

Bromsgrove District Council

Parking Enforcement

Customer Charter



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1 Introduction

Welcome to the Bromsgrove District Council Customer Charter on Civil Parking Enforcement. This Charter will help you understand why we issue Penalty Charge Notices in both the Council Off-Street Car Parks on the highway On-Street and our procedure on the recovery of unpaid penalties.

On the 30th May 2013 Bromsgrove District Council took over parking enforcement from the Police who had previously issued fines On-Street. From this date Bromsgrove District Council will be able to do both On-Street and Off-Street parking enforcement in accordance with the Traffic Management Act 2004. This will enable Civil Enforcement Officers to issue Penalty Charge Notices to vehicles parked in contravention of the parking regulations. These include double and single yellow lines, limited waiting bays and bays used for specific users, for example Taxi bays and disabled bays.

The purpose of this document is to provide parking information to customers and staff to explain how the parking service operates.

This document also sets out the standard of service that Bromsgrove District Council will deliver to our customers.

It is intended that this document will be regularly maintained, and also that it will be jargon free. We also encourage feedback on our service and strive to deliver the best service possible. If you have any feedback, please do not hesitate to contact us at bdcparking@bromsgrove.gov.uk.

Parking Services Unit

2 Customer Charter

We strive to;

- Improve road safety
- Increase the turnover of available parking spaces
- Encourage the availability of specific bays such as disabled bays, taxis bays and loading bays
- Ease congestion caused by inconsiderate parking
- Provide an efficient and courteous service
- Provide safe and user friendly parking areas complying with current parking regulations
- Make your safety and security a key factor
- Provide uniform staff to patrol and enforce the parking regulations
- Provide designated spaces for disabled drivers set out to current regulations
- Ensure that our parking areas are well lit, cleaned and maintained
- Display information about charges and where to pay
- Repair any equipment as soon as possible, keeping disruption to a minimum
- To monitor our service to ensure we can provide the public with the best possible service

3 The Role of the Civil Enforcement Officer

The Civil Enforcement Officers work under the Traffic Management Act 2004. They will enforce the on and off street parking restrictions throughout the District.

The Civil Enforcement Officers have received training which enables them to issue Penalty Charge Notices to vehicles parked in contravention of the parking regulations. The Civil Enforcement Officers also deal with the pay on foot system which covers both Recreation Road car park (Asda) and the Churchfields multi-storey and ensure that the pay and display machines are in correct working order. They will also assist with customers using the Shop mobility facilities.

Civil Enforcement Officers will often be the first point of contact for many customers. Much of the time spent by Civil Enforcement Officers will be spent in enforcing the regulations in place in Bromsgrove and surrounding areas. They will also report back items for action not normally covered by Enforcement Officers, such as fly-tipping, abandoned vehicles, graffiti, and damage to street furniture

The Enforcement Officers will also carry out the following routine duties;

- Checking signage, bins, marking and general cleanliness
- Ensuring pay and display machines are operational
- Ensuring that drivers have paid for, or are entitled to, their parking
- Ensuring that vehicles are parked within a designated parking bay and are not causing an obstruction.
- Ensuring that there are no obstructions or hazards to health and safety on any of the parking areas.

Penalty Charge Notices (PCN) – Issuing Criteria

Before a Penalty Charge Notice is issued, the following must be considered by the Enforcement Officer;

- Checking that all signs, markings, and plates in the immediate area are visible.
- Checking that pay and display machines in the vicinity are operational
- Checking that the vehicle has not broken down
- Checking that the vehicle is not displaying a permit.
- Checking that the vehicle is not displaying anything (i.e. a blue badge) that would give dispensation in that instance

Issue and Serving of Notices

A Penalty Charge Notice will be issued if the Civil Enforcement Officer believes that the vehicle is parked in contravention of the parking regulations. The Penalty Charge Notice will either be attached to the windscreen of the vehicle in an envelope or handed directly to the driver.

If the Civil Enforcement Officer was in the process of issuing the Penalty Charge Notice and the vehicle drives away or the Civil Enforcement Officer has been prevented from issuing the Penalty Charge Notice before the Penalty Charge Notice could be attached to the vehicle or handed to the driver the Penalty Charge Notice can be sent in the post. Details of the registered keeper will be obtained from the DVLA before the Penalty Charge Notice is sent out.

The Penalty Charge Notice will contain the following information;

- Registration number of the vehicle;
- Location of the vehicle;
- Date and time of the alleged contravention;
- The number of the Civil Enforcement Officer issuing the Penalty Charge Notice
- Details of alleged contravention;
- Details of penalty payable;
- Instructions on how and where to pay;
- Instructions on how and when an appeal against the issue of the penalty may be made.

Any vehicle issued with a Penalty Charge Notice may require the Civil Enforcement Officer to take photographic evidence of the offence. This will allow the Council to;

- Provide evidence to support the issue of the Penalty Charge Notice in cases of dispute
- Provide evidence that the Civil Enforcement Officer has acted correctly and within the current guidelines

Although photographic evidence will solely be used for the considering of appeals and the recovery of any debts incurred it is not essential criteria that photographs are taken.

4 Appeals

Appeals must be in writing either by letter, e-mail or fax. You can either e-mail by using bdcparking@bromsgrove.gov.uk or by visiting www.bromsgrove.gov.uk and go to the parking appeal pages. Copies of any evidence regarding the appeal should be attached to the email. For example, if you wish to appeal on the basis that you own a blue badge, scan both sides of the blue badge and attach it to your e-mail.

Appeals sent through the post will need to be addressed to;

The Parking Services Unit
Civic Centre
Queen Elizabeth Drive
Pershore
Worcestershire
WR10 1PT

The appellant (person who has received the Notices) has 28 days to appeal against the Penalty Charge Notice. To consider the appeal at the discounted amount the appeal must be received within the first 14 days from the date the Penalty Charge Notice was issued.

We aim to ensure that each appeal is responded to within 10 working days. In the event that we are unable respond within this time an interim letter will be sent out explaining that the case is still on hold and will not progress.

Each appeal will be looked at by a fully trained member of the administration team. The team will look at each case and take into consideration the individuals' circumstances and issues raised in their appeal before responding. Reference to the Civil Enforcement Officers pocket book may also be used when responding to the appellant.

If an appeal is received within 14 days and the appeal is accepted a cancellation letter will be sent to the appellant and will explain that the case has been cancelled and will be closed on the system.

If an appeal is received within 14 days and the appeal is upheld a rejection letter will be sent to the appellant explaining the reasons why we have not cancelled their Penalty Charge Notice. The rejection letter will state that the appellant has a further 14 days from the date of that letter to pay the discounted amount.

