



**Parking and Traffic Enforcement
Annual Report 2008/09**

October 2009

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1. Introduction

This section of the annual report sets out some of the facts and figures relating to Newham's parking and traffic enforcement activity. In addition it outlines current parking enforcement policies which allow the Council to manage the increasing demand for parking space within its boundaries.

At many locations demand for parking in Newham far outstrips the existing supply of available kerb space and the Council has to ensure that it maintains a manageable balance between the different demands of residents, their visitors, businesses, disabled residents, disabled visitors and members of the wider public who choose Newham to shop and socialise.

These needs also have to be balanced with the statutory duty placed on the council to keep traffic moving, reducing unsafe and obstructive parking, ensuring the safety of pedestrians, motorists and cyclists, and keeping the highways and roads clear on all public transport routes.

As stated above this report seeks to advise on the performance of Newham's Parking and Traffic Enforcement section in 2008/09.

Parking and traffic enforcement is often portrayed in the media in a controversial light. However, effective, efficient, fair and consistent parking enforcement is essential to ensuring improved traffic flow, bus and public service journey times as well as pedestrian and motorist safety. Despite the popular misconception, parking enforcement is not about revenue collection, it is about achieving compliance so that the targets set out above can be achieved. While it may seem unfair to anyone who has received a penalty charge notice, it is equally frustrating for those who are affected by inconsiderate parking choices made by motorists.

While the council does receive representations from those who feel they have wrongly received a penalty charge notice, it also receives many requests (over 10,000 in 2008/09) from residents about vehicles parked in contravention of parking regulations, examples of this are vehicles parked on the footway, forcing pedestrians onto the road, or vehicles blocking a resident's driveway. Another common enquiry relates to vehicles that park on street corners, creating a safety hazard for other motorists. Our residents are also quite rightly concerned as to whether there is sufficient enforcement to protect parking spaces paid for and reserved for themselves and their visitors by virtue of the parking permit scheme that applies within Newham's controlled parking zones (CPZs). The Parking and Traffic Enforcement team is required to set priorities in order to balance the needs of all its customers and stakeholders.

As stated above, parking enforcement is usually measured and portrayed in the media by the number of penalty charges issued. Constant claims are made about ever increasing numbers, league tables of top issuers and the setting of targets. However, Newham's target is not to use penalty charges as a means to generate revenue but rather to educate the motorist and to increase compliance which benefits all of Newham's residents, businesses and visitors to the borough. In 2008/09 Newham issued fewer penalty charges than in the previous two financial years, which is seen as an indication that our aim of improving compliance is being achieved.

While it is accepted that there will always be motorists who refuse to comply with the parking restrictions that apply within Newham, the intention is to ensure that all penalty charge notices are issued in line with Newham's current enforcement policies which are considered to be both fair and consistent. The aim is to have less penalty charges issued due to improved compliance while ensuring that the recovery rate for those penalty charges that are issued increases year on year because of better quality and accuracy.

It is hoped that the report will give residents, businesses and visitors to the borough the opportunity to judge for themselves whether we are meeting the high standards that we have set ourselves on their behalf.

2. Enforcement policies

2.1 Observation times

Newham has always implemented what it considers to be a fair and reasonable observation policy. However, the introduction of the Traffic Management Act 2004 prompted a review of the existing policy which was approved by the Mayor and Cabinet in March 2008. This policy instructs the Council's Civil Enforcement Officers (formerly known as parking attendants) and the CCTV camera operators on the minimum period of observation which should be allowed for each type of parking contravention. The current policy is considered to be fair and consistent and is fully compliant with the recommendations of London Councils and the guidance given in the appeal case decisions made by the Independent Adjudicators at the Parking and Traffic Appeals Service (PATAS).

In general there is a two minute observation period for serious contraventions and five minutes for less serious contraventions. Some contraventions, such as making a banned turn, or failing to comply with a no entry sign have a zero observation time.

See Appendix A for Newham's observation time policy, as approved by the Mayor and Cabinet.

2.2 Removal policy

The council has introduced a clearly defined removal policy which prioritises the order in which vehicles that are parked in contravention of parking restrictions are removed.

It is important that the council uses its available resources to primarily target those vehicles that are committing the most serious contraventions which can potentially threaten the safety of the public or restrict the mobility of disabled people.

Newham's enforcement contractor is required to remove vehicles in the order of priority as set out in the removal policy in Appendix B. This policy has been approved by the Mayor and Cabinet and it also clearly instructs the enforcement contractor on the minimum period of time which must be allowed before a vehicle can be removed with this instruction being fully compliant with the provisions of the Traffic Management Act 2004.

2.3 Cancellation policy

Newham has always responded to representations against the issue of a penalty charge notice in a fair and balanced manner whilst always being mindful of the statutory provisions laid down in existing parking legislation

All the evidence submitted as part of a representation is fully considered and investigated and to assist officers processing correspondence received. To further assist officers the Mayor and Cabinet have approved a clear and transparent cancellation policy which is intended to help achieve the following:

- Clarity for Newham residents, members of the public, elected members and Council officers.
- Assist officers in the decision making process.
- Adopt a best practice guidance that is fair and in line with the requirements of TMA 2004 and the Parking and Traffic Adjudication Service (PATAS).
- Fulfil Newham's five core values

Appendix C below sets out the current provisions of the Councils cancellation policy. This policy is subject to ongoing review to best reflect the needs and requirements of Newham residents, business and elected members

3. Service Performance

3.1 Penalty charge notice issue statistics

Issue statistics are presented in two ways; by valid penalty charges issued and by collectable penalty charges issued. Valid penalty charges are all those that have been issued minus spoiled penalty charges and warning notices. Collectable penalty charge are valid penalty charges minus those charges that are impossible to collect. An example of this is where the Driver and Vehicle Licensing Agency (DVLA) have no keeper/owner information for an offending vehicle and because of this it is not possible to pursue payment of the penalty charge and it is therefore considered to be uncollectable.

The information below shows a comparison of collectable penalty charge issue statistics for each different type of contravention for the last three financial years:

Table 3.1.1 – Penalty charge issue statistics comparison

<i>Year</i>	<i>Bus lane</i>	<i>CCTV</i>	<i>Moving traffic</i>	<i>On/off street</i>	<i>Total issued</i>
2006/07	29,908	79,374	23,580	104,772	237,634
2007/08	14,432	93,595	25,114	83,006	216,147
2008/09	12,909	84,369	26,431	92,571	216,280

The fall in the overall number of collectable penalty charges issued between 2006/07 & 2007/08 is primarily due to improved compliance of bus lane restrictions (which is reflective of a London wide reduction in this type of contravention) and improved compliance of on-street parking regulations.

Although in 2008/09 there was an average reduction of 11% in the number of penalty charge notices issued by London Authorities Newham's figures have remained constant this being primarily due to more efficient deployment of Civil Enforcement Officers and the introduction of four new controlled parking zones (CPZs) in the Stratford area. The initial implementation period of the new CPZs resulted in the issue of penalty charge notices which previously would not have applied due to fewer parking restrictions. However it is pleasing to report that the CPZ has achieved its primary aim with parking availability for residents and businesses greatly improving during the restricted hours.

3.2 Recovery Performance

Recovery rates are calculated as a percentage of how many penalty charges have been paid against how many were issued.

The information below shows recovery rates for the last three financial years. Generally, a high proportion of recovery is completed after six months of issue, although in some circumstances payments may still be collected up to 18 months after issue, sometimes longer.

