

# A guide to parking enforcement in Leicester

  
C.E.O.  
LE185



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## Useful contact details

### **Parking Services (Leicester City Council)**

Penalty Charge Representations

Parking Services

PO Box 8459

Leicester, LE1 8AW

Telephone: 0116 454 6300

E-mail: [parkingoffice@leicester.gov.uk](mailto:parkingoffice@leicester.gov.uk)

Website: [www.leicester.gov.uk/transport-and-streets/parking-in-leicester/](http://www.leicester.gov.uk/transport-and-streets/parking-in-leicester/)

### **Parking Enforcement (Leicester City Council)**

Telephone: 0116 299 5063

E-mail: [parking-enforcement@leicester.gov.uk](mailto:parking-enforcement@leicester.gov.uk)

### **Customer Services (Leicester City Council)**

E-mail: [customer.services@leicester.gov.uk](mailto:customer.services@leicester.gov.uk)

### **Automated payment line (Leicester City Council)**

Telephone: 0116 454 1012

### **Bus Lane/ Gate Enforcement (Leicester City Council)**

Telephone: 0115 233 5555

E-mail: [leicesterble@leicester.gov.uk](mailto:leicesterble@leicester.gov.uk)

### **Traffic Enforcement Centre (Northampton County Court)**

Telephone: 0300 123 1059

E-mail: [tec@hmcts.gsi.gov.uk](mailto:tec@hmcts.gsi.gov.uk)

### **Traffic Penalty Tribunal**

Telephone: 0800 160 1999

E-mail: [help@trafficpenaltytribunal.gov.uk](mailto:help@trafficpenaltytribunal.gov.uk)

Website: [www.trafficpenaltytribunal.gov.uk/](http://www.trafficpenaltytribunal.gov.uk/)

### **DVLA**

Website: [www.gov.uk/government/organisations/driver-and-vehicle-licensing-agency](http://www.gov.uk/government/organisations/driver-and-vehicle-licensing-agency)

### **Enforcement agents (bailiffs)**

Bristow & Sutor

Telephone: 0330 390 2010

Marston

Telephone: 0333 320 2538

Newlyn

Telephone: 01604 633 001

**Police**

Telephone: 101

**Action Fraud**

Telephone: 0300 123 2040

Website: [www.actionfraud.police.uk](http://www.actionfraud.police.uk)

**Local debt advice services**

Leicestershire Citizens Advice Bureau

1st Floor, Leicester City Council Customer Service Centre

91 Granby Street

Leicester LE1 6FB

Telephone: 0300 330 1025

Website: [www.citizensadviceleicestershire.org](http://www.citizensadviceleicestershire.org)

Community Advice and Law Service

1st Floor, Epic House

Charles Street

Leicester LE1 3SH

Telephone: 0116 242 1120

Website: [www.cals.uk.net](http://www.cals.uk.net)

Saffron Resource Centre

432 Saffron Lane,

Leicester LE2 6SB

Telephone: 0116 283 7212

Website: [www.srcentre.org.uk](http://www.srcentre.org.uk)

## Introduction

This document sets out Leicester City Council's parking enforcement policy as from 1st April 2015. It is intended as guidance only and will be updated as and when necessary.

The content of the policy is derived from current Leicester City Council practices, accepted best practice in the parking enforcement industry and recommendations by the Traffic Penalty Tribunal.

In formulating this policy, due regard has been paid to the Council's Equality and Diversity Policy and the Human Rights Act.

This policy is primarily concerned with:

- who can and cannot park in restricted areas and when;
- how challenges, representations and appeals against Penalty Charge Notices (PCNs) are dealt with;
- how the Council applies Equality and Diversity Policy and Human Rights Act by treating people fairly, equally and with respect and by taking into account their personal circumstances;

- conduct of the Council's staff;
- the manner in which the Council carries out parking enforcement;
- service standards that the Council adopts when carrying out enforcement.

## Aims and objectives of parking enforcement

Under the Traffic Management Act 2004, Leicester City Council has a duty to secure the quick and efficient movement of traffic on its highway network. This power is vested through the appointment of a Traffic Manager.

The TMA places a duty on local authorities to make sure traffic moves freely and quickly on their roads and the roads of nearby authorities

Parking enforcement is the key management tool for addressing the causes of obstruction resulting in congestion, safety and accessibility issues. The Guide aims to address these issues with the following objectives:

- to contribute towards making the city of Leicester a great place to live, work and visit;
- to support the free movement and thereby the quality and accessibility of public transport;
- to actively promote accessibility and support the needs of disabled people in using the highway network;
- to implement enforcement measures in order to secure efficient use of the highway network;
- to actively discourage activities that have an adverse effect on health and safety of road users or cause obstruction to public transport, vehicular traffic, pedestrians, cyclists and disabled people;
- to ensure that Civil Enforcement Officers (CEOs) issue Penalty Charge Notices (PCNs) in accordance with Part 6 of the Traffic Management Act 2004.

**Important note:** Leicester City Council does not set targets for the numbers of issued PCNs, and CEOs do not receive incentivised payments.

## Parking policies in alphabetical order

### A

#### Abandoned vehicles

Where a vehicle remains parked in a restricted area for a period during which multiple PCNs are issued (three or more for the same contravention), the CEO will report the vehicle as potentially abandoned. Abandoned vehicles are dealt with by the Council's abandoned vehicle section, under the provisions of the Refuse Disposal (Amenity) Act 1978 (as amended).

Criteria used for identifying abandoned vehicles:

- general poor condition;
- no evidence of movement;
- multiple PCNs issued to the vehicle for the same contravention (a minimum of three).

While the vehicle is being dealt with as potentially abandoned, no further PCNs will be issued. However, PCNs already issued will be enforced against the registered keeper of the vehicle.

## Appealing parking Penalty Charge Notice (PCN)

### Informal challenge

The keeper of a vehicle may make a written informal challenge against the issue of a PCN before a Notice to Owner (NTO) has been issued. Although there is no legal obligation to respond to informal letters of challenge, the Council responds to such letters. If the challenge is rejected, the Council will inform the keeper of the vehicle giving reasons.

If the original challenge has been received within 14 days of the PCN being issued, a further 14 days (from the date of the response) will be allowed for payment at the discounted rate. If the challenge is accepted, the PCN will be cancelled, and the Council will write to confirm this.

If the challenge has been received more than 14 days from the date of the PCN and the challenge is rejected, the full amount will be payable. This fact will be included in the letter of rejection.

By informally challenging the PCN the keeper is not detracted from the ability to make a subsequent formal representation to the Council following the issue of an NTO, and to further appeal to the Traffic Penalty Tribunal (TPT) if the formal representation is rejected.

### Formal representation

The keeper of a vehicle has the opportunity to make a formal representation against a PCN once the Notice to Owner (NTO) is sent to him/her by the Council. The representation must be made within 28 days of the issue date of the NTO.

A formal representation can be made on the following grounds:

- The alleged contravention did not occur.
- I was never the owner of the vehicle.
- I had ceased to be the owner of the vehicle before the date on which the alleged contravention occurred.

- I became the owner of the vehicle after the date on which the alleged contravention occurred.
- The vehicle has been permitted to remain at rest in place in question by a person who was in control of the vehicle without the consent of the owner (if the vehicle is stolen or taken without owner's consent).
- We are a vehicle hire firm and the vehicle was on hire under a hiring agreement and the hirer had signed a statement acknowledging liability for any PCN issued during the hiring period.
- The penalty charge exceeded the amount applicable in the circumstances of the case.
- There has been a procedural impropriety by the enforcement authority.
- The Order which is alleged to have been contravened in relation to the vehicle concerned is invalid.
- This Notice should not have been served because the penalty charge had already been paid.

The Council considers other mitigating circumstances and may use its discretion in deciding whether the specific circumstances warrant cancellation. However, the following reasons are generally not accepted:

- I could not find anywhere else to park.
- I went to get change for the pay and display machine.
- I only stopped for a minute.
- I thought I was parked legally but made a mistake.
- I lent the car to a friend.
- The fine for a parking contravention is too high.
- There was no need for a yellow line.
- I am not the owner or keeper because I hired the vehicle.
- My appointment or meeting ran late.

### **Intervention in challenge and representation process by councillors and other officers**

The process of dealing with challenges and representations against the issue of PCNs is well documented and is carried out in a fair, unbiased and equal manner. These procedures include the ultimate right of all motorists to refer the matter to an independent adjudicator, i.e., the Traffic Penalty Tribunal (TPT).