If an appeal is not received within 14 days or the discounted payment has not been made within the 14 days the case will revert back to the original amount of either £50.00 or £70.00 depending on the contravention.

The Council will then contact the Driver and Vehicle Licensing Agency (DVLA) in order to obtain the details of the registered keeper at the time of the Penalty Charge Notice was issued. Once the details have been provided the Council will then send out a Notice to Owner (NtO). This is a formal letter and will give the owner/keeper the option to make a formal representation. The owner/keeper then has 28 days to make the formal representation or make the outstanding payment.

If the Notice to Owner is returned and the owner/keeper has made a formal representation then the administration team will look at this case and decide if the representations are to be accepted or upheld. If the representations are accepted a Notice of Acceptance will be sent to the owner/keeper of the vehicle and the case will be closed. (For all statutory representations please see page 38)

If the representations are upheld then the appellant will receive a Notice of Rejection. In this case it will explain why the Penalty Charge Notice has not been cancelled and will give the appellant the opportunity to pay the outstanding amount or appeal to the Traffic Penalty Tribunal within 28 days of receiving their response. (Application forms to the Traffic Penalty Tribunal go out with all Notice of Rejections).

If the owner/keeper was not the driver they are still liable for the Penalty Charge Notice and it will be their responsibility to ensure that the payment is made.

If the driver appeals but is not the registered owner/keeper of the vehicle as confirmed by the DVLA a response will be sent out to them and the registered owner/keeper will also get a copy of the response.

If no payment or appeal is made within 28 days the Penalty Charge Notice increases by 50% and a Charge Certificate is sent out. The appellant then has 14 days to make the payment. Appeals sent in after this time will be taken into consideration but will not be considered at a formal stage.

If payment is not made within 14 days a Pre Debt Registration letter will be sent. This letter explains that you have 7 days to make the outstanding payment or your case will be registered as a debt with the County Court.

If payment is not made within 7 days the case will then be registered as a debt at Northampton County Court, there is a charge of £7.00 per case that is added when the case is registered. A Witness Statement is then sent out to the owner/keeper of the vehicle giving them the option to pay the outstanding amount at this stage it will be either be £82.00 or £112.00.

You have four options in which you can appeal. At this stage you then need to send this document to the Traffic Enforcement Centre who will issue the Council a Revoking Order. This means that the case will then be reverted back to the original amount of either £50.00 or £70.00 and a new Notice to Owner will be sent out. Or the case will be sent to the Traffic Penalty Tribunal where an

Adjudicator will consider if the case needs to be reviewed and the outcome will be decided by the Adjudicator.

Registered Keepers Liability

A number of appeals may be received on the grounds that the registered keeper was not in possession of the vehicle at the time of the contravention. Although this may be the case, the registered keeper still has a responsibility to ensure that the vehicle is parked correctly and responsibly.

The registered keeper will still be liable for all Penalty Charge Notices issued.

All changes in keeper details must be forwarded to the DVLA by completing the relevant sections on the vehicle registration document. Where a Penalty Charge Notice is issued and a registered keeper is claiming to no longer own the vehicle and did not own the vehicle at the time of the alleged contravention, clear written evidence will need to be provided showing the precise date the vehicle was sold and the person to whom it was sold.

If the vehicle is from a hire company, although the hire company is the registered keeper of the vehicle, the paperwork signed by the hirer clearly transfers responsibility of such penalties to the driver.



Bromsgrove
District Council

www.bromsgrove.gov.uk

CIVIL PARKING ENFORCEMENT

Guidance policies for the enforcement and cancellation of Penalty Charge Notices

Policies set out in this document provide guidance only.

Each case is considered on its own individual circumstances, taking into account all the evidence available and the exceptionality of the circumstances.

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INTRODUCTION

STANDARD CONTRAVENTION CODES AND PENALTY CHARGES

STATUTORY GROUNDS TO MAKE REPRESENTATIONS (Part 6 of The Traffic Management Act 2004

The contravention did not occur

- Where the motorist claims he/she was loading/unloading
- Where the motorist claims that a parking pay & display machine was faulty
- Where the motorist claims that the restriction is not signed or marked clearly.
- Where the motorist was carrying out building works.
- Where the motorist claims that their vehicle was not parked in the location at the time and on the date the alleged on the PCN which was issued.
- where the motorist claims that a pay & display ticket was purchased and displayed.

The penalty exceeded the relevant amount.

The Traffic Order was invalid.

The motorist was not the owner/keeper of the vehicle at the time of the contravention.

- Where the current registered keeper claims that the vehicle was disposed of before the contravention occurred.
- Where the current registered keeper claims that the vehicle was purchased after the contravention occurred.
- Where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention.
- Where the motorist claims that they never owned the vehicle.

The vehicle had been taken without owner's consent.

- Where the current registered keeper claims that the vehicle has been stolen.
- Where the current registered keeper claims that the vehicle was driven by a third party (i.e. a friend, relative or estranged partner).

The owner is a hire company and have supplied the name of the hirer.

Any other information that the motorist/vehicle owner wants the Council to take into consideration.

MITIGATING CIRCUMSTANCES

- Where the motorist claims to have become unwell while driving.
- Where the motorist claims to be a doctor, nurse, health visitor attending a patient.
- Where the motorist stopped to use the toilet.
- The motorist stopped to collect (prescribed) medication from a chemist.
- Where the motorist was a patient visiting a doctor's surgery.
- Where the motorist claims to have been recently bereaved.
- Where the motorist was delayed in returning to their vehicle and parking time purchased had expired.
- Where the motorist left the vehicle parked without a valid ticket on display to obtain change.
- Where the motorist claims to have been unaware of recent increase in tariff.
- Where the motorist had parked with one or more wheels outside of a marked bay.
- Where the motorist is a Blue Badge holder/transporting a Blue Badge holder and they did not have their Blue Badge and/or clock on display or it could not be read.....
- Where the motorist was displaying an expired authorisation to park, i.e. dispensation, season ticket, residents permit or visitors permit.
- Where the motorist is parked in contravention of a waiting/parking prohibition whilst displaying a residents permit.
- Where the motorist assumed that they were entitled to "a period of grace" before the PCN was issued.
- Where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings.
- Where the motorist claims that their vehicle had broken down.
- Where the motorist claims that they were attending an emergency or another vehicle that had broken down.
- Where the vehicle in question was on police, fire brigade or ambulance duties.
- Where the motorist claims to have been collecting or depositing money at a bank.
- Where the registered keeper liable for payment of the PCN is expected to be absent for a long period of time, e.g. is living abroad, in prison or in hospital.
- Where the registered keeper liable for payment of the PCN has died.
- Where the motorist received a Fixed Penalty Notice (FPN) from a police officer or traffic warden when parked in the same location.....
- Where a Council Officer or Member parked in contravention and

claims to have been on Council business.