For 2006/07 & 2007/08 the recovery rates listed below reflect the position six months after the end of each financial year. However, due to the necessity to submit this report the recovery rate for 2008/09 is based on performance at 5 months after the end of the financial year with the 6 month projection for the overall recovery rate expected to be in excess of 66%

Table 3.2.1 – Recovery rate comparison

<i>Year</i>	<i>Bus lane</i>	<i>CCTV</i>	<i>Moving traffic</i>	<i>On/off street</i>	<i>Overall</i>
2006/07	59.8%	60.3%	59.6%	53.8%	57.4%
2007/08	60.6%	64.7%	68.7%	63.1%	64.3%
2008/09	67.7%	62.5%	67.5%	67.0%	65.3%

The steady increase in penalty charge recovery is due to improved quality of penalty charge notice data and an increase in the use of digital photo evidence.

3.3 Representations and associated correspondence

In 2008/09 approximately 12 per cent of penalty charges issued by Newham were contested. There are primarily two forms of representation available to the customer an “informal” challenge (made before a Notice to Owner has been issued) or a formal representation (made after a Notice to Owner has been issued) All representations made to Newham have to be in writing

Although Newham has always responded to “informal” representations this was made a statutory requirement for all Local Authorities with the introduction, on 31 March 2008, of the Traffic management Act (2004). An informal challenge is one which is received within 14 days of the penalty charge notice (PCN) being received. The only exception is an on street PCN issued by post after the contravention has been observed by a CCTV camera, which allows 21 days to

make an informal challenge. If an informal representation is rejected the customer will still have the opportunity to pay at the 50% discount rate

If an informal challenge is rejected the customer still has the right to make a formal challenge and if this is rejected they will have the opportunity to appeal to the Independent Adjudicators at the Parking and Traffic Appeals Service (PATAS). This means that the penalty charge recipient has three opportunities to contest a penalty charge; i) an informal challenge to the council ii) a formal representation and finally iii) the ability to appeal directly to the independent adjudicators at the Parking and Traffic Appeals Service (PATAS). All of these stages are clearly explained on the statutory notices issued by Newham

A high proportion of challenges and representations relate to appellants requesting evidence to confirm that the penalty charge has been correctly issued. Newham, in partnership with its enforcement contractor has provided the civil enforcement officers with the latest digital camera equipment with the instruction that wherever possible photographic evidence is always taken of a parking contravention. On average 70% of penalty charge notices, which are placed directly on to a vehicle, have photographic evidence. An instance of when a photograph would not be taken is where the penalty charge notice is handed directly to the driver or where the health and safety of the civil enforcement officer may be at risk. Photographic evidence has allowed an improved service to the customer affording them prompt and unequivocal confirmation that the penalty charge notice was correctly served.

The improvement in penalty charge notice information and the increased usage of digital photos evidence has resulted in a 7% per cent reduction in the number of penalty charges that the Parking and Traffic Enforcement team have had to cancel over the last 3 years.

The following table shows the proportion of challenges and representations received in relation to the number of penalty charges issued:

Table 3.3.1 – Number of challenges/representations issued by month in 2008/09

Month	Number of (valid) PCNs issued	Number of informal challenges	% of PCNs receiving informal challenges	Number of formal representations	% of PCNs receiving formal representations
Apr-08	16,023	1,721	11%	1,780	11%
May-08	15,915	1,681	10.5%	1,703	11%
Jun-08	14,859	1,729	11.5%	2,063	14%
Jul-08	17,998	1,929	11%	2,344	13%
Aug-08	16,509	1,793	11%	1,773	11%
Sep-08	16,965	1,871	11%	1,138	7%
Oct-08	16,426	1,872	11%	2,137	13%
Nov-08	18,688	1,948	10%	2,109	11%
Dec-08	20,383	1,974	9.5%	1,847	9%
Jan-09	21,754	2,964	13.5%	3,709	17%
Feb-09	18,891	1,906	10%	1,879	10%
Mar-09	21,869	2,403	11%	2,381	11%
Total	216,280	23,791	11%	24863	12%

Table 3.3.2 – Cancellation rate comparison –

	Percentage of PCNs cancelled (cancellation rate)
2006/07	18%
2007/08	14%
2008/09	11%

3.4 Appeals to the Parking and Traffic Appeals Service

If a customer's formal representation is rejected they have the right to appeal to the independent adjudicators at the Parking and Traffic Appeals Service. The cost of making the appeal is met by the Local Authority who also provides all the necessary documents and advice on how to make the appeal.

The average percentage of appeals allowed against London local authorities was 72 per cent with Newham's equivalent average being 61%.

In 2006/07, the percentage of cases allowed was 49 per cent. The increase in cases allowed in 2007/08 is largely due to the effect of the 'Barnet case'. The ruling in this case had a negative impact on almost all local authorities in terms of the validity of a number of penalty charges they had issued resulting in a larger number of cases allowed at the Parking and Traffic Appeals Service.

Although there is no legal requirement on a Local Authority to provide photographic evidence for a penalty charge which has been issued directly to a vehicle, over the last 2 years PATAS has

become increasingly reliant on this evidence if an appellant has denied receiving the original charge notice and the failure in some instances to produce this evidence is the main reason for the increase in the number of appeals lost due to the lack of photographic evidence.

The information below highlights Newham Council's appeal statistics for 2008/09 in comparison to the previous two years:

Table 3.4.1 – On street Parking appeal statistics 2006 to 2009

<i>Year</i>	<i>Appeals received</i>	<i>Statutory declarations received</i>	<i>Total completed by PATAS</i>	<i>Appeals allowed</i>	<i>% of appeals allowed</i>
2006/07	1,039	195	1,317	651	49%
2007/08	1,081	162	1,021	586	57%
2008/09	1,704	141	1,442	881	61%

Table 3.4.2 – Bus lane statistics 2006 to 2009

<i>Year</i>	<i>Appeals received</i>	<i>Statutory declarations received</i>	<i>Total completed by PATAS</i>	<i>Appeals allowed</i>	<i>% of appeals allowed</i>
2006/07	94	18	126	57	45%
2007/08	106	21	124	63	51%
2008/09	137	14	111	88	79%

Table 3.4.3 – Moving traffic statistics 2006 to 2009

Year	Appeals received	Statutory declarations received	Total completed by PATAS	Appeals allowed	% of appeals allowed
2006/07	136	24	209	74	35%
2007/08	134	24	125	40	32%
2008/09	172	23	173	83	48%

3.5 Removals

2,578 vehicles were removed as a result of parking contraventions in 2007/08, an average of 215 per month. In 2008/09 this figure increased to 2,938 (245 per month)

The enforcement contractor received 10,736 requests to carry out enforcement action with over 8,863 of these requests relating to vehicle removals, meaning that almost one in three requests (33 per cent) resulted in the offending vehicle being removed.

On average, 17 per cent of all removals were carried out against persistent evaders (vehicles with three or more unpaid charges at charge certificate stage or later).

Approximately 80 per cent of vehicles removed were collected and paid for within 28 days of removal with the remainder being sent for disposal following the issue of the appropriate notification letter.

In 2008/09 a total of 1,886 penalty charges were issued to vehicles incorrectly parked in formal disabled bays, an average of 157 per month. Over the year, there were 189 removals from this type of bay equating to representing 10% of vehicles meaning that eight per cent of penalty charges issued to vehicles in formal disabled bays resulted in a removal.

