u>Code</u>	<u>Contravention</u>	<u>Avoid a Penalty Charge Notice</u>
01	<p><u>Parked in a restricted street during prescribed hours</u></p> <p><b>(PCN Higher - £70)</b></p>	<p>When parking on single yellow lines read the sign plate indicating the times that waiting is prohibited. In Controlled Parking Zones no sign will be present alongside single yellow lines and the restriction will be effective during the same controlled hours of the zone.</p> <p>These times are shown on the zone entry signs. Double yellow lines do not require a time plate and prohibit waiting at all times. You may only wait on these lines if you are carrying out loading/unloading or allowing passengers to board or alight. Blue badge holders may wait on yellow lines for up to 3 hours but must ensure that their clock is correctly set and prominently displayed.</p> <p>It is not uncommon for restrictions to change or for times to differ on opposite sides of the road so read all signs present carefully.</p> <p style="text-align: right;">Observation Period: 5 minutes.</p>
02	<p><u>Parked where loading or is prohibited</u></p> <p><b>(PCN Higher - £70)</b></p>	<p>You must not wait at a location where loading <u>unloading</u> restrictions are in force. They apply to both single and double yellow lines and will be supported by signage and yellow chevrons on the kerb. A single chevron denotes a loading restriction between specific times and a double chevron prohibits loading at all times. Blue badge holders are not permitted to park where loading is prohibited.</p> <p style="text-align: right;">Observation Period: None.</p>
05/05s	<p><u>Parked after expiry of paid for time at a pay and display/voucher bay</u></p> <p><b>(PCN Lower - £50)</b></p>	<p>Ensure that you purchase adequate time to allow for the duration of your stay and move your vehicle following expiry of the pay and display ticket. Any voucher relied upon must be correctly validated and you should check that all tickets or vouchers displayed are clearly visible before leaving your vehicle, particularly after closing doors. Blue badge holders may park in pay and display bays or shared use bays without any time restriction.</p> <p style="text-align: right;">Observation Period: 6 minutes.</p>
06/06s	<p><u>Parked without payment of the initial charge without a clearly displayed</u></p>	<p>Ensure that you have the means to make payment upon arrival at a location where</p>

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	<u>ticket/permit/voucher</u> <b>(PCN Lower - £50)</b>	payment is required. Ensure that any voucher relied upon is correctly validated and that all tickets or vouchers are prominently displayed, prior to leaving your vehicle, particularly after closing doors. It is advisable to ensure that any old tickets or vouchers are removed from your vehicle to avoid any confusion. Pay and display holders are available from the Parking Shop free of charge.  Observation Period: 5 minutes.
<u>07/07s</u>	<u>Parked where additional payment made to extend the stay beyond the time initially purchased (meter feeding)</u> <b>(PCN Lower - £50)</b>	Ensure that you purchase adequate time to cover the duration of your stay. Upon expiry of the time shown on your pay and display ticket the vehicle must be moved to another location. Do not purchase any additional tickets beyond the initial ticket paid for.  Observation period: None.
<u>12</u>	<u>Parked in a residents or shared use without clearly displaying either a permit or voucher or pay and display ticket issued for that place</u> <b>(PCN Higher - £70)</b>	Read all applicable signage upon entering a <u>parking place or zone</u> controlled parking zone and any signs alongside the bays that you wish to park within. You can then be sure that you have parked within the correct bay. Ensure that any voucher relied upon is correctly validated and that all tickets or vouchers are prominently displayed, particularly after closing doors.  Observation Period: 5 minutes.
<u>19</u>	<u>Parked in a residents' or shared use invalid</u> controlled parking zone and any signs alongside the bays that you wish to park display ticket <b>(PCN Lower - £50)</b>	Read all applicable signage upon entering a <u>parking place displaying an voucher or an invalid pay and</u> within. This will tell you when the restrictions are in force and if they apply on match days or evenings. Ensure that all visitor vouchers or pay and display tickets relied upon are correctly validated and displayed. Blue badge holders may park in shared use and pay and display bays without time limit.  Observation Period: 5 minutes.
<u>20</u>	<u>Parked in a loading gap marked by a yellow line</u> <b>(PCN Higher - £70)</b>	Ensure that you read all applicable signage alongside the location where you wish to park. You should not park on a loading gap unless you have a genuine need to load or unload. Blue badge holders are not permitted to park in loading areas, unless loading or unloading.  Observation Period: 5 minutes.
<u>21</u>	<u>Parked in a suspended bay/space or part of bay/space</u> <b>(PCN Higher - £70)</b>	Ensure that you read the signage at the location where you wish to park. This will tell you which bays have been suspended and the relevant times and dates. No vehicle is permitted to park within a suspended bay unless they have been granted express permission to do so.  Observation Period: None.
<u>22</u>	<u>Re-parked during determined time of leaving a bay/space in the same parking place</u>	Ensure that you have read the signage and do not return to any location within the no return period stated. Upon expiry of any paid for or permitted time ensure that the vehicle is