- Where the motorist stopped to drop off someone.
- Where the motorist states they were in police custody when the PCN was issued.
- Where the motorist states that they were visiting a friend or relative due to urgent/emergency circumstances.
- Where the motorist claims they were parked on private property
- Where motorist was delayed in returning to their vehicle parked in a limited waiting parking place .
- Where the motorist stopped to answer mobile phone.
- Where the motorist states that the details on the PCN are incorrect, e.g. location/registration number.
- Where the motorist states they were unaware of enforcement on Bank/Public holidays.
- Where a motorist has stopped to assist with an accident or emergency situation.

- **Record of Amendments**.....

INTRODUCTION

Bromsgrove District Council has prepared the following policy guidance in respect of Civil Parking Enforcement. The policies in this document are intended to inform the public and provide guidance to council employees working in the enforcement of parking regulations.

These policies provide a foundation upon which fairness and discretion can be applied.

It is important to recognise that each case will be considered on its own merits, matters of proportionality, objectivity, fairness and reasonableness should be paramount.

Written evidence will only be considered if deemed acceptable by Bromsgrove District Council.

These policies will be subject to on going review.

STANDARD CONTRAVENTION CODES AND PENALTY CHARGES

Contravention codes – on street

Code	Description	Penalty charge	Penalty Charge if paid within 14 days of date of issue
01	Parked in a restricted street during prescribed hours	£70	£35
02	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	£70	£35
15	Parked in a resident's parking space without clearly displaying a valid resident's parking permit	£50	£25
16	Parked in a permit space without clearly displaying a valid permit	£70	£35
18	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited.	£70	£35
21	Parked in a suspended bay/space or part of bay/space	£70	£35
22	Re-parked in the same parking place within one hour* of leaving	£50	£25
23	Parked in a parking place or area not designated for that class of vehicle	£70	£35
24	Not parked correctly within the markings of the bay or space	£50	£25
25	Parked in a loading place during restricted hours without loading	£70	£35
26	Vehicle parked more than 50 centimetres from the edge of the carriageway and not within the designated parking place.	£70	£35
27	Parked adjacent to a dropped footway.	£70	£35
30	Parked for longer than permitted	£50	£25
40	Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge	£70	£35
45	Parked on a taxi rank	£70	£35
47	Restricted bus bay	£70	£35
48	Stopped in a restricted area outside a school	£70	£35
61	A heavy commercial vehicle wholly or partly parked in a footway, verge or land between two carriageways	£70	£35

62	Parked with one or more wheels on any part of an urban road other than a carriageway (footway parking)	£70	£35
99	Stopped on a pedestrian crossing and/or crossing area marked by zig-zag	£70	£35

Contravention codes – Off Street

Code	Description	Penalty charge	Penalty Charge if paid within 14 days of date of issue
81	Parked in a restricted area in a car park	£70	£35
82	Parked after the expiry of time paid for in a pay and display car park	£50	£25
83	Parked in a pay and display car park without clearly displaying a valid pay and display ticket	£50	£25
85	Parked in a permit bay without clearly displaying a valid permit	£70	£35
86	Parked beyond the bay markings	£50	£25
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	£70	£35
89	Vehicle parked exceeds maximum weight and/or height permitted in this area	£70	£35
91	Parked in an area not designated for that class of vehicle	£70	£35
92	Parked causing an obstruction	£70	£35
93	Parked in a car park when closed	£50	£25

STATUTORY GROUNDS TO MAKE REPRESENTATIONS
(Part 6, Traffic Management Act 2004)

Although the following are the 8 Statutory Grounds to make representation, in accordance with a directive issued by the Local Government Ombudsman, all representations received will be given full consideration and taken into account, whether or not they fall within the description of "Statutory Grounds".

THE CONTRAVENTION DID NOT OCCUR

Where the motorist claims he/she was loading/unloading

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p><u>In the event that the vehicle is parked on a waiting prohibition:</u></p> <p>If evidence is provided to show:</p> <ol style="list-style-type: none"> 1. Goods being delivered or collected were heavy, bulky or numerous and it would be unreasonable to expect them to be carried from 'legal' parking places. 2. Loading/unloading activity was adjacent to the premises concerned. 3. Loading/unloading activity was timely (includes checking goods and paperwork, but not delayed by unrelated activity) <p>It is in the course of business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc.</p>	<p><u>On school zig zag markings;</u></p> <p><u>On zig zag lines</u></p> <p><u>On bus stop clearways;</u></p> <p><u>On Taxi Ranks</u></p> <p><u>Where loading is prohibited</u></p> <p><u>In car parks (except when depositing materials in recycling bins)</u></p> <p><u>Non goods vehicle parked in a goods vehicle loading bay parked</u></p> <p><u>Parked in a goods vehicle loading bay displaying a disabled badge</u></p>

Where the motorists claims that a parking pay & display machine was faulty

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If service records confirm a fault or that the machine had been taken out of service at the time of the contravention.</p> <p>If there is reasonable doubt because</p>	<p>If there was another ticket machine nearby that was working correctly at the time.</p> <p>If there is reasonable doubt because</p>

evidence was not available to confirm that a machine was working at the time (test ticket) and there was not another ticket machine nearby which was operating correctly.	evidence confirms that other users had been able to purchase tickets during the relevant period.
Where the motorist claims that the restriction is not signed or marked clearly	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If signs and/or markings are missing or unclear.</p> <p>If signs and markings are inconsistent with each other and/or Traffic Regulation Order.</p>	<p>If site visit records or photographs establish that signs and/or markings are correct and consistent with each other and the Traffic Regulation Order.</p>
Where the motorist was carrying out building works	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If evidence confirms that the motorist was simply loading/unloading.</p> <p>If a valid dispensation to park at the location in question had been issued and was on display in the vehicle or a verbal authorisation is in force.</p> <p>If works are of a statutory nature or are exempted from restrictions by a Traffic Regulation Order or legislation.</p> <p>If it can be proven that works were an emergency.</p>	<p>In all other circumstances including vehicles used by painters, decorators etc. whereby the equipment can be unloaded and then parked appropriately for work to take place.</p>
Where the motorist claims that their vehicle was not parked in the location at the time and on the date alleged on the PCN which was issued	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>Following consideration of all available evidence:</p> <p>If the motorist provides a copy of their vehicle excise license which was valid at the time of</p>	<p>If the motorist does not provide a copy of their tax disc, after being given a further opportunity to submit such a copy.</p> <p>If the serial number on the copy tax disc provided by a motorist is identical to the</p>