The information below shows a breakdown of monthly removal data:

Table 3.5.1 – Monthly removal data for 2008/09

Month	Requests	Total removals	Removals from formal disabled bays	Removals which are persistent evaders	Removal truck hours
Apr-08	631	192	16	33 (17%)	594
May-08	617	172	17	33 (19%)	594
Jun-08	510	121	10	25 (21%)	675
Jul-08	741	231	8	30 (13%)	540
Aug-08	685	277	12	53 (19%)	504
Sep-08	632	290	14	49 (17%)	741
Oct-08	761	331	18	40 (12%)	656
Nov-08	750	238	17	28 (12%)	528
Dec-08	735	288	26	49 (17%)	492
Jan-09	734	301	19	66 (22%)	618
Feb-09	959	222	16	42 (19%)	417
Mar-09	1,108	275	16	58 (21%)	480
Total	8,863	2,938	189	506(17%)	6,748

3.6 Pay and display

Newham Council generates revenue from on-street pay and display machines in seven of the eleven CPZs within the borough.

The on-street pay and display machines within East Ham CPZ generate the highest revenue with which represents 32 per cent of the total revenue from all of the relevant CPZs East Ham is closely followed by Upton Park and Stratford CPZs.

The information below shows the income received from on-street pay and display machines by CPZ for the last financial year:

Table 3.8.3.1 – Pay and display income by CPZ, 2008/09

<i>Controlled parking zone</i>	<i>2008/09 (£)</i>
East Ham	429k
Forest Gate	63k
Little Ilford	36k
Manor Park	65k
Ruskin	20k
Stratford	290k
Upton Park	312k
Total	1,215k

3.7 Car parks

The council receives income from seven car parks (a total of 1,260 off street parking spaces), which it maintains and manages.

Stratford Multi-Storey Car Park is the Councils only “pay on foot“ car park and due to it’s strategic position close to Stratford tube and train services, the Olympic development site and the Mall shopping centre it achieves the highest income of all Council car parks. In 2008/09 this amounted to £766k, representing over half of all the combined income from Council managed car parks.

For full details on the location of the Council managed car parks and their capacity please visit the Councils web site on:

www.newham.gov.uk/Services/CarParks/AboutUs/FindaNewhamCarPark.htm

The information below shows the income received from each car park for the last financial year:

Table 3.7.1 – Car park income, 2008/09

<i>Car Park</i>	<i>2008/09 (£)</i>
Madge Gill	86k
Queen's Market	157k
St. John's (East and West)	216k
Salway Road	83k
Settle Point	12k
Shaftesbury Road	172k
Stratford multi-storey	766k
Total	1,492k

3.8 Permits

The council has continued to extend its services with the facility to issue parking permits and visitor parking permits now being offered by 7 local service centre.

Extending the facility to issue parking permits to more local service centres has improved the service to customers affording them the ability to buy permits closer to where they live and work.

In 2009/10 the intention is that customers will also have the ability to pay there penalty charge notice at identified local services centres. In 2008/09 this was only possible at Newham's dedicated parking shop.

The information below shows the number permits and visitor vouchers issued by the parking shop and each of the local service centres:

Table 3.8.1 – Number of permits issued for 2008/09

<i>Location</i>	<i>Number issued</i>
LSC - Beckton	569
LSC - Canning Town	43
LSC - East Ham	64
LSC - Forest Gate	2
LSC - Green Street	14
LSC - Manor Park	1,798
LSC - Stratford	4,639
Parking Shop	13,024
Total	20,153

Table 3.8.2 – Number of visitor voucher books issued for 2008/09

Location	Number issued
LSC - Beckton	964
LSC - Canning Town	155
LSC - East Ham	2
LSC - Forest Gate	0
LSC - Green Street	3
LSC - Manor Park	4,072
LSC - Stratford	6,497
Parking Shop	30,679
Total	42,372

As at 2008/09 Newham's permit and voucher charges have remained static for a number of years and are among the most competitively priced of any London Authority. The charges applicable in 2008/09 are listed below:

Table 3.8.3 – Permit and voucher charges 2008/09

Permit type	Permit charge
1st resident	£15 pa
2nd resident	£30 pa
3rd resident	£50 pa
carers permit	£10 pa
Courtesy car	£5 pwk
Traders 1 day	£2
Traders 1 wk	£10
visitor vouchers (book of 10 6hr vouchers)	£3
Business (quarterly)	£50
Business (6mths)	£100
Business (yearly)	£200

N.B As Part of the Mayor's initiative to be responsive to the financial pressures faced by Newham residents with effect from 1 April 2009 there is no longer a charge for the 1st resident permit.

The guidelines about permit eligibility are clearly set out on the permit application forms. The council takes every precaution to prevent fraudulent applications and in addition, the council's internal audit department carry out regular checks and home visits to confirm that the information relating to eligibility is correct and current. Internal audit and the Parking and Traffic Enforcement

team have been working closely towards detecting all fraudulent applications and, if considered appropriate, offenders will be prosecuted.

In order to ensure that visitor vouchers are only purchased for use by legitimate visitors to residents the number of voucher books which can be obtained by a CPZ resident is restricted to 7 per 28 day. However, this limit can be exceeded dependant upon the circumstances i.e. weddings, funerals etc.

The information below outlines the permit issue statistics information for last year:

Table 3.8.4 – Permit issue statistics for 2008/09

<i>Permit type</i>	<i>Number issued</i>
Resident 1 st	12,581
Resident 2 nd	2,886
Resident 3 rd	497
Resident courtesy	428
Disabled resident	609
Carer	70
Business (qtr)	306
Business (half)	245
Business (annual)	1,786
Business courtesy	20
Season ticket (monthly)	10
Season ticket (qtr)	13
Season ticket (annual)	5
Trade (daily)	126
Trade (weekly)	434
High Street North access	62
WHUFC access	33
Rathbone Market	42
Visitor	42,372
Total	62,525

3.9 Complaints

There is a statutory distinction between a representation against the issue of a penalty charge and a complaint that relates to how the penalty charge has been issued and progressed. It is, therefore, encouraging to note that the number of 'official' complaints is very low in comparison to the overall number of penalty charges and permits issued.

Newham Council takes complaints made against its services extremely seriously, which is why the Parking and Traffic Enforcement team prides itself on the 100 per cent record it has achieved in responding to all public and elected Member enquiries and complaints within the corporate deadlines.

The complaints received range from perceived poor conduct of staff to accusations that the correct procedures have not been applied. Such complaints are investigated by officers who are not involved with issuing tickets or handling representations. This independent structure ensures that an appropriate level of unbiased scrutiny is involved when handling all complaints.

The following information gives an overview of complaints and enquiries received directly, or via the Member services office.

Table 3.9.1 – Complaint statistics for 2008/09

Month	Total number of Members enquires and complaints	Members enquires received	First stage complaints received	Members enquires target achieved	First stage complaints achieved	% Members enquires replied to in target time	% public complaints replied to in target time
Apr-08	48	28	20	28	20	100%	100%
May-08	52	25	27	25	27	100%	100%
Jun-08	52	28	24	28	24	100%	100%
Jul-08	49	16	33	16	33	100%	100%
Aug-08	42	16	26	16	26	100%	100%
Sep-08	45	26	19	26	19	100%	100%
Oct-08	62	25	37	25	37	100%	100%
Nov-08	44	29	15	29	15	100%	100%
Dec-08	50	28	22	28	22	100%	100%
Jan-09	71	45	26	45	26	100%	100%
Feb-09	72	50	22	50	22	100%	100%
Mar-09	69	42	27	42	27	100%	100%
Year to date average	55	30	25	30	25	100%	100%

By far the largest number of complaints concern how people feel they or their cases were treated when dealing with the council. It is accepted that interaction with officers can be frustrating at times, especially if the legal aspects of a case are being discussed or considered.