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(PCN Lower - £50)

moved to another location.

Observation Period: 5 minutes.

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23

Parked in a parking place or area not designated for that class of vehicle

(PCN Higher - £70)

Ensure that you read any applicable signage alongside the location where you wish to park. Do not park in bays which are marked for the use of specified vehicles, such as motorcycles, unless you are driving that class of vehicle.

Observation Period: 5 minutes.

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24

Not parked correctly within the markings of the bay or space

(PCN Lower - £50)

Ensure that you check that your vehicle is correctly parked prior to leaving the location where you have parked. You should seek alternative parking in the event that all the wheels of your vehicle cannot fit fully within the bay markings.

Observation Period: None.

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25

Parked in a loading bay with no sign of loading

(PCN Higher - £70)

Only park within a loading bay when you have a genuine need to load or unload goods. Ensure that you have read the signage indicating when loading is permitted or prohibited. Any loading should be necessary and not simply convenient. Blue badge holders are not permitted to park within these bays, other than to load/unload.

Observation Period: 5 minutes.

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30

Parked in a free parking space for longer than the maximum period

(PCN Lower - £50)

Read the signage and take note of the permitted length of stay and no return period. Ensure that your vehicle is moved to another location upon expiry of the stated period. Blue badge holders may park in free bays without time restriction.

Observation Period: 5 minutes.

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40

Parked in a designated disabled persons parking place without clearly displaying disabled persons badge

(PCN Higher - £70)

Only park within a disabled bay if you are the holder of a valid blue badge or conveying the a valid badge holder. Read all signage and ensure that you are aware of the times that blue badge parking is permitted. Ensure that the blue badge is clearly and correctly displayed before leaving the vehicle. Blue badge holders should not park within a disabled bay situated within a controlled parking zone unless they also hold a valid residents permit.

Observation Period: None.

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45

Parked in a taxi rank

(PCN Higher - £70)

Only park within a taxi rank if you are driving a licensed Watford Hackney Carriage.

Taxi drivers should only leave their vehicle unattended where it is absolutely necessary to provide assistance to passengers. Read all applicable signage to ensure that you are aware of the times the rank permits or prohibits.

Observation Period: Taxis – 10 minutes, Others – None.

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47

Parked in a restricted bus stop or bus stand

(PCN Higher - £70)

No vehicle other than a bus may wait within a bus stop or bus stand.

Observation Period: None.