<p>the contravention and the serial number of which differs from the number noted by the Civil Enforcement Officer.</p>	<p>serial number noted by the Civil Enforcement Officer.</p> <p>If there is no evidence or if the evidence presented does not support the claim or is inconclusive.</p> <p>There is photo evidence that was taken by the Civil Enforcement Officer to the contrary</p>
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Where the motorist claims that a pay & display ticket was purchased and displayed

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If the motorist produces a pay & display ticket parking ticket that was valid at the time of the contravention and the Civil Enforcement Officer confirms that a face down ticket or a ticket that was displayed but concealed in some other way was seen and it is the first contravention of this kind.</p>	<p>If the motorist is unable to produce a valid pay & display ticket.</p> <p>The Civil Enforcement Officer was unable to confirm that a face down ticket or a ticket that was displayed but concealed in some other way was seen.</p> <p>The motorist has made a similar representation before and had a previous Penalty Charge Notice cancelled.</p> <p>The Civil Enforcement Officer noted that the motorist obtained their ticket from another motorist in the car park.</p> <p>Where digits have been entered on the face of the ticket and do not match those of the motorist's vehicle registration number.</p> <p>Where a pay and display ticket was purchased in another car park and is non transferable in accordance with the terms of the Car Park Order</p> <p>Where the ticket has been amended in some way</p>

THE PENALTY CHARGE EXCEEDED THE RELEVANT AMOUNT

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If the PCN and/or Notice to Owner showed the incorrect amount of penalty charge i.e. the wrong penalty charge band.	If the PCN or Notice to Owner showed the correct amount of penalty charge.

THE TRAFFIC ORDER WAS INVALID

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If the Traffic Regulation Order which prescribes the restrictions that the vehicle was parked in contravention of was not constructed correctly.	If the Traffic Regulation Order which prescribes the restrictions that the vehicle was parked in contravention of, was constructed correctly. If the motorist merely considers the restrictions to be unfair.

THE MOTORIST WAS NOT THE OWNER/KEEPER OF THE VEHICLE AT THE TIME OF THE CONTRAVENTION

Where the current registered keeper claims that the vehicle was disposed of before the contravention occurred

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the person who is currently shown as being the registered keeper of the vehicle by the DVLA is able to provide proof that the vehicle was disposed of before the contravention, i.e. a bill of sale, registration documents, insurance documents or a letter from the DVLA; and/or</p> <p>If the person who is currently shown as being the registered keeper of the vehicle by the DVLA is able to provide the full name and address of the person to whom they disposed of the vehicle</p> <p>ACTION – send a new Notice to Owner to the person named by the DVLA as current registered keeper.</p>	<p>If the person who is currently shown as being the registered keeper of the vehicle by the DVLA is unable to prove that they disposed of the vehicle before the contravention or provide the name and address of the person to whom they disposed of the vehicle.</p> <p>If the person who is currently shown as being the registered keeper of the vehicle by the DVLA , is proved that the person to whom they disposed the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide.</p> <p>DVLA confirm owner details</p>

Where the current registered keeper claims that the vehicle was purchased after the contravention occurred.

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the current registered keeper is able to provide proof that the vehicle was purchased after the contravention, i.e. an invoice, registration documents, insurance documents or a letter from the DVLA; and/or</p> <p>If the current registered keeper is able to provide the full name and address of the person from whom they purchased the vehicle.</p> <p>If the person who is currently shown as being the registered keeper of the vehicle by the DVLA</p>	<p>If the current registered keeper is unable to prove that they purchased the vehicle after the contravention nor provide the name and address of the person from whom they bought the vehicle.</p> <p>If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide.</p>

Where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
Only when a signed hire agreement exists	In all other circumstances because the registered keeper is always liable, including where the vehicle was left in the care of a garage.
Where the motorist claims that they never owned the vehicle	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If the DVLA confirm that the motorist was not the registered keeper at the time of the contravention.	<p>If the DVLA confirms that the motorist was the registered keeper of the vehicle at the time of the contravention.</p> <p>If the previous registered keeper provides proof that the motorist bought the vehicle before the contravention, or the subsequent registered keeper provides proof that the motorist sold the vehicle after the contravention.</p> <p>If the motorist is proven to have hired the vehicle for the day on which the contravention occurred and signed an agreement to take responsibility for the PCNs incurred, subject to the time of hire.</p>

THE VEHICLE HAD BEEN TAKEN WITHOUT OWNER'S CONSENT

Where the current registered keeper claims that the vehicle has been stolen

MAY ACCEPT REPRESENTATION

If the registered keeper provides a valid police crime report reference number.

MAY REJECT REPRESENTATION

If the current registered keeper is unable to provide any proof of theft.

If the police crime report reference number provided by the current registered keeper does not exist or it does not match the theft or date of the theft alleged.

Where the current registered keeper claims that the vehicle was driven by a third party (i.e. a friend, relative or estranged partner)

MAY ACCEPT REPRESENTATION

In no circumstances

MAY REJECT REPRESENTATION

In all circumstances, the registered keeper is always liable for the PCN, except when a hire agreement exists.

THE OWNER IS A HIRE COMPANY AND HAVE SUPPLIED THE NAME OF THE HIRER

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the hire company are able to provide proof that the vehicle was hired at the time of the contravention, i.e. a signed agreement.</p> <p>If the hire company are able to provide the full name and address of the person to whom they hired the vehicle</p> <p>ACTION – send a new Notice to Owner to the person named by the hire company</p>	<p>If the hire company are unable to prove that they hired out the vehicle on the date of the contravention nor provide the name and address of the person to whom they hired the vehicle.</p> <p>If the person named by the hire company as the person to whom they hired the vehicle, without proof, either does not exist, cannot be traced or denies responsibility for the contravention.</p> <p>If the vehicle was being as a courtesy car without an agreement signed to accept responsibility for Penalty Charge Notice issued.</p>
<p>Any other information that the motorist/vehicle owner want the Council to take into consideration</p>	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>The decision whether or not a Penalty Charge Notice should be cancelled will only be taken following very careful consideration taking into account all of the evidence available.</p>	

PROCEDURAL IMPROPRIETY

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If the Council has proven not to observe any requirement imposed on it by the Traffic Management Act 2004 in relation to the imposition or recovery of a PCN or other sum.</p>	<p>If the Council has observed and adhered to the requirement imposed by the Traffic Management Act 2004.</p>

THE PENALTY CHARGE NOTICE HAS BEEN PAID IN FULL

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>The Penalty Charge Notice can be proven to have been paid.</p>	<p>No evidence of payment or receipt of payment has been received by the Council.</p>