The Parking and Traffic Enforcement management team have ensured that staff are properly trained and equipped to competently deal with all types of representations. It is inevitable that, with more than 50,000 representations and appeal transactions, a small number may not be handled to the satisfaction of the customer.

3.10 Freedom of Information requests and Data Protection requests

Subject to the provisions of the Freedom of Information Act 2000 and the Data Protection Act 1998, the Parking and Traffic Enforcement team are required to supply specific information to those that request it under the above mentioned Acts of Parliament. As with complaints, Parking and Traffic Enforcement achieved 100 per cent turnaround in accordance with the 20 day and 40 day deadlines for Freedom of Information and Data Protection requests respectively.

The following information outlines the team's performance with regards to Freedom of Information and Data Protection requests:

Table 3.10.1 – Freedom of Information and Data Protection statistics for 2008/09

Month	Freedom of Information (FOI) requests enquires	% FOI Enquiry Target Achieved (20 days)	Data Protection Act (DPA) requests	% DPA target achieved (40 days)
Apr-08	2	100%	1	100%
May-08	0	100%	2	100%
Jun-08	5	100%	0	100%
Jul-08	2	100%	5	100%
Aug-08	3	100%	1	100%
Sep-08	7	100%	1	100%
Oct-08	6	100%	1	100%
Nov-08	8	100%	4	100%
Dec-08	3	100%	10	100%
Jan-09	3	100%	1	100%
Feb-09	5	100%	1	100%
Mar-09	4	100%	0	100%
Total	48	100%	27	100%

3.11 Financial information

Where a surplus is made on Newham's civil parking enforcement operations (previously known as decriminalised parking enforcement), the council acts in accordance with legislative restrictions set down for parking enforcement income.

The following information reflects the Parking and Traffic Enforcement team's income, expenditure and surplus/deficit for the last two financial years:

Table 3.11.1 – Financial information for parking and traffic enforcement (excluding off-street parking financial income), 2007/08 vs. 2008/09

<i>Parking and traffic (excl. off-street parking)</i>	<i>2007/08</i>	<i>2008/09</i>
Income	(£9,943k)	(£10,887k)
Expenditure	£8,048k	£8,879k
Net surplus	(£1,895k)	(£2,008k)
Expenditure of surplus	£2,320k	£2008k
Net (surplus) / deficit	£0	£0
Net (surplus) / deficit carried forward	£0	£0
Net (surplus) / deficit brought down	£0	£0

In 2007/08, the total expenditure for transport related activities was £6.875m. In accordance with legislative restrictions set down for on street parking income, a surplus of £1.895m generated in 2007/08 and £2.32m carried forward from previous years accounted for part of this expenditure.

Income and expenditure for off-street parking income is not governed by the same legislative restrictions and this financial information is calculated separately. The following information reflects the Parking and Traffic Enforcement team's income, expenditure and surplus information for the last two financial years:

Table 3.11.2 – Off-street parking financial information, 2007/08 vs. 2008/09

<i>Off-street parking</i>	<i>2007/08</i>	<i>2008/09</i>
Income	(£1,698k)	(£1,759k)
Expenditure	£1,112k	£1,160k
Net surplus	(£586k)	(£599k)

4.0 Focus on 2008/09

4.1 Introduction of the Traffic Management Act 2004 Part 6 (parking enforcement)

- From 31st March 2008 the Traffic Management Act 2004 (TMA) part 6 replaced the Road Traffic Act 1991 and various London Local Authorities and Transport for London regulations relating to 'decriminalised parking enforcement' (DPE).
- The aim of the act is to provide a framework which is clear, transparent and fair to the motorist whilst still allowing the effective enforcement of the parking and traffic regulations for both inside and outside of London. The procedures for responding to representations and appeals have changed slightly and there is a new emphasis on openness with a requirement that local authorities publish their enforcement policies.

Key changes introduced by the TMA are listed below:

- Parking attendants are now known as Civil Enforcement Officers (CEOs).
- Authorities must not remove vehicles within 30 minutes of issuing a PCN, except for persistent evaders, who may be removed 15 minutes.
- Local authorities now have the power to serve PCNs by post if a CEO has started to issue it but the motorist drives off before it can be served
- An extension of the discount payment period for on street parking penalty charge notices issued post from 14 days to 21 days;
- The council must respond to representations within 56 days of receipt (previously 90 days)
- Enforcement cameras, both fixed and in mobile vehicles ("approved devices") have to be certified by the Secretary of State using the Vehicle Certification Agency, Newham achieved this target within deadline in March 09.
- The PATAS Adjudicators now have the power to decide cases where procedural irregularity has taken place. (For example where a charge certificate has been issued before an appeal has been decided).
- Adjudicators also now have the power to refer cases back to the Local Authority for reconsideration where a contravention took place but the adjudicator considers there are mitigating circumstances.
- Authorities should publish their parking policies annually
- The TMA 2004 did not affect bus lane or moving traffic contraventions.

It is pleasing to report that all the changes required by the TMA were successfully introduced in Newham with only a minimum impact on the service to the public

4.2 Civil enforcement officer handbook

In line with a recommendation made in the Department for Transport's operational guidance to the Traffic Management Act 2004, a civil enforcement officer handbook has been produced by the parking and traffic enforcement team.

Since the introduction of the Traffic Management Act 2004, Newham Council requires all civil enforcement officers to carry the handbook at all times in order to assist them to issue valid PCNs in line with the Council's enforcement policies. The handbook also contains relevant information to assist members of the public. A summary of the information contained within the handbook is set out below:

- Civil enforcement officer health and safety;
- Phonetic alphabet;
- Radio terminology;
- Differential parking charges (serious parking charges are higher than less serious)
- Contravention codes and observation times;
- CPZ hours of operation;
- Car parks (locations and available spaces)
- Relevant enforcement information;
- Relevant contact information.

The handbook will be reviewed at regular intervals in order to provide civil enforcement officers with the most up to date information in relation to Newham's internal enforcement policies and any changes to parking enforcement legislation. It is expected that the handbook will improve the quality and validity of penalty charge notices which in turn benefits members of the public whilst improving the PCN recovery rate and the cancellation rate.

4.3 The introduction of four new Stratford Controlled parking zones (CPZs)

As part of Newham Council's ongoing review of demand for kerbside space and traffic control in the borough and after full and extensive consultation with residents and elected four new CPZs were introduced in October 2008.

The new zones, surrounding the existing Stratford zone, are in force from 10am to 12 noon, Monday to Friday. The new zones are:

- Stratford North East;

- Stratford North West;
- Stratford South East;
- Stratford South West.

Further information including maps of the new zones can be found online at:
www.newham.gov.uk/parking

5.0 Focus in 2009/10

5.1 Move to Newham Dockside and the closure of the parking shop

Newham's parking back office services, which includes most of the parking and traffic enforcement team, successfully moved, in April 2009 from their previous location in East Ham to Newham's new headquarters at Newham Dockside .

It is hoped that locating staff together in modern, flexible office accommodation will enhance integration across services, as well as generating efficiencies from the disposal of ageing, expensive to maintain and dispersed buildings.