To preserve the integrity of these procedures, they are managed and carried out by the administration and processing staff in Parking Services, and no undue external pressure shall be brought by either councillors or other senior officers designed to influence decisions by virtue of their position alone.

## **Appointments running late**



Motorists should be well aware that it is not unusual for doctors’/medical/ hospital/ dental or any other appointment to take longer than anticipated. Therefore, PCNs will not be cancelled in response to a claim that an appointment took longer than expected.

## B

### Bank holidays

Waiting and loading restrictions are indicated by single or double yellow lines and kerb markings and are enforced throughout the year. Unless the on-street signs state “except bank holidays”, the relevant restriction applies on bank holidays.

Parking charges also apply on bank holidays to on-street pay and display bays and off-street car parks. It is the driver’s responsibility to check signs and tariff boards or pay and display machines for tariff rates.

#### Christmas Day/Boxing Day/New Year’s Day

If Christmas Day, Boxing Day or New Year’s Day falls on a Saturday or Sunday, a ‘substitute’ weekday becomes a bank holiday, usually the following Monday. The Saturday/Sunday is not classed as a bank holiday, and relevant parking restrictions apply on those days, as usual. Visit [www.gov.uk/bank-holidays](http://www.gov.uk/bank-holidays) for more information.

### Bank visits

Money being taken to or from a bank is not an acceptable reason to cancel a PCN unless large sums of money are being carried and continuous loading or unloading activity is seen by a CEO. If parking restrictions are in place adjacent to a bank, these should be fully complied with by all motorists.

The only exemption which applies is for bullion vehicles which are delivering to or collecting from banks.

### Blue Badge



Blue Badges can only be used to park when the vehicle is being used to transport a Blue Badge holder or driven by a Blue Badge holder. It is illegal to use the badge for any other purpose (for example shopping for a disabled person when they are not being transported in the vehicle; giving the Blue Badge to friends or family while they are visiting the Blue Badge holder).

When the vehicle is parked, the Blue Badge and the blue parking clock (when required) must be displayed on the dashboard or fascia panel, where it can be clearly read from outside through the front windscreen. The front of the badge should face upwards, showing the

wheelchair symbol or hologram and the expiry date. The side showing the photograph should not be visible through the windscreen. Failure to do so may result in a Penalty Charge Notice (PCN) being issued.

When considering a challenge/ representation against a PCN issued as a result of incorrectly displayed Blue Badge or parking clock, the Council will take into account previous PCNs issued to the same vehicle or Blue Badge holder. A challenge/ representation may be accepted if no previous similar contravention has occurred. If the challenge/ representation is accepted, the letter confirming acceptance will make it clear that challenges and representations for further PCNs issued for the same or similar reason will not be accepted.

Vehicles displaying a valid Blue Badge may park free of charge and without time limit:

- in pay and display bays in both on-street and council-owned off-street car parks (see individual car park signs for details);
- in limited waiting bays. Check signs, as there is a time limit in some limited waiting bays for Blue Badge holders;
- in residents' parking bays.

Vehicles displaying a valid Blue Badge may park in on-street disabled bays without time limit. However, if a sign states a time limit (for example, up to three hours), the parking time is limited, and the blue parking clock must be displayed as well.

Blue Badge holders may also park on waiting restrictions (yellow lines) for up to three hours, except where there is a ban on loading or unloading indicated by kerb markings, signs or both. There must be an interval of at least one hour from a previous period of waiting before the same vehicle can be parked on the same road or part of a road on the same day. Both the valid Blue Badge and the blue parking clock must be displayed, with the time of arrival clearly on display at all times. Failure to do so will result in a PCN being issued.

Blue Badge holders are not allowed to park:

- in loading bays (unless loading/unloading);
- on loading restrictions;
- bus stops;
- zigzag lines;
- taxi bays;
- other bays for a specific use.

Correct display of a Blue Badge and associated blue parking clock does not necessarily mean that users are exempt from being issued with a PCN. 'The Blue Badge scheme: rights and responsibilities in England' booklet, which is issued with the Blue Badge, states that use of the badge does not allow parking in circumstances that "would endanger, inconvenience or obstruct pedestrians or other users".

Powers within the Traffic Management Act 2004 (Part 7, Section 94), allow Civil Enforcement Offices (CEO) to request that a Blue Badge be displayed in a vehicle and be

produced for inspection. It is an offence (punishable by a fine not exceeding level 3 on the standard scale, i.e. £1000) to fail to comply with such request, without a reasonable excuse.

Should a badge holder fail or refuse to produce the badge for inspection by a CEO, the parked vehicle will be treated as though there is no valid badge on display and a PCN is issued for the relevant parking offence.

Local authorities have the powers to confiscate a Blue Badge. Should a Blue Badge be retained by the police as evidence pending a possible prosecution, a duplicate badge will not be issued, and the original badge will only be returned upon determination of any legal proceedings.

Full guidance on the use of a Blue Badge is provided in the Department for Transport booklet entitled 'The Blue Badge scheme: rights and responsibilities in England'. A copy of the booklet is issued with a Blue Badge and can also be viewed online at [www.gov.uk/government/publications/the-blue-badge-scheme-rights-and-responsibilities-in-england](http://www.gov.uk/government/publications/the-blue-badge-scheme-rights-and-responsibilities-in-england).

### Criteria followed when considering challenges or representations concerning Blue Badges

Scenario	Outcome
Blue Badge displayed with wheelchair symbol facing down (rather than upwards), for example, the wrong way round	First offence may be cancelled
Blue Badge displayed, but details are not clear to the CEO	Not cancelled
Blue Badge initially displayed but fell into footwell or seat, and the CEO could see the badge or part of the badge on the floor or the seat	First offence may be cancelled
Motorist admits they have forgotten to display a valid badge	Not cancelled
Blue Badge on display, but no parking clock displayed when needed	Not cancelled
Blue Badge covered, and details are not clear to the CEO	Not cancelled
Expired Blue Badge	Not cancelled
Blue Badge holder or Blue Badge holder's driver says "I did not know I could not park there."	Not cancelled
Overstay in time restricted bay	Not cancelled
Parking clock not set correctly, which resulted in overstay	Not cancelled

The Council retains the right to refuse the challenge/ representation on the first occasion if any other circumstances occurred when the PCN was issued. This could include a safety risk, abuse of staff or failure to adhere to other parking restrictions.

### The use of blue badges from abroad

If you have a Blue Badge and it is showing the European Union sign, then you are entitled to park in Leicester. However, if you are from another country, then the

expectation is for you to apply in England for a temporary Blue Badge to use while you are visiting; otherwise, you could be issued with a PCN.

### **Blocked access**

Drivers who claim that they were unable to gain access to their private or commercial property are not entitled to park in contravention of any parking restrictions. PCNs will be issued to any vehicle parked in contravention.

Leicester City Council does not tow away vehicles for blocking access if no parking restrictions are in place. If the vehicle is causing obstruction or is dangerously parked the police should be contacted.

### **Broken down vehicles**

Claims of alleged breakdown should only be accepted if supporting evidence in the form of one or more of the following is produced:

- garage receipt on headed paper, appropriately completed and indicating a repair of the alleged fault within a reasonable time of the contravention. Individual circumstances will be looked at and a decision made, but usually, the driver is not allowed to leave the vehicle parked on a parking restriction;
- till receipt for purchase of relevant spare parts. The receipt should match the date and time of the contravention;
- confirmatory letter from the RAC, AA or similar motoring organisation confirming a mechanical or electrical breakdown is matching the date, time and location of the contravention.

A note left in the windscreen stating that the vehicle has broken down will not be accepted by a CEO as a reason for not issuing a PCN.

Listed below are some of the common areas of contention relating to the alleged breakdown of vehicles:

#### **Flat battery**

The receipt for the purchase of a new battery or parts that could cause a flat battery should be requested. The receipt should not pre-date the PCN or post-date it by an unreasonable length of time. Individual circumstances will be considered. However, the vehicle should not usually be left unattended in these circumstances. If no evidence is provided, the PCN is enforced.

#### **Flat tyres**

It is reasonable to expect that in the event of a flat tyre, the driver would be with the vehicle and making efforts to change the wheel. If the vehicle is left unattended, a

PCN will be issued and will only be cancelled if it subsequently transpires that the driver had gone to obtain assistance. In such cases, evidence from the assisting party is required.