MITIGATING CIRCUMSTANCES

WHERE THE MOTORIST CLAIMS TO HAVE BECOME UNWELL WHILE DRIVING

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If the motorist provides proof of a medical condition, temporary or permanent, that supports the circumstances explained in the representation.</p> <p>When the notes made by the Civil Enforcement Officer support the motorist's representations.</p>	<p>If the motorist cannot provide some proof of a medical condition, temporary or permanent, that supports the circumstances explained in the representation.</p> <p>Where other evidence contradicts the motorists claim</p>

WHERE THE MOTORIST CLAIMS TO BE A DOCTOR, NURSE, HEALTH VISITOR ATTENDING A PATIENT

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If the motorist produces evidence that they were responding to an urgent medical call and there was no suitable unrestricted parking place.</p>	<p>If the motorist was not attending a patient in urgent circumstances or if there were alternative unrestricted parking spaces nearby.</p> <p>If motorist was parked outside their practice or other place of work for any reason other than to collect supplies for an urgent call.</p> <p>If the motorist was parked in an area which does not correspond with claims made in representations, i.e. far from patients property.</p> <p>All other cases</p>

WHERE THE MOTORIST HAS STOPPED TO USE THE TOILET

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>On production of medical evidence confirming a relevant medical condition and in support of the circumstances described in a representation.</p>	<p>In all other circumstances.</p>

WHERE THE MOTORIST HAS STOPPED TO COLLECT (PRESCRIBED) MEDICATION FROM A CHEMIST

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>Only in the most serious, urgent and exceptional of circumstances and the use of a 'legal' parking place would have caused an unacceptable delay.</p>	<p>In any lesser circumstances.</p>

WHERE THE MOTORIST WAS A PATIENT VISITING A DOCTOR'S SURGERY	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If the motorist can provide a letter from a doctor to confirm that the visit was urgent and that they were unable to walk from the nearest legal parking space.</p>	<p>If the motorist was not the patient but only driving the vehicle carrying the patient.</p> <p>If the motorist was attending a pre-arranged, non-urgent appointment.</p> <p>If the motorist could reasonably have been expected to have parked legally elsewhere.</p>
WHERE THE MOTORIST CLAIMS TO HAVE BEEN RECENTLY BEREAVED	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If no evidence exists to the contrary, taking into account the sensitivity of this issue on first occasion.</p> <p>Only in respect of immediate family.</p> <p>A death certificate will be requested in most cases unless confirmation of death can be established elsewhere.</p>	<p>Only if there is a significant reason to doubt the sincerity of representations, i.e. the Civil Enforcement Officer's notes indicating that the motorist was going about a normal day, say, shopping or working, or the bereavement considered to be a long time ago.</p>
WHERE THE MOTORIST WAS DELAYED IN RETURNING TO THEIR VEHICLE AND PARKING TIME PURCHASED HAD EXPIRED	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If supported by appropriate evidence, the motorist's representations claims that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseen, unavoidable and exceptional.</p>	<p>If the delay described by the motorist was entirely avoidable, i.e. queuing in a shop, waiting for doctor/dentist appointment etc.</p> <p>If the motorist simply underestimated the time needed and could have reasonably</p>

<p>If the motorist's vehicle had broken down, evidence should be provided of recovery.</p> <p>If the motorist was unable to drive since parking the vehicle e.g. having attended a medical appointment and being advised not to drive or being sent into hospital.</p>	<p>purchased more time, i.e. when conducting business, shopping or commuting.</p> <p>If the motorist was unable to drive since parking due to excess alcohol in the body or had been detained and charged by the police.</p>
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WHERE THE MOTORIST LEFT THE VEHICLE PARKED WITHOUT A VALID TICKET ON DISPLAY TO OBTAIN CHANGE

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If the motorist had not left the car park while obtaining a ticket within 5 minutes or parking the vehicle</p>	<p>If the Civil Enforcement Officer's notes indicate that the motorist returned to their vehicle, having completed their purpose for parking, while the PCN was being issued, i.e. carrying shopping, or had left the vehicle while obtaining change.</p>

WHERE THE MOTORIST CLAIMS TO HAVE BEEN UNAWARE OF THE RECENT RISE IN TARIFF

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If statutory notices were not erected in accordance with procedural regulations</p> <p>If revised tariff is not on tariff board (s).</p>	<p>If the tariff boards were correct.</p>

WHERE THE MOTORIST HAD PARKED WITH ONE OR MORE WHEELS OUTSIDE OF A MARKED BAY IN A CAR PARK

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>Only in the most exceptional of</p>	<p>When clear and incontrovertible supporting</p>

<p>circumstances that were outside the motorists control are supported by incontrovertible evidence</p> <p>Otherwise</p> <p>In no circumstances</p>	<p>evidence (photographs/sketch plan) is available.</p>
<p>WHERE THE MOTORIST IS A BLUE BADGE HOLDER/TRANSPORTING A BLUE BADGE HOLDER AND THEY DID NOT HAVE THEIR BLUE BADGE AND/OR CLOCK ON DISPLAY OR COULD NOT BE READ</p>	
<p>MAY ACCEPT REPRESENTATIONS</p>	<p>MAY REJECT REPRESENTATIONS</p>
<p>If it can be established that this is the motorist's first contravention of this type and they can provide evidence that they are a Blue Badge holder or were transporting a Blue Badge holder.</p>	<p>If the motorist has previously had a PCN cancelled for the same contravention and has been warned to display a valid badge and clock correctly in the future.</p> <p>If the motorist was parked on a waiting restriction beyond the 3 hour time limit permitted by the Blue Badge Scheme, or on another restriction which does not provide an exemption for Blue Badge holders.</p> <p>The incorrect use of the clock</p>
<p>WHERE THE MOTORIST WAS DISPLAYING AN EXPIRED AUTHORISATION TO PARK, I.E. DISPENSATION, SEASON TICKET, RESIDENTS PERMIT, BLUE BADGE OR VISITORS PERMIT.</p>	
<p>MAY ACCEPT REPRESENTATIONS</p>	<p>MAY REJECT REPRESENTATIONS</p>
<p>If the renewal of the authorisation was delayed by the Council's administrative processes.</p> <p>If it can be established that other reasonably unforeseen circumstances delayed the renewal of an authorisation to park, e.g. sickness on the part of the applicant or a postal dispute (supported by appropriate evidence)</p>	<p>In all other circumstances.</p>