It is fully expected that the parking and traffic enforcement team will respond positively to this change which can only result in an improved service to Newham residents

As part of the relocation strategy a decision was made to close the parking shop which was located at East Ham and devolve its functions to the local service centres at:
Beckton, Canning Town, East Ham, Forest Gate, Green Street, Manor Park and Stratford.

Full details of the locations and opening hours of local service centres can be found on the following web site address:

www.newham.gov.uk/services/localservicecentres

The closure of the Parking Shop has provided Newham residents with an improved service and the ability to pay for penalty charge notices and parking permits at locations close to where they live and work.

5.2 Re- let of the Parking Enforcement and Associated Services Contract

The existing parking and traffic enforcement and associated services contracts expired in August 2009.

The Mayor gave his authority to re-let the existing contracts and on the 26 June 2009 a formal award was made to Mouchel Ltd to provide both an on & off street parking enforcement service as well as to provide the software to support this. The Council considers that this innovative approach to having a joint contract for the provision of parking enforcement will allow Newham Council to provide a high quality enforcement service that incorporates the latest parking ICT software solutions and state of the art handheld computer equipment. This will ensure that the service delivered by the parking and traffic enforcement team to the residents and businesses of Newham, as well as the general public, will continue to develop and improve.

The new contract will allow Newham to increase deployment of Civil Enforcement officers to ensure that illegal and inconsiderate parking is fully enforced to the benefit of Newham residents and businesses

The new contract will also ensure the highest level of parking enforcement performance with the service being able to be both receptive and responsive to the needs and requirements of the Newham residents and elected members whilst ensuring that all the Councils statutory duties are carried out in full compliance with existing legislation and Newham's enforcement policies.

5.3 Parking guide

Despite their being a considerable amount of information regarding parking and parking enforcement on the Newham website, it has been recognised that there would be major benefits in creating a bespoke parking guide specific to Newham and the needs of its residents, businesses and visitors.

A parking guide will be a useful source of information to the public giving clear and consistent advice on where and how to park correctly in Newham, in terms of accessibility, safety and the avoidance of enforcement action .

Some of the topics that will be included in the guide are:

- CPZs (hours of restrictions and pay & display charges)
- Different types of parking bays;
- Permits (i.e. where to park by permit type)
- Different types of parking restrictions
- Parking with a disabled blue badge
- Penalty charge notices;
- Vehicle removals;

- Car parks (i.e. location, parking spaces and charges).

The guide will be available free in hard copy booklet format from all Newham Local Services centres and on-line and it is envisaged that it will be ready for approval by the Mayor prior to December 2009.

6.0 Further information

If you would like further information about anything included in this report, please write to:

Newham Council
Highways, Transport and Parking
Service Development (Parking and Traffic Enforcement)
3rd Floor – West Wing
Newham Dockside
1000 Dockside Rd
London E16 2

7.0 Appendices

Appendix A – Observation times by contravention

CODE	DESCRIPTION	CONTRAVENTION TYPE	OBSERVATION TIMES
27	Parked adjacent to a dropped footway	ON-STREET	0 minutes
31	Entering and stopping in a box junction when prohibited	MOVING TRAFFIC	0 minutes
32	Failing to drive in the direction shown by the arrow on a blue sign	MOVING TRAFFIC	0 minutes
33	Using a route restricted to certain vehicles	MOVING TRAFFIC	0 minutes
34	Being in a bus lane	BUS LANE	0 minutes
37	Failing to comply with a give way to oncoming vehicles sign	MOVING TRAFFIC	0 minutes
47	Stopped on a restricted bus stop/stand	ON-STREET	0 minutes
50	Failing to comply with a sign indicating a prohibited turn	MOVING TRAFFIC	0 minutes
51	Failing to comply with a no entry sign	MOVING TRAFFIC	0 minutes
52	Failing to comply with a sign indicating a prohibition on certain types of vehicle	MOVING TRAFFIC	0 minutes
53	Failing to comply with a sign indicating a restriction on vehicles entering a pedestrian zone	MOVING TRAFFIC	0 minutes
54	Failing to comply with a sign indicating a restriction on vehicles entering and waiting in a pedestrian zone	MOVING TRAFFIC	0 minutes
92	Parked causing an obstruction	OFF-STREET CAR PARKS	0 minutes
99	Stopped on a pedestrian crossing and/or crossing area marked by zig-zags	ON-STREET	0 minutes
55	A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban	ON-STREET	2 minutes
62	Parked with one or more wheels on any part of an urban road other than a carriageway (footway parking)	ON-STREET	2 minutes
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	OFF-STREET CAR PARKS	2 minutes
1	Parked in a restricted street during prescribed hours	ON-STREET	2 minutes
2	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	ON-STREET	2 minutes
18	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	ON-STREET	2 minutes
20	Parked in a loading gap marked by a yellow line	ON-STREET	2 minutes
21	Parked in a suspended bay/space or part of bay/space	ON-STREET	2 minutes
26	Vehicle parked more than 50 cm from the edge of the carriageway and not within a designated parking place	ON-STREET	2 minutes
49	Parked wholly or partly on a cycle track	ON-STREET	2 minutes
56	Parked in contravention of a commercial vehicle waiting restriction	ON-STREET	2 minutes
57	Parked in contravention of a coach ban	ON-STREET	2 minutes

CODE	DESCRIPTION	CONTRAVENTION TYPE	OBSERVATION TIMES
58	Using a vehicle on a restricted street during prescribed hours without a valid permit	MOVING TRAFFIC	2 minutes
59	Using a vehicle on a restricted street during prescribed hours in breach of permit conditions	MOVING TRAFFIC	2 minutes
63	Parked with engine running where prohibited	ON-STREET	2 minutes
40	Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge	ON-STREET	2 minutes
81	Parked in a restricted area in a car park	OFF-STREET CAR PARKS	2 minutes
61	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	ON-STREET	2 minutes
48	Stopped in a restricted area outside a school***	ON-STREET	2 minutes
96	Parked with engine running where prohibited	OFF-STREET CAR PARKS	2 minutes
74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	OFF-STREET CAR PARKS	2minutes
41	Parked in a parking place designated for diplomatic vehicles	ON-STREET	5 minutes
42	Parked in a parking place designated for police vehicles	ON-STREET	5 minutes
45	Parked on a taxi rank	ON-STREET	5 minutes
70	Parked in a loading area during restricted hours without reasonable excuse	OFF-STREET CAR PARKS	5 minutes
89	Vehicle parked exceeds maximum weight and/or height and/or length permitted in the area	OFF-STREET CAR PARKS	5 minutes
91	Parked in a car park or area not designated for that class of vehicle	OFF-STREET CAR PARKS	5 minutes
4	Parked in a meter bay when penalty time is indicated	ON-STREET	5 minutes
5	Parked after the expiry of paid for time	ON-STREET	5 minutes
6	Parked without clearly displaying a valid pay & display ticket	ON-STREET	5 minutes
7	Parked with payment made to extend the stay beyond initial time	ON-STREET	5 minutes
8	Parked at an out-of-order meter during controlled hours	ON-STREET	5 minutes
9	Parked displaying multiple pay & display tickets where prohibited	ON-STREET	5 minutes
10	Parked without clearly displaying two valid pay and display tickets when required	ON-STREET	5 minutes
11	Parked without payment of the parking charge	ON-STREET	5 minutes
19	Parked in a residents or shared use parking place displaying an invalid permit, an invalid voucher or an invalid pay and display ticket	ON-STREET	5 minutes
22	Re-parked in the same parking place within one hour of leaving	ON-STREET	5 minutes
24	Not parked correctly within the markings of the bay or space	ON-STREET	5 minutes