## EXECUTIVE DECISION RECORD SHEET

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48	<p><u>Parked in a restricted area outside of a school during school term time</u></p> <p><b>(PCN Higher - £70)</b></p>	<p>Read all signage to ensure that you are aware of the days and times that the restriction applies. No vehicle is permitted to wait on zig-zag restrictions outside of a school under any circumstances and penalty charge notices will be issued instantly on all occasions.</p> <p>Observation Period: None.</p>
49	<p><u>Parked wholly or partly on a</u></p> <p><b>(PCN Higher - £70)</b></p>	<p>Ensure that you check all visible signage and <u>cycle track</u> road markings at the location where you wish to park your vehicle and that you are not parked causing an obstruction to the cycle track.</p> <p>Observation Period: None.</p>
55	<p><u>A commercial vehicle parked in a restricted street in contravention of overnight waiting ban</u></p> <p><b>(PCN Higher - £70)</b></p>	<p>All vehicles in excess of 5 tonnes are excluded from waiting on yellow lines when this restriction is in force. It includes vans or other hired vehicles that exceed the weight limit. Read the signage and ensure that you are aware of the times that the restriction is effective.</p> <p>Observation Period: None.</p>
56	<p><u>Parked in contravention of a commercial vehicle waiting restriction</u></p> <p><b>(PCN Higher - £70)</b></p>	<p>All vehicles in excess of 5 tonnes are excluded from waiting at a location when this restriction is in force. It includes vans or other hired vehicles that exceed the weight limit. Read the signage and ensure that you are aware of the times that the restriction is effective.</p> <p>Observation Period: None.</p>
99	<p><u>Stopped on a pedestrian crossing area marked by zig-zags</u></p> <p><b>(PCN Higher - £70)</b></p>	<p>No vehicle should stop on the zig-zag markings at a pedestrian crossing for any reason. You should be aware that this contravention is also considered to be a traffic offence and a Fixed Penalty Notice may be issued by the Police.</p> <p>Observation Period: None.</p>

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### **Off Street Codes**

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70	<p><u>Parked in a loading area during restricted hours without reasonable excuse</u></p> <p><b>(PCN Higher - £70)</b></p>	<p>You must not wait in a loading area unless you have a genuine need to load or unload. Always check all signage to ensure that you are parked within a permitted bay and you are aware of the times that loading restrictions may apply.</p> <p>Observation Period: 5 minutes.</p>
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73	<p><u>Parked without payment of the parking charge</u></p> <p><b>(PCN Lower - £50)</b></p>	<p>Read all signage so that you are aware of the times and charges that apply. Ensure that all tickets purchased are clearly and correctly displayed prior to leaving your vehicle. Blue badge holders must make payment unless signage specifies to the contrary.</p>
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## EXECUTIVE DECISION RECORD SHEET

Observation Period: 5 minutes.

74	<p><u>Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited</u></p> <p style="text-align: center;"><b>(PCN Higher - £70)</b></p>	<p>It is not permissible to sell or offer for sale any goods by using any vehicle within a Council car park, without the express permission of the Council.</p> <p style="text-align: right;">Observation Period: None.</p>
80	<p><u>Parked for longer than the maximum period permitted</u></p> <p style="text-align: center;"><b>(PCN Lower - £50)</b></p>	<p>Read the signage and take note of the permitted length of stay and no return period. Ensure that your vehicle is moved to another location upon expiry of the permitted period.</p> <p style="text-align: right;">Observation Period: 5 minutes.</p>
81	<p><u>Parked in a restricted area in a car park</u></p> <p style="text-align: center;"><b>(PCN Higher - £70)</b></p>	<p>Ensure that you check all markings and signs at the location where you wish to park your vehicle. Do not park within hatched areas or any space that is signed as prohibited.</p> <p style="text-align: right;">Observation Period: None.</p>
82	<p><u>Parked after the expiry of paid for time</u></p> <p style="text-align: center;"><b>(PCN Lower - £50)</b></p>	<p>Ensure that you purchase adequate time to allow for the entire duration of your stay and move your vehicle upon expiry of the pay and display ticket. You should check that all pay and display tickets are clearly visible before leaving your vehicle, particularly after closing doors.</p> <p style="text-align: right;">Observation Period: 6 minutes.</p>
83	<p><u>Parked in a car park without clearly displaying a valid pay and display ticket or voucher</u></p> <p style="text-align: center;"><b>(PCN Lower - £50)</b></p>	<p>Ensure that all tickets are correctly display prior to leaving your vehicle, particularly after closing doors.</p> <p style="text-align: right;">Observation Period: 5 minutes.</p>
84	<p><u>Parked with additional payment made extend the stay beyond time first purchased</u></p> <p style="text-align: center;"><b>(PCN Lower - £50)</b></p>	<p>Ensure that you purchase adequate time to allow for the entire duration of your stay. Upon expiry of the time shown on your pay and display ticket the vehicle must be moved to another location. Do not purchase any additional tickets beyond the initial ticket paid for.</p> <p style="text-align: right;">Observation Period: None.</p>
85	<p><u>Parked in a permit bay without clearly displaying a valid permit</u></p> <p style="text-align: center;"><b>(PCN Higher - £70)</b></p>	<p>Read all applicable signage and any signs alongside the bays that you wish to park in. This will tell you if the selected bay is reserved for permit holders or if a permit is required. Ensure that any permit relied upon is correctly displayed prior to leaving your vehicle. A blue badge is not a permit and does not allow parking in a permit bay.</p> <p style="text-align: right;">Observation Period: 5 minutes.</p>
86	<p><u>Parked beyond the bay markings</u></p> <p style="text-align: center;"><b>(PCN Lower - £50)</b></p>	<p>Ensure that you check that your vehicle is correctly parked prior to leaving the location where you have parked. You should seek</p>