If the wheel could not be changed because of mechanical difficulty, evidence supporting this must be produced from the attending breakdown service.

Failure to carry a spare wheel is not sufficient reason to cancel a PCN.

### **Overheating**

All cases where it is claimed that the vehicle had overheated due to lack of water should be enforced unless it is directly attributable to a mechanical fault such as a broken fan belt, burst hose, faulty water pump or thermostat. In such cases, evidence of repair must be produced.

Overheating caused by heavy traffic or hot weather is not acceptable as a valid excuse.

### **Running out of fuel**

Unless due to a mechanical or electrical fault evidenced by a repair, all PCNs are to be enforced.

If it is apparent from previous records that the same driver is continuously trying to avoid liability for PCNs by claiming that his/her vehicle is broken down, this should be considered when deciding on whether or not to accept their challenges or representations.

Where challenges or representations are accepted on a second or subsequent occasion, the keeper should be informed in writing that due consideration to previous incidents will be taken into account should another contravention be committed for the same reason. Motorists have an obligation to properly maintain their vehicle and repeated claims to have broken down will not be accepted as a reason to cancel a PCN.

## **Builders**

See [Contractor parking](#) section.

## **Bus Lane/ Bus Gate enforcement**

Leicester City Council has powers to undertake civil enforcement of all Bus Lanes and Gates in its area with an approved device (camera) under the Transport Act 2000 and The Bus Lane Contraventions (Approved Local Authorities) (England) (Amendment) (No. 6) Order 2006.

Bus Lanes and Bus Gates are in operation 24 hours a day, seven days a week, including bank holidays unless the traffic signs indicate differently. Only buses and other authorised



vehicles are permitted to enter Bus Lanes and Bus Gates. Any unauthorised vehicles entering a Bus Lane or Bus Gate will be issued a PCN by post.

The difference between a Bus Lane and a Bus Gate is defined in the Traffic Signs Regulations and General Directions 2016:

A 'Bus Lane' is a traffic lane reserved for buses, pedal cycles and taxis (hackney carriages) where indicated by the signs.

A 'Bus Gate' is a short section of the road blocked off to all traffic except buses, cycles and taxis (hackney carriages) and shown by appropriate signage.

**Important note:** Bus Lane/ Gate enforcement and fine processing are carried out by Nottingham City Council. Therefore policies described in this guide do not apply to this section.

## Bus Stop Clearways

Bus Stop Clearways are mandatory under the Traffic Management Act 2004, have a solid yellow line and a dashed yellow box with an accompanying time plate. Bus Stop Clearways may be enforced with an approved device (camera) or a CEO on patrol. It is an offence for any vehicle other than a bus or hackney carriage to stop, wait or load on a Bus Stop Clearway. Offending vehicles will be issued with a Penalty Charge Notice.

**Important note:** No observation time is given, and a PCN is issued immediately.

### CCTV enforcement

Bus Stop Clearways outside of Leicester Railway Station have been introduced recently, and camera devices have also been installed.

**Important note:** CCTV enforcement and fine processing are carried out by Nottingham City Council in partnership with Leicester City Council. Therefore policies described in this guide do not apply to this section.

### Enforcement by Civil Enforcement Officers (CEO)

Bus Stop Clearway enforcement and fine processing at other locations are carried out by Leicester City Council. Therefore policies described in this guide apply.

## C

### Carers and care organisations

#### Carer parking in residents' parking places or zones

Carers may only park in residents only parking places or zones if displaying a valid permit such as an annual visitor permit or visitor scratchcard.

Eligible residents who require carer's assistance may obtain an annual visitor permit free of charge by providing certain proof documents. The permit is issued without a vehicle registration number and may be used by any carer. Where the annual visitor permit is not available, carers may be able to obtain a visitor scratchcard permit from the resident and park in the nearest available residents parking place or zone. Alternatively, carers can park in a pay and display bay by paying the required fee.

Residents who require more than one carer attending them at the same time may be able to apply for an additional annual visitor permit.

### **Carer parking on waiting and other restrictions**

Carers are not exempt from waiting restrictions (single or double yellow lines) or other restrictions such as disabled bays, bus stop clearways, limited waiting bays, loading bays etc. Carers must comply with parking regulations at all times.

## **Change of address**

If a registered keeper of the vehicle contacts us in writing and informs us that he/she has moved address and has now provided their new address, we will reserve the NTO to the new address. Proof of new address is required, such as a copy of their vehicle insurance. We will also advise the registered keeper to notify the Driver and Vehicle Licensing Agency (DVLA) of the new address.

If the customer or new tenant contacts us and says that he/she keeps getting letters for someone who lived at their address previously and:

- can provide a forwarding address and we are able to verify it on LCC internal databases, we will reserve the NTO to the new address. However, if the new address cannot be verified, we will continue enforcement action at the address provided by DVLA. If the PCN is then referred to an enforcement agent (bailiff), they will conduct a full trace activity to find the registered keeper.
- cannot provide a forwarding address. We will continue enforcement action at the address provided by DVLA. If the PCN is then referred to an enforcement agent (bailiff), they will conduct a full trace activity to find the registered keeper.

## **Charge Certificate**

A charge certificate is issued:

- not less than 31 days after the NTO is issued and no payment or formal representation has been received;

- not less than 31 days after a notice of rejection of representation is sent where no payment has been received, and no appeal has been made to the TPT;
- not less than 18 days after an appeal to the TPT is withdrawn;
- not less than 31 days after the rejection of an appeal by the TPT.

When a charge certificate is issued, the amount of the penalty is increased by 50%.

The charge certificate is sent to the registered keeper, requiring payment within 28 days of issue.

## Clamping of vehicles

Leicester City Council does not clamp vehicles.

## Cloned vehicles

If you have received correspondence which informs you about the PCN and you believe it was not in relation to your vehicle, you must notify us in writing immediately by sending in evidence, such as photographs of your vehicle, to prove that the vehicle against which the PCN was issued is not yours. You will also need to provide the crime reference number from the police or contact and provide an Action Fraud reference number.

## Complaints

The Council complaints procedure does not apply to challenges or representations against PCNs. The driver or the registered keeper of the vehicle can appeal the PCN. See [Appealing parking Penalty Charge Notice \(PCN\)](#) section for further information.

Allegations that a CEO has made an error while issuing a PCN will be investigated under the standard challenge/representation procedure, and a written response will be sent.

However, any allegation of misconduct or rudeness by enforcement staff against a member of the public or specific complaints around processes will be logged, investigated and responded to by Parking Services.

## Contractor parking

### Contractor parking in residents' parking zones

All contractors' vehicles parked within a residents' parking zone must either display a valid visitor permit (obtainable from the resident or a landlord) or a contractor permit.

Contractor permits are available to purchase online at [www.leicester.gov.uk/applypermits](http://www.leicester.gov.uk/applypermits) and are only issued to sign-written vans or estate vehicles. If the vehicle is not sign-written, an A4 laminated sign with the company's name, logo and contact details must be displayed on a dashboard.

For further information about contractor permits please download Explanatory notes – contractor parking permit from <https://www.leicester.gov.uk/transport-and-streets/parking-in-leicester/get-a-parking-permit/>.

### **Contractor parking on waiting restrictions (single or double yellow lines), except where a loading restriction is in place**

Parking is only allowed while continual loading or unloading of tools and materials is taking place. At all other times, the vehicle must be moved to a permitted parking area.

Where the vehicle is required to be used as a workshop (for example, where there is equipment secured to the vehicle which is required for the job, or where there is such a large range of tools and equipment required that unloading is impractical), consideration may be given by the Council to the issue of a dispensation. It may be necessary for the vehicle and contents to be inspected by a member of Council staff.

An application form for a dispensation can be obtained from Parking Services and must be submitted at least three working days in advance. Please contact Parking Services for further information.

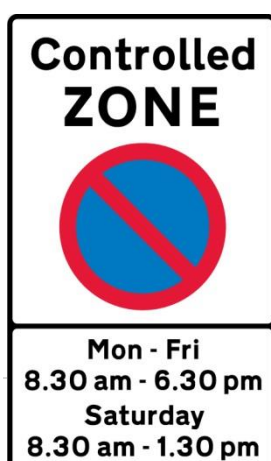
### **Contractor parking in pay and display bays**

All contractors' vehicles parked in a pay and display bay must either purchase a pay and display ticket or a display contractor permit.