CODE	DESCRIPTION	CONTRAVENTION TYPE	OBSERVATION TIMES
30	Parked for longer than permitted	ON-STREET	5 minutes
35	Parked in a disc parking place without clearly displaying a valid disc	ON-STREET	5 minutes
36	Parked in a disc parking place for longer than permitted	ON-STREET	5 minutes
73	Parked without payment of the parking charge	OFF-STREET CAR PARKS	5 minutes
80	Parked for longer than the maximum period permitted	OFF-STREET CAR PARKS	5 minutes
82	Parked after the expiry of paid for time	OFF-STREET CAR PARKS	5 minutes
83	Parked in a car park without clearly displaying a valid pay & display ticket	OFF-STREET CAR PARKS	5 minutes
84	Parked with additional payment made to extend the stay beyond time first purchased	OFF-STREET CAR PARKS	5 minutes
86	Parked beyond the bay markings	OFF-STREET CAR PARKS	5 minutes
90	Re-parked within one hour of leaving a bay or space in a car park	OFF-STREET CAR PARKS	5 minutes
93	Parked in car park when closed	OFF-STREET CAR PARKS	5 minutes
94	Parked in a pay & display car park without clearly displaying two valid pay and display tickets when required	OFF-STREET CAR PARKS	5 minutes
95	Parked in a parking place for a purpose other than the designated purpose for the parking place	OFF-STREET CAR PARKS	5 minutes
12	Parked in a residents or shared use parking place without clearly displaying either a permit or voucher or pay and display ticket issued for that place	ON-STREET	5 minutes
14	Parked in an electric vehicles' charging place during restricted hours without charging	ON-STREET	5 minutes
16	Parked in a permit space without displaying a valid permit	ON-STREET	5 minutes
23	Parked in a parking place or area not designated for that class of vehicle	ON-STREET	5 minutes
25	Parked in a loading place during restricted hours without loading	ON-STREET	5 minutes
85	Parked in a permit bay without clearly displaying a valid permit	OFF-STREET CAR PARKS	5 minutes
46	Stopped where prohibited (on a red route or clearway)	ON-STREET	TfL

Appendix B - Removal policy

1. Vehicle Removals

- 1.1 A vehicle may be removed when it is observed in contravention of the parking regulations which apply and a penalty charge notice (PCN) has been issued. A vehicle cannot be removed by Parking Enforcement unless a PCN has been issued.
- 1.2 With effect from 31 March 2008 the provisions of the TMA 2004 stipulate that where a vehicle is parked in a permitted parking place i.e. permit/disabled bay, a period of 30 minutes must have elapsed between the issue of the PCN and the vehicle removal. The TMA 2004 stipulates that this period of time is reduced to 15 minutes if the vehicle in question is a "persistent evader" i.e. has 3 or more outstanding PCNs which have progressed to the Charge Certificate stage.
- 1.3 The waiting time does not apply to vehicles which are parked in places where parking is prohibited i.e. bus lane, bus stop, yellow lines with restrictions. In these instances the vehicle can be removed as soon as the PCN has been issued
- 1.4 Vehicles will be removed to the Council's car pound at the Folkestone Road Depot, East Ham. To reclaim the vehicle the owner/keeper will have to attend the pound with relevant proof of ownership and identity and will be required to pay the outstanding PCN value plus removal fee and any storage charges which may apply. The current removal cost is £200 with the storage charges being £40 per day. These costs are set by London Councils not Newham

2. Vehicle removal criteria

- 2.1 Vehicles that have been issued with a PCN are eligible for removal and impounding further to the observation criteria set out above i.e. 0 minutes, 15 minutes or 30 minutes.
- 2.2 Parking Enforcement recognises the high priority that Members place on the removal of vehicles parked in contravention in blue badge bays and disabled residents bays and as such these are considered to be priority one removals. However, under the provisions of the TMA 2004 a period of 30 minutes must be allowed between the issue of the PCN and the removal of the vehicle, this being reduced to 15 minutes if a persistent evader
- 2.3 The priority criteria set out below has been proposed taking into account the need to ensure pedestrian and motorist safety and also to take into account the level of inconvenience which vehicles parked in contravention can cause to residents, pedestrian and other motorists. It is also reflective of the practicalities of removals. A vehicle parked on school keep clear markings, will very often be that of the parent and would be likely to be moved within the time period within which the removal truck could attend hence why such a removal is considered a priority 2.

3. Proposed removal criteria

- Priority One:
- i) Parked in contravention in a position/location which prohibited and is causing danger, serious health and safety obstruction/hazard to other road users or pedestrians.
 - ii) Parked in a formal disabled bay (30 minutes waiting time or 15 minutes if persistent evader)
- Priority Two:
- i) Persistent evader (parked in prohibited place)
 - ii) Parked in an operational Bus Lane or at a Bus Stop
 - iii) Vehicle with foreign registration plate (parked in prohibited place)
 - iv) Parked obstructing a dropped footway (on a resident's request)
 - v) Parked on a footway (parked in a prohibited place)
 - vi) Parked on school Keep Clear Markings*
 - vii) Parked in a Doctors Bay
- Priority Three:
- i) Parked in a road/street during the hours of restriction
 - ii) Parked or loading/unloading in a restricted street where restrictions are in force
 - iii) Parked in a Suspended Bay
 - v) Persistent evader (permitted location - 15 minutes waiting time) **
- Priority Four: All other contraventions
- Priority Five: All other contraventions (permitted contraventions – 30 minutes waiting)

* At the expiration of the associated observation times (15 or 30 minutes) this contravention becomes immediate Priority One removal.

** At the expiration of the associated observation time (15 minutes) these contraventions become an immediate Priority Two removal

4. Additional information

- 4.1 Under the provisions of the TMA 2004 a vehicle is considered to have been “removed” when ALL four wheels have been placed on the back of the removal truck. If the driver returns before this action has been completed the removal should be terminated and the vehicle released.
- 4.2 However, this does not apply to “persistent evader” vehicles. In these cases a vehicle is considered to have been removed once ALL four wheels have left the ground. The removal should only be terminated if the driver returns before all wheels have left the ground.
- 4.3 Parking Attendants have no opportunity to use discretion and the Council's enforcement contractor has been advised that the above removal criteria must be strictly adhered to. The owner/keeper of a removed vehicle will be provided with the relevant representation forms when they attend the car pound to reclaim their vehicle. All representations and mitigating circumstances will be considered by the “back office” processing section.

- 4.4 Under current legislation vehicles displaying either a Blue Badge or a Motability tax disc cannot be removed by a parking enforcement authority. However, there is currently on going consultation between Local Authorities, London Councils, Transport for London and the Department for Transport to review this status.
- 4.5 It is unfortunate to note that there are an increasing number of legitimate blue badge holders who persistently park in contravention of the parking regulations in the knowledge that their vehicle cannot be removed. There are also an increasing number of blue badge holders who are persistent evaders. When a vehicle, which has been identified for removal due to location parked, or because of persistent evader status, cannot be removed due to a blue badge being displayed the relevant information will be passed to the Service Development section within Parking Enforcement for monitoring purposes.

Appendix C – Cancellation policy

FOREWORD

This appendix is intended to provide a reference guide relating to the cancellation policies and procedures for penalty charge notices (PCNs). It not intended to be definite rather it is intended to give guidance and clarity to the public and Council officers for the more common types of request for cancellations received by Parking Enforcement. All representations and requests for exemptions will be treated on their individual merits. This information may require future amendment to reflect changes in legislation and Newham's enforcement priorities.