WHERE THE MOTORIST IS PARKED IN CONTRAVENNTION OF A WAITING/PARKING PROHIBITION WHILST DISPLAYING A RESIDENT'S PERMIT	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
In no circumstances	On all occasions
WHERE THE MOTORIST IS A NEW RESIDENT AND HAD PARKED IN A RESIDENTS BAY WITHOUT DISPLAYING A VALID RESIDENTS PERMIT	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
In no circumstances	On all occasions
WHERE THE MOTORIST ASSUMED THAT THEY WERE ENTITLED TO "A PERIOD OF GRACE" BEFORE THE PCN WAS ISSUED	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
In no circumstances	On all occasions
WHERE THE MOTORIST CLAIMS THAT SNOW, FOLIAGE, FALLEN LEAVES OR FLOODING COVERED THE SIGNS OR MARKINGS	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
If it can be established that such conditions prevailed and it is likely that signs and markings were obscured as claimed and there was no alternative indication of the restriction.	<p>If it can be established that such conditions did not cause lines and signs to be obscured as claimed.</p> <p>If the Civil Enforcement Officer's notes photographic evidence etc. directly contradict the motorist's version of events.</p> <p>If any reasonable alternative indication of the restriction was available to the motorist.</p> <p>If the location of the contravention was unlikely to be subject to the natural conditions described by the motorist, i.e. it was under cover.</p>

WHERE THE MOTORIST CLAIMS THAT THEIR VEHICLE HAD BROKEN DOWN

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If the motorist is able to provide evidence of a breakdown, e.g. proof of vehicle recovery or a bill of sale for repair or parts</p>	<p>If the motorist is unable to provide evidence of any kind that their vehicle had broken down.</p> <p>If the cause of the vehicle “breaking down” was due to negligence on the part of the motorist, i.e. the vehicle had not been properly maintained, had run out of fuel or water or a similar reason.</p> <p>If the Civil Enforcement Officer’s notes contradict the motorist’s version of events.</p>

WHERE THE MOTORIST CLAIMS THAT THEY WERE ATTENDING AN EMERGENCY OR ANOTHER VEHICLE THAT HAD BROKEN DOWN

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If the motorist is able to provide reasonable proof of the emergency, i.e. a credible report of an accident or incident, or that they were attending to another vehicle that had broken down.</p>	<p>If the motorist is unable to provide evidence of any kind that they were attending an emergency or another vehicle which had broken down.</p> <p>If the Civil Enforcement Officer’s notes contradict the motorist’s version of events, i.e. the motorist was not seen attending an emergency or another vehicle which was broken down.</p>

WHERE THE VEHICLE IN QUESTION WAS ON POLICE, FIRE BRIGADE OR AMBULANCE DUTIES

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If a senior officer of the service concerned supports the representations and there is no reason to doubt that the vehicle was engaged on operational guidelines.</p>	<p>In all other circumstances.</p>

WHERE THE MOTORIST CLAIMS TO HAVE BEEN COLLECTING OR DEPOSITING MONIES AT A BANK	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If the procedure explained in the motorist's representations is consistent with the allowance for loading and unloading.</p> <p>Or</p> <p>If specific arrangements have been agreed.</p>	<p>In all other circumstances</p>
WHERE THE REGISTERED KEEPER LIABLE FOR PAYMENT OF THE PCN IS EXPECTED TO BE ABSENT FOR A LONG PERIOD OF TIME, E.G. IS LIVING ABROAD OR IS IN PRISON	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>In no circumstances</p>	<p>On all occasions</p>
WHERE THE REGISTERED KEEPER LIABLE FOR PAYMENT OF THE PCN IS SAID TO HAVE DIED	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>Where the circumstances can be confirmed</p>	<p>Only if there is a significant evidence to doubt the sincerity of the representations.</p>
WHERE THE MOTORIST RECEIVED A FIXED PENALTY NOTICE (FPN) FROM A POLICE OFFICER OR TRAFFIC WARDEN WHEN PARKED IN THE SAME LOCATION	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If confirmation is provided by the police that proceedings for a criminal offence in connection with the same parking/waiting incident.</p>	<p>In all other circumstances</p>

WHERE A COUNCIL OFFICER OR MEMBER PARKED IN CONTRAVENTION AND CLAIMS TO HAVE BEEN ON COUNCIL BUSINESS	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
If the officer was carrying out emergency work and provides evidence/confirmation from a senior officer.	If it can be established that the officer/member could have reasonably parked elsewhere.
WHERE THE MOTORIST STOPPED TO DROP OFF SOMEONE	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If the circumstances are seen by the Civil Enforcement Officer.</p> <p>If, in exceptional circumstances and subject to observations times, the motorist had to escort a passenger (child, elderly or disabled person) to home, or school.</p>	If motorist was parked/stopped on school keep clear markings, pedestrian crossing, bus stop clearway, goods vehicle loading bay or other restricted or reserved parking places
WHERE THE MOTORIST STATES THAT THEY WERE IN POLICE CUSTODY WHEN PCN ISSUED	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
If proof (from the Police) has been provided that the police had instructed the motorist to leave the vehicle.	In most circumstances

WHERE THE MOTORIST STATES THEY WERE VISITING A FRIEND OR RELATIVE IN URGENT CIRCUMSTANCES

MAY ACCEPT REPRESENTATIONS

If due to an emergency, the parking contravention could not be avoided due to the urgent nature of the incident.

MAY REJECT REPRESENTATIONS

If the motorist has already received a PCN, which has been cancelled for the same reason.

If the Civil Enforcement Officer's pocket book notes provides significant reason to doubt sincerity of representation.

WHERE THE MOTORIST CLAIMS THEY WERE PARKED ON PRIVATE PROPERTY

MAY ACCEPT REPRESENTATIONS

If land search maps confirm location is private property and not subject of the relevant Traffic Regulation Order.

If there is insufficient evidence to establish location of vehicle.

MAY REJECT REPRESENTATIONS

In all other circumstances.

WHERE THE MOTORIST WAS DELAYED IN RETURNING TO THEIR VEHICLE PARKED IN A LIMITED WAITING PARKING PLACE

MAY ACCEPT REPRESENTATIONS

If supported by appropriate evidence, the motorist's representations claim that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseen, unavoidable and exceptional.

If the motorist's vehicle had broken down, subject to evidence provided.

If the motorist was unable to drive, since parking the vehicle.

MAY REJECT REPRESENTATIONS

If the delay described by the motorist was not exceptional, i.e. queuing in a shop.

If the motorist simply underestimated the time needed.

If the motorist was unable to drive since parking due to excess alcohol in the body or had been detained by the police for any reason, unless subsequently released without charge or proven innocent.