Contractor permits are available to purchase online at [www.leicester.gov.uk/applypermits](http://www.leicester.gov.uk/applypermits) and are only issued to sign-written vans or estate vehicles. If the vehicle is not sign-written, an A4 laminated sign with the company's name, logo and contact details must be displayed on a dashboard.

For further information about contractor permits, please download Explanatory notes – contractor parking permit from [www.leicester.gov.uk/transport-and-streets/parking-in-leicester/get-a-parking-permit/](http://www.leicester.gov.uk/transport-and-streets/parking-in-leicester/get-a-parking-permit/).

## **Controlled parking zone (CPZ)**



See also [Pedestrian Preference Zone \(PPZ\)](#) and [Restricted Parking Zone \(RPZ\)](#) sections.

A controlled parking zone (CPZ) is a zone where all on-street parking is controlled. CPZs are usually situated in an area where events take place, for example, near football, rugby stadiums.

Main routes into a CPZ are introduced by a sign [examples left], explaining that a driver is entering a CPZ and giving details of the

times that special restrictions are in force. During the hours of operation, parking restrictions are different from those that apply at other times. Yellow lines/kerb markings are used in conjunction with signage and do not have to have time plates, as they are deemed to run for the same duration as specified on the CPZ sign on entering the zone. There are no additional signs on other roads within the zone. The sign controlling the entrance to the zone always takes precedence over local signs.



A CPZ has bays in which parking is permitted under certain conditions (for example, for valid permit holders only).

Currently, there is one CPZ in Leicester, around the Leicester City Football Club and Leicester Tigers Rugby grounds. CPZ restrictions apply on football and rugby match days and other special events taking place. During such days, loading restrictions apply to all waiting restrictions (yellow lines), limited waiting bays and pay and display bays within the zone. All parking in the CPZ during hours of operation is prohibited, save for residents' permit holders in designated residents' parking bays.

### Council officers and councillors on duty

All Council officers and councillors on duty are expected to comply with parking regulations fully. Failure to do so may result in the issue of a PCN.

The challenge, representation and appeal procedure is open for Council officers and councillors to use should they consider that the PCN has been issued incorrectly. Any work-related mitigating circumstances should be confirmed in writing by the relevant service manager or service director.

### Contravention codes

The list of common parking contraventions in Leicester:

#### On-street

Code	Description	Charge, £	Notes
01	Parked in a restricted street during prescribed hours	70	This means parked on a single or double yellow line
02	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	70	This means parked where loading restrictions apply
05	Parked after the expiry of paid for time	50	On-street pay and display
06	Parked without clearly displaying a	50	On-street pay and display



Code	Description	Charge, £	Notes
	valid pay and display ticket or voucher		
12	Parked in a residents' or shared use parking place or zone without either clearly displaying a valid permit or voucher or pay and display ticket issued for that place, or without payment of the parking charge	70	Residents' parking and shared use places or zone where no permit or ticket is displayed
16	Parked in a permit space or zone without clearly displaying a valid permit	70	Residents' parking space or zone that is signed for specific permit holders
19	Parking in residents' or shared use parking place or zone either displaying an invalid permit or voucher or pay and display ticket or after the expiry of paid for time	50	Residents' parking and shared use parking place or zone when, for example, an out of date permit is displayed
23	Parked in a parking place or area not designated for that class of vehicle	70	
25	Parked in a loading place during restricted hours without loading	70	On-street loading place
30	Parked for longer than permitted	50	Limited waiting places; Blue Badge holders parked in disabled place or on single or yellow lines for longer than three hours
40	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	70	Disabled parking place
45	Stopped on a taxi rank	70	

### Off-street

Code	Description	Charge, £	Notes
71	Parked in an electric vehicle's charging place during restricted hours without charging	70	Dover Street Car Park, Newarke Street Car Park, Victoria Car Park
73	Parked without payment of the parking charge	50	Off-street car parks
82	Parked after the expiry of paid for time	50	Off-street car parks
83	Parked in a car park without clearly	50	Off-street car parks

Code	Description	Charge, £	Notes
	displaying a valid pay and display ticket or voucher or parking clock		
86	Parked beyond the bay markings	50	Off-street car parks
87	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	70	Off-street car parks

### Covered vehicles

Any motor vehicle that is parked on a public road including bays is required to display its registration plates. Covering the vehicle could prevent them from being seen, and this is an offence.

It would not be illegal to cover the vehicle as long as the registration plates and any permit displayed could be seen. Clear plastic panels could be used in the appropriate places to enable the registration plates and the permit to be visible.

### Court attendance

Jury members and witnesses should be aware that the length or timing of any court hearing or trial cannot be guaranteed. Often, jury members or witnesses find that they are unable to leave the court to purchase further pay and display time in a car park or an on-street parking space. Courts often issue clear instructions to jury members and witnesses advising how and where to park. There are "pay on exit" car parks in Leicester City Centre where payment is made upon return to the car park before leaving. These car parks are recommended when attending the court. Visit [www.leicester.gov.uk/transport-and-streets/parking-in-leicester/where-to-park](http://www.leicester.gov.uk/transport-and-streets/parking-in-leicester/where-to-park) for more information. Any PCNs issued as a result of overrun court hearings or other court appointments will not be cancelled.

The conditions that apply to jury members and witnesses apply equally to defendants. However, if a defendant is given a custodial sentence and, as a direct result, is unable to remove the vehicle from a pay and display bay or a Council car park, the Council expects that the vehicle will be removed as soon as reasonably possible by the defendant's family, friends or legal representatives. If a PCN is issued, individual circumstances, along with supporting documentation, will be considered.

## D

### Dangerous parking

Dangerous, irresponsible and obstructive parking causes serious problems and puts other road users at risk. It has a knock-on effect of blocking the free flow of traffic, causing

congestion and disruption, and at worst obstructing emergency service vehicles and potentially putting lives at risk.

Drivers who park dangerously and cause a hazard to other road users and pedestrians will be issued an instant penalty charge notice (PCN) if observed to be parked recklessly in areas such as those listed below:

- school zig-zag markings;
- in bus stop clearways;
- on double yellow lines in dangerous locations such as on corners, at junctions or across dropped kerbs on corners and junctions;
- on arterial routes in and out of the city.

Civil Enforcement Officers (CEOs) observe vehicles parked in contravention of some parking restrictions (such as waiting restrictions) for five minutes before issuing a PCN. However, this observation period will be waived for offences where vehicles are parked dangerously or inconsiderably and put other road users at risk. Where vehicle drivers return to the vehicle while the PCN is being issued and drive away, the PCN will be sent to the registered keeper of the vehicle by post.

Vehicles can also be towed away if a driver is a persistent offender/evader of parking fines in Leicester. The Council will also consider towing a vehicle if it is parked dangerously or inconsiderately on the highway, or causing danger to pedestrians.

### **Data protection (GDPR)**

Any personal data that is provided by customers will be processed in accordance with current data protection laws. It will be used by Leicester City Council and our partners to deliver and improve services and fulfil our legal duties. We will not disclose any personal information to anyone else unless required or allowed to do so by law. Read more about how we use personal data in our Privacy Notice on our website: [www.leicester.gov.uk](http://www.leicester.gov.uk).

### **Debt registration**

PCNs are sent to the Traffic Enforcement Centre (TEC) (based in Northampton) no earlier than 18 days after the issue of a charge certificate. Each debt registration with TEC costs £8 and is added to the amount owed to the Council.

Once the debt has been registered at TEC an order for recovery and witness statement is sent to the debtor advising that they have 21 days to pay the amount owed or to make a witness statement.

Failure to do any of the above will result in a warrant of control being applied for by the Council at TEC. Once issued, the Council may instruct an enforcement agent (bailiff) to collect the debt on behalf of the Council. Once the warrant is issued to the enforcement agent, any communication regarding the PCN should be made to them and not the Council. The enforcement agent then may contact the Council on behalf of the debtor.

## Description of the vehicle on the PCN

When issuing a PCN, a CEO notes the make, colour and registration number of the vehicle. These details appear on the PCN. The CEO also notes other supporting details such as tyre valve positions when enforcing some parking restrictions such as limited waiting bays.

In general, a CEO would be expected to record the make of a vehicle accurately. However, as this information is inputted from a “choice field” on the handheld computer, it is possible for an incorrect make to be entered unintentionally. Although consideration will be given to cancel the PCN in these circumstances, if the registration number matches with the registration number on photographic evidence taken at the time of the PCN issue, the PCN will be enforced.