The purpose of this document is to:

- Provide clarity for Newham residents, members of the public, elected members and Council officers.
- Assist officers in the decision making process.
- Adopt a best practice guidance that is fair and in line with the requirements of TMA 2004 and the Parking and Traffic Adjudication Service (PATAS).
- Fulfil Newham's five core values

1) MITIGATION

This will generally apply to circumstances which do not fall under any of the statutory grounds for representation but where the circumstances of the case will require consideration. In these instances every case should be treated on its merits. Examples are: medical emergency, recent traumatic event or person in prison.

1.1 Medical Emergency

An emergency is an unforeseen situation, which has prevented a driver from complying with the parking restrictions which apply at any given location. These will generally, although not exclusively, be of a medical nature and leniency should be exercised where it is felt that the driver could not have foreseen the situation.

Any request to consider mitigation due to a medical emergency, or an emergency involving an animal (urgent visit to a vet) should be supported, where possible by a signed letter, on headed paper, from either a GP, Hospital, member of the emergency services or a vet. Each case should be treated on its merits and the officer must be satisfied that the medical emergency was such as to allow the customer no option but to contravene the parking restrictions which applied.

There is an agreement in place between the Crohn's Disease Society and London boroughs and special consideration should be given to customers who suffer from this disease as one of the symptoms is the necessity to make urgent visits to the bathroom. Special consideration should be given to all instances where a vehicle was left due to issues relating to incontinency. However, as stated above medical evidence should be provided to support the representation.

1.2 Medical Appointments

Medical referrals and routine medical/dental appointments are not considered as emergencies. However consideration should be given if the customer was delayed from returning to their vehicle if an emergency developed during the appointment, in which case further evidence should be requested.

If it is claimed that the appointment was delayed or that treatment took longer than expected, consideration should be given to the time of the appointment and the amount of parking stay purchased upon arrival. It is not uncommon for appointments to be delayed and it is therefore not unreasonable to expect customers to have purchased sufficient time to take any possible delay into account.

1.3 Pregnancy

Pregnancy is not considered sufficient mitigation to fail to comply with parking regulations unless medical complications are claimed which are supported by documented evidence.

However, this is a sensitive area and each case should be treated on its own merits. If for example, the delay was short and unavoidable, or was caused by the mother feeling unwell these factors should be considered.

1.4 Carers

Unless there is a medical emergency caring for a sick relative is not considered mitigation.

1.5 Recent traumatic event

In these circumstances it is expected that the most common ground for considering a cancellation would relate to the bereavement of a family member or close friend. In such circumstances the utmost sensitivity should be exercised. However, a copy of suitable supporting documentation will be required to ensure that a sufficient audit trail has been created.

1.6 Prison Confinement

On rare occasions, it may not be possible to pursue recovery of a PCN due to the long term confinement of the customer. In these instances mitigation can be applied providing suitable supporting documentation, on headed stationery, has been provided.

2) EXEMPTIONS

Certain vehicles are exempted from parking regulations for 2 main reasons:

1. To ensure that necessary commercial and statutory activities can be carried out
2. To accommodate certain situations or activities.

Therefore, provided they are being used for their proper purpose an exemption will apply for as long as reasonably necessary.

All exemptions will be generally covered in the Traffic Management Order (TMO) with some examples being:

- Loading/unloading (excluding yellow lines with kerb chevrons).
- Break down
- Emergency service vehicles
- Driver prevented from proceeding by circumstances beyond his control or to avoid an accident.
- Blue badge holder (e.g. High Street North Pedestrian Zone)
- Picking up/setting down
- Buses providing a London Bus service whilst waiting at a bus stop/stand.

Set out below are examples where cancellations should be given if an “exempt” vehicle has been issued with a PCN. However, sufficient evidence / documentation should be provided where requested.

2.1 Loading/unloading

To qualify for cancellation proof (official delivery note or an invoice) should be provided to show the vehicle was loading/unloading in accordance with the requirements of the Traffic Management Order. In general the Traffic Management Orders will offer an exemption from parking restrictions for ‘delivery and collection’ and the ‘loading and unloading’ of goods.

N.B Loading/unloading is totally prohibited at bus stops, pedestrian or school crossings and zigzag markings.

Relevant definitions relating to loading/unloading are set out below:

Vehicles

The vehicle involved does not have to be a goods vehicle, but it must be necessary for the activity and not merely convenient.

‘Goods’

The term ‘Goods’ is defined in broad outline only in the relevant legislation, and therefore, the intention is to give the term a very wide meaning. Although there is no definition of size it is accepted that the loading/unloading of goods would imply bulk or weight.

Shopping

Shopping may be classed as goods. The exemption does not cover choosing the goods i.e. the process of shopping, but it would apply while the goods are being put into a car. If they are heavy or bulky, the loading exemption will apply, but even if they are not, the collection exemption may apply – providing this warranted the use of the vehicle.

Trade Deliveries

If the delivery is being carried out in the course of a trade or business it will usually fall within the meaning of ‘delivering and collecting goods’ even if the size and weight of the goods is small, for example a milk delivery float. The point is illustrated easily by multiple deliveries, but it also applies to one-off deliveries too.

All commercial deliveries have more to them than mere convenience, as there are obvious considerations of time and money involved. Drivers involved in commercial deliveries will be able to provide some form of supporting evidence if required.

Paperwork and other delays

The delivery process applies to the completion of paperwork, which is reasonably required, e.g. delivery note, obtaining a signature. It is unrealistic to expect deliveries to be made without some form of paperwork.

There may also be some other form of delay, papers not ready, people cannot be found, and goods need to be located, for example. The driver will be covered for unexpected delays, but it will be difficult for him to argue that the process was still continuing if he goes for refreshment or starts another job. The driver should be allowed a reasonable time while goods are being located, but this is not an automatic exemption covering however long it takes.

Parking while investigating whether or not there are goods to be collected is not considered grounds for cancellation, unless the driver can demonstrate that they reasonably expected that there were goods for collection but subsequently discovered there were none

Glaziers

Claims from glazing companies that a vehicle needed to be parked close to premises may be treated leniently provided that it is apparent from the parking attendant's notes or it can be proved from the correspondence that emergency repairs were being performed.

Nevertheless, the company should be advised that the vehicle should not be parked in contravention of the regulations prior to the task commencing, or once the task has been completed.

Hazardous Chemicals /Substances

Claims by companies that toxic or highly dangerous substances were being delivered /collected or used in nearby premises need to be given careful consideration.

The company concerned should be requested to provide evidence that the activity was taking place and if this is provided, the PCN should be cancelled.

2.2 Broken down vehicle

Proof should be supplied from the RAC/AA or a licensed garage detailing the nature of the vehicle fault and confirmation that it was unable to be driven. Invoices and correspondence should be on headed official stationery.

It is important to note that if a vehicle is broken down, the driver cannot leave it indefinitely before arranging for it to be removed. Generally, the driver is expected to arrange for the vehicle to be removed within 24 hours – if the vehicle cannot be removed within this time period documentation should be supplied to confirm this.