WHERE THE MOTORIST HAS STOPPED TO ANSWER MOBILE PHONE	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
In no circumstances	On all occasions
WHERE THE MOTORIST STATES THAT THE DETAILS ON THE PCN ARE INCORRECT, E.G. LOCATION	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
If there is reason to doubt that the PCN was issued correctly, taking into account evidence provided by the Civil Enforcement Officer.	If the Penalty Charge Notice was completed correctly.
WHERE THE MOTORIST STATES THAT THEY WERE UNAWARE OF ENFORCEMENT ON BANK/PUBLIC HOLIDAYS	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
In no circumstances	On all occasions
WHERE THE MOTORIST HAS STOPPED TO ASSIST WITH AN ACCIDENT OR EMERGENCY SITUATION	
Where sufficient written evidence has been provided to confirm the situation	If the motorist was able to park safely and appropriately nearby If no evidence can be provided to support the incident

RECORD OF AMENDMENTS			
Date	Section	Amendment	Notes
29/04/2013	Mitigating Circumstances	Death Certificate requirement	

5 Grounds for Making Representations

When a Notice to Owner has been sent to the registered keeper/owner they will have the following Statutory Grounds to make a representation:

The alleged contravention did not occur.

(Please explain why you believe no contravention took place).

**I was never the owner of the vehicle in question/or
I have ceased to be its owner before the date on which the alleged
contravention occurred/ or
I became its owner after the date on which the alleged contravention
occurred.**

(If you bought or sold the vehicle, you must give the name and address of the former or new owner. Please also provide the date of the transaction and any other details, and include copies of any document such as a invoice or bill of sale).

At the time of contravention, the vehicle was stolen or taken without my consent.

Please provide any supporting information that you may have e.g. crime reference or insurance claim reference.

We are a vehicle hire firm and the vehicle was on hire under a hiring agreement and the hirer had a signed statement acknowledging liability for any PCN served for that vehicle during the hiring period.

(You must supply the name and address of the hirer and a copy of the signed agreement).

The penalty charge exceeded the amount applicable in the circumstances of the case.

(You will need to tick the box on the form if you think you are being asked to pay more than is required by law to explain why).

There has been a procedural impropriety.

(You will need to tick the box on the form if you believe that Bromsgrove District Council has failed to comply with any requirements imposed by the relevant legislation. Please set out the statutory requirement, time limit or other procedural step with which you believe that the council has failed to comply with).

The Order in which is alleged to have been contravened in relation to the vehicle concerned is invalid.

(Please explain why you believe that the Order in question is invalid).

The penalty charge has already been paid:

(i) in full; or

(ii) at the discounted rate and within the time specified

(Please indicate the amount of the payment made and when and how the payment was made and include a copy of any supporting documentary information such as a receipt or bank statement.

N.B. This discounted rate was 50% of the penalty charge and should have been paid within 14 days from the date on which the PCN was served).

If there are any other reasons why you consider the council should cancel the penalty charge and refund any sum already paid, please tick this box and set out those reasons in full in the box on the following page.

(This is the back page on the Notice to Owner).

6 Payment of Parking Fines

We will accept payment in a number of ways. We will take action to recover any unpaid Penalty Charge Notice as they are regarded as a debt to the Council.

Payment Facilities

It is the wish of the Council that all motorists are given a number of methods through which to pay the Penalty Charge Notice. The following payment methods will be allowed and administered by the Notice Processing Office:

- Credit Cards;
- Debit Cards;
- Cash; and
- Cheque

Payment by credit or debit card can be made by logging on to www.bromsgrove.gov.uk and selecting the pay for it section. This facility is available throughout the day 7 days a week.

There is also the option by paying on the automated telephone line where you can pay by credit or debit card by phoning 01527 881474. Listen and follow the instructions.

Payments can be made in person by debit/credit card, cash or cheque at;

Customer Service Centre
The Dolphin Centre
School Drive
Bromsgrove
B60 1AY

Cheques need to be made payable to 'Bromsgrove District Council'

If you are sending payments through the post then they will also need to be sent to the Dolphin Centre.

7 Staff Conduct

Our staff will be highly trained to do their job well.

Bromsgrove District Council Civil Enforcement Officers will be easy to recognise in their uniform. Each officer has an identity number and will wear shoulder epaulettes which show that number. This number will also appear on the Penalty Charge Notice should you receive one.

All Bromsgrove District Council Civil Enforcement staff will treat customers with respect and expect to be treated in the same way.

Customer Care

Bromsgrove District Council places a great emphasis upon customer care and operates principles aimed at maximising public relations. These principles will be embodied in operational procedures.

For example:

- A high standard for replying to correspondence has been set and will be maintained in line with customer care promises,
- All staff will work towards achieving a high standard of competency
- The use of corporate complaints procedures for the enforcements service embodying all the Council's standards.

Quality

As part of the high standard that Bromsgrove District Council wishes to adopt, training will play a key role.

Along with the rigorous selection process in filling all Civil Enforcement Officers vacancies, an on-going training and development programme will assist in the quality of service provided. Training of staff will also instil job satisfaction into our staff and encourage them to undertake their daily duties to the best of their abilities knowing they are fully supported by the Council.

Bromsgrove District Council will carry out training to high standards for Civil Enforcement Officers.

Civil Enforcement Officer Uniforms

Civil Enforcement Officer uniform will be worn in accordance with national guidance. The design will incorporate the words "Civil Enforcement Officer" and "Parking Section" and will be easily distinguishable from police officers, etc. They will also have the name of the Council clearly displayed. The Civil Enforcement

Officers will carry a personal photo identity card. Personal radios and mobile phones will also be carried for the purpose of maintaining contact with the CCTV control room in order to request assistance and to alert the Police to incidents or issues requiring their attention.

Complaints against Civil Enforcement Officers

In striving towards continual improvement in the service provided by Bromsgrove District Council's Parking Section, the Council complaints procedure will be adopted enabling members of the public, both motorist and non-motorists, to register a complaint against any Civil Enforcement Officer or member of staff connected to the Parking Section.

Complaints can be made in person at The Bromsgrove District Customer Service Centre. Alternatively, you can ring and request a form on 01527 881288, or download a form from www.bromsgrove.gov.uk .

The Council aims to investigate the complaints and respond within 15 working days after the complaint has been logged.

8 Exemptions and Waivers

The following vehicles are exempt from parking restrictions on Bromsgrove District Council parking areas;

- Police vehicles, fire brigade vehicles and ambulances whilst attending emergency situations;
- Local authority vehicles being used to carry out their duties (such as: refuse collection, street cleansing, highway maintenance).
- Recovery vehicles attempting to recover vehicles which have broken down, providing they are acting in accordance with the instructions issued by Civil Enforcement Officers.

9 Enforcement

Any vehicle found to be parked in contravention of the parking regulations should expect to receive a Penalty Charge Notice.