Colours can be interpreted differently by different people, particularly metallic colours (for example, silver and blue, black and grey, white and cream). While a difference in the colour of a vehicle compared with the detail supplied by the DVLA may be an indication of incorrect vehicle description, the vehicle registration is the one thing that is unique to a vehicle. If the keeper cannot provide evidence that the registration number differs from that recorded, the PCN will usually be enforced irrespective of any other error regarding colour or make.

## Disabled badge

See [Blue Badge](#) section.

## Disabled drivers/passengers

See [Blue Badge](#) section.

## Disabled parking bays

See [Blue Badge](#) section.

## Discretion by a Civil Enforcement Officer (CEO)

CEOs issue PCNs to vehicles when they consider a parking contravention has occurred. To prevent CEOs being open to criticism of inconsistency, favouritism or bribery, it is not appropriate for them to be able to exercise discretion in the majority of cases.

An exception to this may be a case where a driver returns to the vehicle before a PCN has been issued. In this case, a verbal warning may be more appropriate.

CEOs may also use discretion for activities of loading or unloading. Where the CEO has established that legitimate loading or unloading is taking place and there are no safety

issues for pedestrians and other road users, they may leave to carry out other tasks and periodically return to observe and reassess the situation.

### **Dispensation**

See [Contractor parking](#) section and [Contractor parking on waiting restrictions \(single or double yellow lines\), except where a loading restriction is in place](#) section.

### **Drink driving or other arrests**

If a driver of a vehicle has been arrested and, as a direct result, has been forced to leave the vehicle in contravention of a parking restriction and a PCN has been issued, evidence of the arrest must be provided. Evidence of the arrest should include the date and time of the arrest and release, custody number, officer and police station involved.

If written evidence is not provided, the PCN will be enforced.

### **Dropping off/ picking up passengers**

Except on designated clearways, zigzags (schools and pedestrian crossings) and 'no-loading' restrictions, any vehicle is allowed a reasonable amount of time to drop off or pick up passengers irrespective of any waiting restriction in force.

Observation time of five minutes is given for certain parking contraventions to ensure that this activity is taking place, including assisting the elderly, disabled persons or young children or dealing with large amounts of luggage. No special consideration is given to Hackney carriages or private hire vehicles.

### **Dropped kerbs**

Parking alongside a dropped footway can cause inconvenience to a number of users, e.g. pedestrians crossing the carriageway; wheelchair and mobility scooter users; cyclists entering or leaving the carriageway; vehicles entering or leaving the carriageway across the footway, cycle track or verge.

Leicester City Council has powers under The Traffic Management Act 2004 to fine vehicles (including vehicles with Blue Badge on display) that are parked at dropped crossings, where parking restrictions are in place and also where there are no parking restrictions.

If access to premises is blocked and no parking restrictions are present, the police can also be contacted.

Also see H markings

## Emergency and exempt vehicles

Emergency vehicles are exempt from parking regulations within the Traffic Regulation Orders, provided they are on emergency duties. Vehicles on routine duties (for example, without sirens or blue lights in use) are not considered to be on emergency duty. Drivers of covert police vehicles must prove they were on duty at the time the PCN was issued by providing a letter signed and authorised by a police inspector or higher ranking officer.

The following vehicles are exempt from parking restrictions:

- fire brigade vehicles;
- marked police vehicles;
- Ambulance vehicles.

The following vehicles are exempt in the circumstances described:

- Local authority vehicles (or subcontractors) whilst being used to carry out statutory duties that require the vehicle to be parked in close proximity during refuse collection, street cleansing, highway maintenance, grass cutting, parking enforcement. Any unattended vehicles will be issued with a PCN.
- Royal Mail vehicles liveried with the crown sign engaged in the delivery of postal packets. This does not include private vehicles being used by postal staff while carrying out letter deliveries. Such vehicles are expected to be parked in compliance with any parking restrictions.
- Utility and communications companies while actively laying or undertaking repairs to pipes, cables or other apparatus. This does not include installation of lines or systems to premises or routine service and repair calls.
- Furniture vans while moving furniture to or from a dwelling, office or depository. Wherever possible, these vehicles should not be parked in contravention of a loading restriction. The continuous loading or unloading activity should be seen by a CEO at all times; otherwise, a PCN will be issued.
- Special vehicles (such as excavators, cranes) involved in building, excavating and demolition work, while lawfully and actively engaged on those duties. A licence may be required from the Council's Licensing Team and Highway department permission to authorise this type of work if sections of the highway are involved.

All exempt vehicles should be liveried, not private cars or unmarked vans.

## Emergency medical duties

Medical professionals engaged in emergency duties are, wherever possible, expected to park legally. Should a PCN be issued, it might be cancelled upon evidence of the emergency assistance being provided. Under no circumstances, PCNs will be cancelled for parking on loading restrictions or in disabled bays.

Routine or scheduled visits are not considered an emergency.

## Enforcement agents (bailiffs)

Enforcement agents, as agents of the court, are court officers. They perform many functions, including executing warrants of control. Warrants are court orders for the collection of money or goods of sufficient value to cover the required amount. They may park their vehicle on a restriction to facilitate the collection of goods and will be considered to be loading or unloading; otherwise, they must adhere to parking restrictions.

For other activities where they do not need a vehicle nearby (for example, if they are serving a summons or a warrant, not enforcing it) they are expected to comply with parking restrictions.

## Enforcement requests

Customers are advised to notify Parking Services of any parking issues they are experiencing. However, we can only enforce if there are parking restrictions in place. If obstruction or dangerous parking is taking place and there are no parking restrictions, this is the responsibility of the police, and they should be contacted on 0116 222222 or 101.

## Estate agents and landlords

Estate agents and landlords are not exempt from parking restrictions, and PCNs will be enforced.

Estate agents and landlords visiting a client's property within a resident's parking zone should display a valid permit.

See [Permits](#) section for further information.

## F

## Fixed Penalty Notices (FPN)

City Wardens may issue FPNs for environmental offences such as littering, graffiti, fly-posting and unauthorised distribution of free printed material, together with other offences such as smoke-free offences, failure to comply with street litter control notice, spitting in the streets and dog control offences. Civil Enforcement Officers (CEO) can issue FPNs for littering offences. Further information can be found online at [www.leicester.gov.uk/your-environment/city-wardens](http://www.leicester.gov.uk/your-environment/city-wardens). Please note, FPNs are not issued for parking offences.

## Footway and pavement parking

Most waiting and loading restrictions cover the whole highway and are usually valid from the centre of the carriageway to the property boundary (including all pavements, footways and grass verges). Therefore, if a vehicle is parked on a pavement or grass verge beside the



parking restriction (e.g. single, double yellow lines, kerb markings, bays for specific road uses), a PCN can be issued.

### **Fraud, including identity fraud**

If you are subject to fraud, please contact the police. You will be given a crime reference number. Please also contact Action Fraud.

If you received PCNs in your name, but your name and address have been used fraudulently, please contact Parking Services quoting the police crime reference number and Action Fraud reference number. You are also advised to contact DVLA.

### **Funerals and weddings**

Vehicles actively involved in a funeral or wedding are given due consideration, and PCNs are not issued. Examples are, an official hearse and cortege vehicles or an official car transporting the bride and groom. However, such vehicles must not park on loading restrictions, bus stops, zigzag lines.

Vehicles belonging to other mourners or wedding guests should seek alternative legal parking.

## **G**

### **Garages – vehicles left unattended**

If a garage employee parks a vehicle on the highway in contravention of a restriction while maintenance of the vehicle is being carried out, a PCN will be issued, and the responsibility for payment rests with the registered keeper of the vehicle.

Garages have no right to utilise the highway in such a manner, and PCNs would always be enforced.

### **Glaziers**

Claims of glazier companies that a vehicle was needed to be parked close to the location for an emergency repair are treated leniently providing CEO's notes confirm that such activity was taking place at the time of the PCN issue.

PCNs will not be cancelled when issued to vehicles that are not actively involved in such work.

### **Government department vehicles**

PCNs issued to vehicles owned or operated by government departments will be enforced. They are not exempt purely because they are operated by a government.

If vehicles are involved in exceptional activities, such as surveillance by HM Revenue and Customs, evidence to support this in the form of a written statement from a senior manager on headed paper must be supplied.