2.3 Blue badge High Street North (HSN)

Vehicles carrying a passenger with a valid blue badge are exempt from the restrictions which apply to the pedestrian zones in High Street Nth. If the name on the blue badge differs from the name of the vehicle owner/keeper, where possible a signed statement must be provided by the blue badge holder confirming they were a passenger at the time of the contravention

2.4 Picking up and setting down

In almost all Newham locations, including loading bans & bus lanes (exclusions are given below) vehicles are permitted to stop in order to pick up or set down passengers. PCNs will not be issued providing the action of dropping off/picking up is observed within 2 minutes of the vehicle stopping. There is no limit on the time needed to complete picking up/setting down and with regards to passengers who are elderly, disabled or with young children this action can take as long as is necessary. If the action of picking up or setting down is not observed within 2 minutes a PCN will be issued. If the motorist states that the action of picking up/dropping off took longer due to the passenger's age/disability etc. proof of this should be requested and if supplied consideration should be given to cancelling the PCN

N.B There is no exemption for picking up/setting down on footways, at bus stops, pedestrian or school crossings and zigzag markings. It is also not permitted for a vehicle to wait beyond 2 minutes for passengers to visit a shop or emerge from buildings e.g. taxi or minicab driver waiting for passenger visiting an ATM.

2.5 Emergency Services on statutory duty

PCNs should be cancelled if it is confirmed that an emergency services vehicle was being used to carry out its statutory duties. For police vehicles an official TCFL form 4737 should be requested which is required to be signed by a senior police officer. For any other emergency service vehicles signed confirmation on headed stationery will be required.

2.6 Other statutory bodies

For HM customs, Benefits Investigation Service, Inland Revenue, cancellation should be considered if written confirmation, on headed stationery is supplied confirming that the vehicle in question was on official duty and was left illegally parked due to exceptional circumstances, i.e. carrying out an investigation.

2.7 Council vehicles

Some Council vehicles will be exempt from the parking restrictions due to the duties they are involved in i.e. Refuse collection, Highways maintenance, or if the Traffic Management Order permits the exemption. Council officers, regardless of area of work e.g. social workers, housing officers, highways inspectors, environmental health inspectors etc, are expected to observe the parking regulations which apply at any given location.

A request for cancellation of a Penalty Charge Notice should only be considered if an urgent situation had arose i.e. parked in a permit bay in order to remove fly tip refuse and the request is accompanied by a letter from the Head of Department/Section supporting the cancellation

Requests for cancellations due to delays in meetings, case conferences, seeing clients etc., should not normally be considered unless there are mitigating circumstances which are supported by the Head of Department/.Section in writing

2.8. Royal Mail vehicles (liveried / non liveried)

Royal Mail vehicles engaged in delivery or collection of postal packages are exempt from parking regulation but not when parking on footways, dropped kerbs or school zigzag markings.

2.9. Emergency works carried out

In the event of carrying out emergency works gas, electricity/phone or water authorities are exempt from parking regulations. However they are not exempt when carrying out routine maintenance. Written confirmation of the emergency on headed stationery should be requested

3) GENERAL CANCELLATIONS

The following list is not meant to be exhaustive but informs members and officers as to the procedures to be followed should a request for cancellation be made for any of the following reasons

3.1 Faulty pay and display (P&D) machines

In cases where the customer alleges that money was inserted into the machine but a ticket was not issued officers should check the on-line P&D maintenance fault log for all machines in that street on the day in question. If there is only one machine and it was logged as faulty the PCN should be cancelled if there was an alternative working machine the PCN should not be cancelled as the motorist had an alternative means to purchase parking stay.

3.2 Incorrect/missing/obscure road markings:

In CPZs the times of control are shown on the zone entry sign and there is no need for any additional signs to be in place. If the driver claims that there was no sign and the restrictions require that a sign be in place a site inspection should be arranged. A PCN should only be cancelled if the appropriate signs and lines are not in place.

Where yellow lines or kerb markings have been partly worn away, covered in part by re-surfacing, or obscured by snow/leaves it does not mean that the PCN should be cancelled. Any cancellation will be dependant how much of the line/marking is visible and whether it is considered reasonable for the driver to know that a line/restriction was present. Consideration of the individual circumstances should be taken into account when deciding to cancel a PCN. Short stretches of faded or missing yellow line do not mean that restrictions cease to apply. The purpose of yellow lines/markings is to draw the attention of a driver to the existence of a parking restriction created by a Traffic Management order (TMO)

3.3 Incorrect/missing parking bay signs

There should be a sign above every parking place (bay or group of bays), which gives information on who can use the bay e.g. doctor's, disabled badge holders, permit holders only. A PCN should only be cancelled if evidence is provided/obtained (site visit) that the appropriate signage is not in place. With regards to pay and display only bays there is no requirement for

signage as the information required is already given on the machine itself. PCNs should not be cancelled if the driver claims he/she had parked or used the wrong type of bay unless it is confirmed that there was inadequate signage

3.4 Obscured time plates

If the time plate is shown to exist, but evidence is supplied that it was temporarily fully or partly obscured a cancellation should be considered. Each case should be dealt with on its own merits and the degree of obscurity should be taken into account.

3.5 Ringer (cloned) vehicle

If the customer states the vehicle observed in contravention is not theirs, even though the vehicle registration and colour are exactly the same the following information should be requested

1. Copy of tax disc valid at time of contravention
2. Photograph of vehicle with distinguishing/unique features (to compare with image on file).
3. V5 document – to check date vehicle registered or to check for any recent changes to vehicle.
4. Confirmation that, following notification of the PCN, the owner/keeper has reported the alleged cloning to the police

3.6 Stolen vehicle

Before cancellation proof that the vehicle theft has been reported must be provided e.g. crime reference number on documentation from a police station.

3.7 Vehicle taken without consent.

Where the customer states that the vehicle was taken without consent the representation should not be taken at face value and the following information should be provided before cancellation

1. Who is insured to drive
2. Where, with whom, were the keys left at the time of the contravention
3. The name of the person driving the vehicle at the time of the contravention
4. Documentation confirming that the “driving without consent” has been reported to the police

4) FIRST OFFENCE

In order to encourage a ‘customer service’ attitude towards residents, local businesses and visitors to the borough a first offence cancellation policy is currently in place. Some examples of where this policy will be applied are listed below:

4.1 Permits

Where the Parking attendant or CCTV evidence indicates that a valid permit, which is vehicle specific, i.e. resident, business (vehicle registration is on permit) was not on display, but

subsequent evidence is supplied which confirms that the vehicle did have a valid permit at the time of the contravention the PCN should be cancelled where it is the first offence.

4.2 Disability blue badge holders

Under the terms of the national scheme and in the documentation provided to the applicant when they receive their blue badge, the disabled badge holder is advised that they must not park or travel in the following places:

At a time when loading or unloading is prohibited

In a bus or tram lane during the hours of operation.

In a cycle lane.

On any clear way.

On pedestrian crossings.

In parking places reserved for specific users e.g. doctor's bays, loading bays, taxi, and cycles.

In suspended parking bays.

Where temporary parking restrictions are in force along a length of road.

On School 'Keep Clear' markings.

Bus stops

On a pavement (unless signs permit it)

Dropped footways (kerbs)

Parking on yellow lines is permitted, but is limited to a 3 hour maximum stay and both the disabled badge and time clock (which must be set to show the time of arrival) must be displayed when parked on the yellow lines.

A PCN should be cancelled if it is a first offence and the following circumstances apply: i) The contravention was observed in a location where the badge holder was **permitted** to park ii) The badge holder had failed to display their blue badge iii) The badge holder had failed to display their clock iii) The badge holder had parked for longer than the 3 hours permitted.

NB A PCN should not be cancelled if the badge holder has parked where they are prohibited from doing so in accordance with the Highway code and the information which is within the booklet supplied when the blue disabled badge is issued.