## EXECUTIVE DECISION RECORD SHEET

alternative parking in the event that all the wheels of the vehicle cannot fit fully within the bay markings.

Observation Period: None.

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87 Parked in a designated disabled persons parking place without displaying a valid badge (PCN Higher - £70) Only park within a disabled bay if you are the holder of a blue badge or conveying the disabled persons badge holder. Read all signage and check bay markings to ensure that the bay is reserved for use. N.B – Blue badge holders are required to pay the relevant fee in Watford car parks.

Observation Period: None.

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89 Vehicle parked exceeds the maximum weight or height or length permitted (PCN Higher - £70) Read the signage within the car park, which will state any weight, height or length restrictions that may apply. Seek alternative parking if your vehicle exceeds any of the restrictions shown.

Observation Period: None.

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90 Re-parked within determined time of leaving a bay or space in a car park (PCN Lower - £50) Ensure that you have read the signage and do not return to any location within the no return period stated. Upon expiry of any paid for or permitted time ensure that the vehicle is moved to another location and is not returned within any no return period stated.

Observation Period: 5 minutes

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91 Parked in a car park or area not designated for that class of vehicle (PCN Higher - £70) Ensure that you check all signage and bay markings at the bay where you wish to park. Do not park in bays marked for a specific type of vehicle, such as motorcycles, unless you are driving that type of vehicle.

Observation Period: 5 minutes.

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92 Parked causing an obstruction (PCN Higher - £70) Ensure that you only park within marked and designated bays within a car park. Do not park in hatched or restricted areas or outside of bay markings.

Observation Period: None.

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93 Parked in a car park when closed (PCN Lower - £50) Ensure that you read the car park signage and note the closure time stated.

Observation Period: 5 minutes.

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95 Parked in a parking place for a purpose other than the designated purpose for the parking place (PCN Lower - £50) Ensure that you check all signage and bay markings at the location where you wish to park. This will tell you if the selected location is reserved for a specific purpose. You should seek alternative parking if the purpose does not apply to your vehicle.

Observation Period: 5 minutes.

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### Appendix C

**This shows the statutory grounds on which a PCN may be challenged.**

- Was not the owner of the vehicle in question, at the time of the contravention.

## EXECUTIVE DECISION RECORD SHEET

- The vehicle was parked by a person who was in control of it without owners consent (proof such as police crime report number and police station address or insurance claim details required).
- Hire firm and the person hiring the vehicle has signed a statement of liability (copy of valid signed hire agreement required).
- The alleged contravention did not occur (explain reasons).
- The penalty exceeded the amount applicable in the circumstances of the case (that is if the motorist has been asked to pay more than he is legally liable to pay).
- The relevant designation order was invalid (the motorists believes the parking restriction in question was invalid or illegal).
- There has been a procedural impropriety on behalf of the authority (state why you believe the authority has acted improperly or in breach of the regulations).
- The penalty charge notice was paid, either in full or at the discount rate within the discount period.

In addition to the above, if there are any other mitigating circumstances why the motorist considers the Council should cancel the penalty charge notice, they can set out those reasons in full.

### Appendix D

**Principle reasons for cancellation of penalty charge notices during 2008/9 are shown below:**

<b>Reason for Cancellation</b>	<b>Number of penalties cancelled</b>
Valid pay and display ticket produced	2112
Mitigating circumstances/Council decision.	1089
Disabled badge – 1 <sup>st</sup> contravention	553
CEO error	260
Other evidence provided	95
Valid permit/season ticket produced	73
Loading evidence provided	52
Signs and lines defects	33
Vehicle breakdown	12