Wherever possible, government agencies involved in such activities should be encouraged to give the Council advance notice of the vehicles involved.

### Grace periods

In pay and display bays or council run pay and display car parks a 10 minute grace period is allowed after the expiry of paid for time, after which a PCN will be issued.

In limited waiting bays 10 minute grace period will be given after the expiry of allowed parking time, after which a PCN will be issued.

### Grass verge parking

See [Footway and pavement parking](#) section.

## H

### H - markings

If vehicles are parked on a H-marking and blocking access, a PCN or a warning can be issued if a request is made from the household whose access is blocked.

### Hackney carriages and private hire vehicles

Hackney carriages and private hire vehicles may stop to allow passengers to board or alight for long as reasonably necessary for the purpose (defined as two minutes in a recent court judgment). It is not an exempted activity to assist passengers into premises and leave the carriage unattended. If a licensed hackney carriage or private hire vehicle is left unattended, it is liable to receive a PCN.

See [Dropping off/ picking up passengers](#) section for further information.

### Hazardous chemicals and substances

Claims by companies that toxic or dangerous substances were delivered to or collected from premises and as a result a PCN was issued, are given careful consideration.

If the PCN was issued for contravention of a 'no waiting' restriction, and it can be established from the CEO's notes whether the activity of loading was taking place, the PCN

may be cancelled. If no loading activity were taking place, the PCN would be enforced. There is no reason to differentiate between toxic and non-toxic deliveries, as it is the driver's responsibility to ensure that the vehicle is moved immediately once the loading or unloading activity is complete.

Any such representations should be accompanied by documentary evidence showing the nature of delivered goods, date, time and the location of the delivery which corresponds with the location, date and time of the issued PCN.

## Hired vehicles

In the case of a hired vehicle, the hirer is responsible for the PCN, provided that a hire agreement has been signed. The NTO is issued to the registered keeper of the vehicle, i.e., the hire company and the hire company must make a formal representation to the Council. The representation must be accompanied by a copy of the relevant hire agreement.

In all cases, the agreement must state the name and address of the hirer, start and finish dates and times for the hire period, the driver's licence number, the place of issue and the hirer's signature. It must also include a statement regarding the hirer's liability for any PCNs incurred during the hire period. If any of the above is unclear, absent or in contradiction of the date and time of the PCN issue, the PCN is enforced against the hire company.

## Hospital visits

Hospital visits

A PCN may be cancelled in cases where the driver of a vehicle attended an emergency visit to a hospital and supporting evidence, in the form of a letter from the hospital, is provided. The letter should state the date and time of the emergency visit, which must correspond with the PCN details. All cases are looked at and decided on an individual basis.

Pre-arranged appointments are not deemed to be emergency visits. PCNs issued to drivers visiting sick relatives are not usually cancelled.

## K

### Kerb markings

Kerb markings denote a loading restriction. They are painted on the kerb at a 90° angle to the carriageway. They are used in conjunction with single or double yellow lines. A double kerb marking denotes no loading at any time, and a single kerb marking denotes loading restrictions at particular times of the day. There usually is a sign indicating the times of restriction or stating "No loading" or "No loading at any time".

## L

## Legislation

The legal provisions governing parking enforcement include:

- Road Traffic Regulation Act 1984;
- Road Traffic Act 1991;
- Transport Act 2000;
- Traffic Management Act 2004;
- The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005;
- The Traffic Signs Regulations and General Directions 2016;
- The Civil Enforcement of Parking Contraventions (England) General Regulations 2007;
- The Civil Enforcement of Parking Contraventions (England) General (Amendment No.2) Regulations 2015.

If the keeper is querying the authority behind a specific restriction, reference should be made to the relevant Traffic Regulation Order, held by the Council.

## Limited waiting bays

Some parking bays allow parking for a limited time (such as a maximum stay of one hour between Monday and Friday 9 am to 4 pm). If a vehicle is observed parked for a longer period during the controlled hours, a PCN may be issued.

## Loading or unloading

Loading or unloading is generally permitted when waiting restrictions are in place, except when there is also a loading restriction. However, this only applies while carrying out the legitimate activity of continuous loading or unloading, provided:

- Continuous loading or unloading activity involving the vehicle is observed by a CEO while the vehicle is parked. The observation period is five minutes. A PCN is only issued if no activity is seen during the five minute observation period;
- Delivered or collected goods must comply with the definition of "goods" (see [Definition of goods](#) section below for further information).

If a PCN is issued, a challenge will be considered when supported by evidence confirming that the driver was involved in moving heavy goods and it matches the location, date and time of the issued PCN.

In all cases, the vehicle should never be parked for longer than necessary.

Other activities such as installation or repairs are not permitted and are not classed as loading or unloading.

## Definition of goods

In claims of loading or unloading, permitted goods are deemed to be any that are of sufficient bulk or weight that requires the vehicle to be parked adjacent to the point of collection or delivery.

If a delivery of goods which complies with the above description is being carried out to a trade or business premises by a commercial vehicle, this will be seen as compliant with the above.

## Loading bays

A loading bay may only be used by a vehicle to or from which goods are being loaded or unloaded. A PCN may be issued to any vehicle parked in a loading bay where no continuous loading activity is observed for a period of five minutes or longer.

See [Loading or unloading](#) section for further information.

## Loading prohibitions

Loading prohibitions are denoted by kerb markings and 'no loading' signs. See [Kerb markings](#) section for further information.

Where there is a loading prohibition in place, a CEO will issue an instant PCN to any vehicle parked. No observation period is given in respect of a loading prohibition. However, in instances where designated parking bays change into a loading restriction during the specified time (e.g. between 4 pm and 6 pm), a PCN will only be issued 10 minutes after the time the loading restriction has come into force.

## Location incorrect (street or car park name)

Where a PCN is issued, and the street or car park name is incorrectly stated on it, this is deemed to be a material error and the PCN will be cancelled.

## Lost keys

Where it is claimed that car keys have been lost, stolen or locked in a vehicle thus preventing its removal from a parking area and resulting in the issuing of a PCN, due consideration will be given to its cancellation. The representation should be accompanied by supporting evidence from the police, garage or motoring organisations.

Consideration will be given to whether the vehicle should have been parked at the location in the first place (for example, on a yellow line) and whether the loss of keys prevented the purchase of additional parking time. Each PCN is looked at individually depending on the evidence provided.

## M

### Medical conditions

A PCN issued as a result of the effect of a medical condition is not usually cancelled; however, individual circumstances are taken into consideration. For example, if a customer needed to use toilet facilities due to a medical condition or a person with diabetes stopped on a restriction to purchase something sweet from a shop, they would be expected to park legally. While we sympathise with medical conditions, drivers should not park illegally due to medical conditions.

See [Emergencies](#) section for further information.

### Misspelling of keeper's name

The misspelling of the keeper's name or address on the NTO does not invalidate the PCN or discharge the liability of the person receiving it. The onus is still on the genuine keeper to deal with the matter.

Such names and addresses are, in most cases, obtained from the DVLA and the keepers supply them themselves.

### Mitigating circumstances

Each case will be judged on its merits, and particular circumstances are referred to elsewhere within this document. Below are a few general guidelines:

#### Children/ elderly people

Claims made by people that they were accompanied by young children or older people and were delayed by them are not accepted as reasons to cancel a PCN. Allowance should be made for this when purchasing parking time. Claims that PCNs were issued while dropping off or collecting children from the school will not be cancelled. In these circumstances, a vehicle should be parked legally.

#### Delays

Delays due to queues at shops, meetings or appointments overrunning are not valid reasons to cancel a PCN. Allowance should be made for such delays when purchasing parking time, as they are a regular occurrence and part of normal life.

#### Emergencies

An emergency is an unforeseen situation that prevented the driver from moving the vehicle. They are usually medical in nature and leniency is exercised where it can be

seen that the driver could not foresee this situation. Such claims should be supported by independent evidence.

## N

### Notice to Owner (NTO)

For regulation 9 PCNs (see [PCNs served by hand - Regulation 9](#) section), when it remains unpaid for 28 days, the Council enquires with the DVLA to ascertain the identity of the registered keeper. Once details of the keeper are received from the DVLA, an NTO is sent to the keeper informing him/her about the PCN and outstanding amount. For regulation 10 PCNs (see [PCNs served by post - Regulation 10](#) section), the Council makes DVLA enquiry within 24-48 hours of the PCN issue.