Although it is not essential we will endeavour to take photographic or video evidence to show the Penalty Charge Notice was issued correctly.

We will consider mitigating circumstances for all representations.

Observation Period Prior to Issue of Penalty Charge Notice

What is important about these procedures is that they represent a foundation upon which fairness and discretion can be applied. The importance of flexibility in these matters has been recognised by the Traffic Penalty Tribunal.

The procedures address the following:

- Observation times for enforcement staff
- The statutory grounds upon which representations may be made
- Mitigating circumstances
- The acceptance or rejection of representations

It is important to recognise that each case will be considered on its own merits - matters of proportionality, objectivity, fairness and reasonableness should be paramount. These procedures will be subject to on going review.

Civil Enforcement Officers may allow a period to undertake and record observations for genuine attempts to park before they may issue a Penalty Charge Notice. If observations are given then the Civil Enforcement Officer will record the first time the vehicle was observed in their pocket books along with any necessary additional information. Another record of the time the Penalty Charge Notice was issued will also be recorded and if it was attached to the windscreen, handed to the driver or issued as a postal Penalty Charge Notice.

Instant Penalty Charge Notices will be issued to vehicles that are not parked in bays specified for that type of vehicle. For example; a vehicle parked in a disabled bay without a valid disabled badge or a vehicle parked in a taxi bay that is not a taxi; or if a vehicle is parked in an area with loading restrictions in place.

10 Smart Cards

- Smart Cards are issued to vehicle or Blue Badge owners. They are for specific use in the Recreation Road South car park (ASDA) or the Churchfields Multi Storey car park.
- There are 5 different categories of users, Blue Badge holders, Annual/Quarterly permit holders, Taxis, Police and Staff. Each category is explained below.
- **Blue Badge Holders** can apply for a smart card to use with their disabled badge and is valid in co-ordination with their disabled badge. Details of this are kept on a database and on the Parkeon (Pay-on-foot) system. When using either car park the registered smart card will allow the driver to enter the car park via automatic number plate recognition (ANPR). On occasions when the camera fails or in adverse weather conditions the holder can put the card into the entrance or exit barrier. Once on the car park the card is not displayed but if using a disabled parking bay a valid disabled badge must be displayed. The smart card used when paying for parking allows the holder 1 hour free parking in addition to the time paid for. For example 40 pence allows for 30 minutes parking so the badge holder can park for 1 hour 30 minutes. A Penalty Charge Notice may be issued if a disabled badge is not displayed or the badge is not valid when a vehicle is parked in a disabled persons parking bay. Or if the vehicle is not parked wholly within the bay markings.
- **Annual and Quarterly Permit Holders** use the smart card to gain entrance or exit on Churchfields multi storey car park only. The smart card is valid whilst the parking permit is valid. Penalty Charge Notices can be issued for a vehicle being parked out of bay markings or parked in a disabled bay without a disabled badge.
- **Taxi drivers** are issued smart cards to gain access and exit on both car parks and are allowed 15 minutes to drop off and pick up passengers.
- **Police and Staff** as before the smart card will allow the holder to enter and exit both car parks. There is no time limit on these smart cards. Staff who park in disabled bays or not within the bay markings will be issued with a Penalty Charge Notice.

Forgotten Smart Cards

1. If a smart card is lost the customer can call the intercom and explain that they have lost their smart card.
2. A member of staff will check with the customer if they would like a new smart card. All replacement smart cards have a charge of £5.00.
3. If the customer does not wish to have a new smart card and they have a ticket from the machine then they will be advised to pay at the pay station. If the driver did not take a ticket then a member a staff will make a note of when the vehicle entered the car park and will issue a ticket to the customer. If they have any problems leaving the car park then they can contact the office at the exit.

11 Disabled badge holders

The Blue Badge scheme is national and applies to On-Street parking only. However most local authorities allow additional benefits, these vary from authority to authority and it is advisable to check the tariff boards on the car parks.

Blue Badge Holders parking in Bromsgrove's Pay and Display car parks receive a free hour of parking in addition to their paid time. In the District's Pay on Foot car park they can obtain a smart card which enables them to receive an hour free.

The Council has launched the 'Blue Badge Benefits in Bromsgrove' campaign to highlight this to residents and to visitors to the town.

What to remember when using your disabled badge:

- Your badge must be valid
- When displaying your badge the expiry date must be on display
- Make sure your clock is on display with the correct time
- It explains in the 'Blue Badge Scheme' booklet that you must apply for a new disabled badge before the old one expires. If you do display an expired badge you may receive a Penalty Charge Notice.
- Always check signs and tariff boards to see what restrictions (if any) are in place for blue badge holders

12 Suspected Abandoned & Vandalised Vehicles

Instances will arise where a vehicle remains parked in a restricted area for a period of time accumulating a number of Penalty Charge Notices. There may be a number of reasons for this; one of which may be that the vehicle has been abandoned. If a Civil Enforcement Officer suspects the vehicle may have been abandoned, this should be reported.

It is often difficult to judge if a vehicle is in fact abandoned; especially with older vehicles. A Civil Enforcement Officer coming across a vehicle that has several Penalty Charge Notices and finds the vehicle is untaxed or the tax has expired, or that the vehicle is generally of poor condition, then there is a good chance the vehicle has been abandoned and should be reported accordingly.

Once a vehicle has been reported by the Civil Enforcement officer as potentially being abandoned, no further Penalty Charge Notices will be issued. The Penalty Charge Notices already issued will be enforced against the registered keeper in the usual manner.

Vandalised Vehicles

All Penalty Charge Notices issued will be cancelled when a vehicle has been vandalised to such a degree that it prevents its safe removal. Written evidence will be required before such Penalty Charge Notices are cancelled. Written evidence could include police crime reference details or motoring organisation/garages who have recovered the vehicle. The details contained within the Officer's pocket book will also be considered in assessing extent of any damage to the vehicle in question.

Penalty Charge Notices will not be cancelled without the provision of such supporting evidence.

13 Clamping & Removal of Vehicles

Clamping

Bromsgrove District Council does not intend to introduce the use of clamping.

Removal

Bromsgrove District Council does remove vehicles if that vehicle has incurred a number of Penalty Charge Notices *and* it is believed that these charges remain unpaid *and* the vehicle is committing another contravention. The Council will attempt to contact the driver prior to removing vehicle wherever possible. However, this may not always be possible.

The Council will be sensitive to public needs, and responsive to the requirements of those whose vehicles have been removed. The Council will release removed vehicle only when the Penalty Charge Notice and associated charges have been paid. It does not intend to remove vehicles as a matter of routine.

Document Control

This is version 1.2, amended 17th June 2013