The NTO contains full details of the PCN and requests payment within 28 days. It also allows the keeper to make a formal representation against the PCN within 28 days. The form to make a formal representation is included with the NTO form. Additional sheets and any supporting documentation may be added.

### Notice of Acceptance or Rejection of formal representation

When the keeper of a vehicle makes a formal representation to the Council in response to an NTO, the Council has 56 days from receipt of the representation to respond.

A Notice of Acceptance confirms that the representation has been accepted and that liability for the PCN has been cancelled.

A Notice of Rejection formally rejects the representation and gives specific reasons as to why the Council has come to this conclusion. The rejection also includes the necessary instructions which enable the keeper to make an online appeal to the TPT. The appeal must be received by the TPT within 28 days of the Notice of Rejection of Representation.

## O

### Observation periods

In general, a CEO continuously observes a vehicle for a period of 5 minutes in a designated parking space, such as a loading bay, residents parking bay or on single or double yellow lines prior to issuing a PCN. The vehicle's details are entered into the CEO's handheld computer terminal when first seen. The computer prevents the issue of a PCN within five minutes of that time. The first observation time and the PCN issue time appears on the face of the PCN and is recorded by the enforcement software system.

However, with certain contraventions, this observation time is not appropriate, and the CEO will judge each situation as it arises, especially where vehicles are causing obstruction or dangerously parked. In these situations, the observation period is overridden, and no



observation time is given. Where the service is responding to a particular local issue of persistent parking contraventions, CEOs may not operate observation periods. An example of this would be where drivers persistently contravene parking restrictions to access a cash point or parking outside schools and shops.

In case of non-payment in on-street pay and display bays and council run pay and display car parks, only 5 minute observation period is given.

For contraventions on loading restrictions, in disabled bays or other bays reserved for specific types of vehicles, the observation period does not apply, and a PCN is issued immediately, as in these cases there is no exemption for loading or unloading.

An observation period differs from a grace period. See [Grace periods](#) section for further information.

## P

### Parking zones

See [Controlled parking zone \(CPZ\)](#), [Pedestrian Preference Zone \(PPZ\)](#) and [Restricted Parking Zone \(RPZ\)](#) sections.

### Pavement parking

See [Footway and pavement parking](#) section.

### Pay and display bays/ pay and display car parks operated by Leicester city council

Pay and display bays and pay and display car parks require the purchase of a ticket at the time of parking. It is the driver's responsibility to check signs and tariffs and purchase a ticket for the time necessary. All tickets have the expiry date and time printed on them along with the fee paid and the location or number of the pay and display machine. The fees payable are displayed on or adjacent to each pay and display machine. Vehicles should be parked in the correct bay.

Pay and display tickets must be:

- clearly and correctly displayed while the vehicle is parked;
- unexpired;
- for the car park or street purchased.

PCNs are issued for:

- failing to display a valid ticket;
- displaying a ticket that has expired;

- parking in an incorrect bay (for example, parking in a residents' parking bay instead of a pay and display bay);
- parking outside bay markings;
- display of a ticket for another car park or street;
- parking the wrong class of vehicle.

It should be noted that pay and display tickets are not transferable between vehicles, zones and on- and off-street parking places.

### Criteria followed when considering challenges or representations

Scenario	Outcome
Pay and display ticket not displayed correctly, preventing the CEO from checking the ticket	First parking fine cancelled if proof of valid ticket provided. Further fines for similar offences are not cancelled
Pay and display machine was out of order	Claims that a pay and display machine was not working will be considered by reference to the maintenance records, CEO's notes, machine fault logs, test records and the Enforcement Team telephone logs for machine faults. If it is confirmed that the machine was not working, consideration will be given to cancelling the PCN. However, if there was an alternative machine in working order in close proximity, it is reasonable to expect drivers to use this machine. It is also expected that a driver can report the out of order machine to the Enforcement Team by calling the telephone number displayed on the machine
Needed change for a pay and display machine and gone to obtain change	Not cancelled. 5 minutes observation period is allowed for on-street pay and display bays and pay and display car park
Pay and display ticket expired because the pay and display machine did not register all change fed into the machine	Not cancelled. It is a customer's responsibility to check the machine display prior to pressing the issue ticket button
Customer claims that he/she did not realise that the pay and display was in place	Not cancelled, as there will always be appropriate signs in place

## Payments

### Challenge or representation accompanied by a partial payment

If a partial payment is accompanied by a challenge (before an NTO is sent out) and the challenge is rejected by the Council, the partial payment will be taken, and the Council will pursue the remaining outstanding balance.

If the partial payment is received together with a representation against an NTO and the representation is rejected by the Council, the partial payment will be taken, and the Council will pursue the remaining outstanding balance.

If the partial payment is accompanied by a challenge/representation and the challenge/representation is accepted by the Council, the payment will be returned.

### **Time to pay and instalment plans**

As a general rule, the Council does not extend the time in which to pay PCNs, unless in the circumstances described in the [PCN levels \(rates\) and discounted period](#) section, nor will it enter into instalment payment arrangements. However, this will be looked at and decided on an individual basis.

The Council does not consider any such arrangements once the PCN has been referred to the enforcement agent (bailiff) for collection. The customer will need to contract the enforcement agent.

### **Pedestrian Preference Zone (PPZ)**

Leicester's Pedestrian Preference Zone (PPZ) consists of a number of city centre streets that have restricted access to vehicles due to the high levels of pedestrians. Access to the PPZ is gained via the automatic bollard system, which restricts the entry of vehicles into the PPZ.

The system is in operation 24 hours a day, seven days a week. Bollards remain in the raised position at all times.

Access to the PPZ for loading/unloading is allowed between 5 am and 11 am Monday to Friday and Sunday, and between 5 am and 9 am on Saturday. Access to Market Street and King Street is allowed between 5 am and 10 am Monday to Friday and Sunday, and between 5 am and 9 am on Saturday. During this time bollards are automatically lowered when a vehicle approaches.

Access outside of these hours is controlled by Parking Services. Access to the PPZ outside of permitted hours will only be considered for genuine emergencies, such as emergency glazing, blocked drains, power failure. Access for non-emergency work will be considered, will require a dispensation and a minimum of three working days' notice. Please contact Parking Services for further information.

### **Penalty Charge Notice (PCN) process**

The PCN process chart can be viewed online: [www.patrol-uk.info/](http://www.patrol-uk.info/).

### **PCNs served by hand - Regulation 9**

Under Regulation 9 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (The Regulations), PCNs are affixed to a vehicle within a sealed plastic carrier or handed to a driver.

The PCN contains details including the following:

- the date and time of the alleged contravention;
- the make and colour of the vehicle;
- location of the vehicle;
- details of the alleged contravention;
- instructions on how and where to pay;
- instructions on how and when an enquiry or formal representation against the issue of the PCN may be made;
- the CEO's identification number.

### **PCNs served by post - Regulation 10**

Under Regulation 10 of The Regulations, the Council may serve a PCN by post in the following circumstances:

- where a contravention has been detected based on evidence from an approved device;
- if a CEO was prevented by some person from serving a PCN under Regulation 9;
- if a CEO had started to issue the PCN, but did not have enough time to serve it before the vehicle was driven away.

This includes situations where, for example:

- the CEO had begun to issue the PCN, he/she had completed his/her observation and had either started to write the PCN or input data into the handheld computer terminal, and the vehicle was driven away from the place in which it was parked before the CEO had finished issuing and/or serving it;
- the person who appears to be in charge of the vehicle is abusive or prevents service indirectly through intimidation or directly through threats or physical force.

In this case, a PCN is served by post to the registered keeper of the vehicle (based on information from the DVLA), and the PCN also acts as the NTO. Postal PCNs will be sent within 14 days of the date of contravention, and the registered keeper gets 14 days to pay the PCN at the discounted rate.

The PCN includes additional information and states that it is being served by post because a CEO attempted to serve a PCN by affixing it to the vehicle or giving to the person in charge of the vehicle but was prevented from doing so by some person.

#### Prevention of service, e.g. by violence

A PCN may be served by post if the CEO attempted to serve it by affixing it to the vehicle or giving it to the person in charge of the vehicle but was prevented from doing so by some person. This includes situations where the person who appears to be in charge of the vehicle is abusive or prevents service indirectly through intimidation or directly through threats or actual physical force.

In such circumstances, the PCN issued by the CEO on patrol cannot be served by post because the information recorded against the PCN is insufficient. Therefore, the Regulation 9 PCN is cancelled, and a regulation 10 PCN is served by post.

#### Prevention of service by “drive away”

A PCN may be served by post if a CEO had begun to issue it, but the vehicle was driven away from the place in which it was parked before the CEO had finished issuing the PCN or been able to serve it.

In such circumstances, the actual PCN issued by the CEO on patrol cannot be sent by post because the information recorded against the PCN is insufficient. The Regulation 9 PCN issued by the CEO is cancelled and a Regulation 10 PCN is served by post.

### PCN levels (rates) and discounted period

PCN rates are currently set at £50 (lower rate) and £70 (higher rate). If a PCN is paid within 14 days of issue, a discounted rate of £25 and £35 (50%) respectively will apply.

If an informal challenge against a PCN is received within 14 days of issue, the discount period will be frozen pending the Council’s decision. Should the challenge be rejected, the discount period will restart from the date of the Council’s letter notifying the keeper of this decision.

If a challenge is received later than 14 days after the issue date of the PCN, the discount period will not be frozen, and the full amount will be payable if the challenge is rejected.

If a keeper states in his/her representation against the NTO that the PCN was not received at the time of the contravention, the discounted amount may be reinstated, and the keeper will have 14 days to pay the discounted rate from the date of the rejection of representation.

**Important note:** When it is claimed that the PCN was not received, the computer system will be checked to ensure that the same person has not made similar claims previously. If there is a history of such claims, the discounted period may not be reinstated, and the full amount will be payable.

## Disputing PCNs

The vehicle owner may dispute the issue of the PCN at three stages:

- After the PCN has been issued, but before the NTO is issued. This is known as 'informal representation or challenge'.
- Within 28 days after the NTO has been issued. This is known as 'formal representation'.
- If the formal representation is rejected, the vehicle owner may then appeal to the Traffic Penalty Tribunal.

See [Appealing parking Penalty Charge Notice \(PCN\)](#) section for further information.

## Time or clock on CEO's handheld computer

The issue of PCNs is controlled by the handheld computer terminal carried by each CEO. These have integrated clocks which are calibrated each morning prior to commencement of patrols. It is not possible for a CEO to influence the time stated on the PCN.

## Permits

### Permits for residents' parking bays

Only vehicles displaying valid permits are allowed to park in residents' parking bays. Permits must be clearly displayed on the front of the vehicle in a way that all details of the permit can be seen from outside of the vehicle. If the vehicle has a front windscreen, the permit must be displayed on the inside of the screen and facing forward.

Vehicles displaying the following permits can park in residents' parking bays:

- Residents permits;
- Annual visitor permits;
- Scratchcard permits;
- Permits obtained from pay and display machines by using a smartcard;
- Business permits;
- Contractors permits for residents' parking bays (see [Contractor parking](#) section for further information);
- 6/12 month contractor permits;
- Dispensation.

The following are general conditions relating to permits for residents parking bays:

- Permits are not transferable and can be only used in a vehicle to which the permit relates.
- If a permit holder changes his/her vehicle, a replacement permit must be obtained. While replacing the permit, the permit holder must use scratchcard permits, smartcard permits or park legally outside of the residents parking zone.
- The permit is valid if the expiry date and time (if applicable) has not passed and all details on the front of the permit are clearly legible.
- The permit is only valid within designated residents parking bays in the zone indicated on the face of the permit.
- The scratchcard's permit panel must be scratched off to indicate time of arrival, and a vehicle registration number must be entered on the permit. Instructions for use and conditions of use are printed on the back of the permit and must be followed.
- Permits must not be photocopied or defaced.

Full permits terms and conditions can be found at [www.leicester.gov.uk/transport-and-streets/parking-in-leicester/get-a-parking-permit/terms-and-conditions/](http://www.leicester.gov.uk/transport-and-streets/parking-in-leicester/get-a-parking-permit/terms-and-conditions/).

For further information about permits, please download relevant explanatory notes from [www.leicester.gov.uk/transport-and-streets/parking-in-leicester/get-a-parking-permit/](http://www.leicester.gov.uk/transport-and-streets/parking-in-leicester/get-a-parking-permit/).

### Guidelines for upholding or cancelling PCNs in respect of permits for residents' parking bays

Permit type	Scenario	Outcome
All permits for residents' parking bays	Permit displayed incorrectly, for example, some details are not readable	Consideration will be given to cancel the PCN on first occasion (copy of the permit must be provided)
All permits for residents' parking bays except scratchcard permits	Permit fell off a dashboard or windscreen, and all permit details are not readable	Consideration will be given to cancel the PCN on first occasion (copy of the permit must be provided)
Scratchcard permits	Permit fell off a dashboard or windscreen, and all permit details are not readable	Not cancelled
Residents, annual visitor business permit	Expired permit displayed, and no application for a renewal of the permit has been received	Not cancelled



Permit type	Scenario	Outcome
Residents, annual visitor, business permit	Expired permit displayed and an application for a renewal of the permit has been received	Consideration will be given to cancel the PCN. The decision will depend on when the application was received
Scratchcard permits, permits obtained from pay and display machines by using a smartcard, contractors permits for residents parking bays, 6/12 month contractor permits, dispensations	Expired permit displayed	Not cancelled

### Other permits

Any PCNs issued while using other permit types are generally not cancelled. However, individual circumstances will be taken into consideration.

## Plumbers, electricians and gas engineers

### Emergency call-outs

An emergency is considered to last as long as it takes to make the premises safe (for example, to turn off the mains supply). After this has been done, any vehicle should be moved to a permitted parking place before any subsequent repairs are undertaken.

If a PCN is issued to the vehicle, the motorist should make a challenge to the authority providing evidence that the emergency was legitimate. Evidence should show detailed information, including the date and time of the emergency. If this cannot be provided, the PCN will not be cancelled.

PCNs will not be cancelled for parking on loading restrictions, bus stops, bus stop clearways, disabled bays, taxi ranks, zigzag lines and for parking dangerously or inconsiderately.

### Heavy equipment

See [Loading or unloading](#) section.

## Pocketbook of a CEO

CEOs maintain a separate pocketbook in which they note details of their patrols, issued PCNs, etc. The books are kept in addition to any details entered into their handheld

computers. They are made available to the adjudicator in the event of a PCN being appealed through the independent adjudication process and are used to assist the investigation of any challenge/representation received by the Council.

### **Police officers on duty**

PCNs are issued to marked and unmarked police vehicles parked in contravention of parking regulations. PCNs can be subsequently cancelled if written documentation is provided and signed by an inspector or above to confirm that the officer was on official business and that it was inappropriate for the vehicle to be parked legally elsewhere.

PCNs are not issued to marked police vehicles parked in designated police bays. Unmarked police cars parked in designated bays can be issued with a PCN which is cancelled if proved to be a police vehicle. Police officers should not park their own vehicles in designated police bays, and if a PCN is issued, it will not be cancelled.

### **Police officer or CEO gave permission to park**

When details of the officer who gave permission to park are given (such as a CEO's LE number), a confirmation from an officer will be sought prior to the cancellation of the PCN. Where these details are not received, the PCN will be enforced.

### **Pregnancy and carers with young children**

Generally, pregnancy is not considered to be a disability and delays caused by young children do not usually lead to a cancellation of a PCN.

However, each case is treated on its merits. If the delay was short or was caused by a major medical emergency, leniency may be shown. However, an enquiry will be made to ensure that the same person has not repeatedly made similar claims before.

If the delay was caused by the driver simply not allowing enough time, the PCN would be enforced.

### **Private property**

Parking restrictions placed on private property are outside the Council's jurisdiction and the scope of its enforcement operation. Any query concerning such parking restrictions should be referred to the relevant landlord or owner.

### **Public utility vehicles (gas, electricity, water or telephone)**

Vehicles belonging to a public utility and actively involved in undertaking statutory obligations are generally exempt from restrictions. However, the following criteria apply:

- The vehicle is on an emergency call and is involved in emergency work.

- The activity should normally be seen to be taking place.

If abuse is suspected, a PCN will be issued, and a CEO will note in their notebook the reason why he/she has issued the PCN. In such a case, the PCN will be enforced unless the utility company supplies evidence of the emergency.

## R

### Registered keeper's liability for PCNs

Under the Traffic Management Act 2004 and the Road Traffic Act 1991, the responsibility for any PCN rests with the registered keeper of the vehicle as recorded at the DVLA. Even if the keeper was not the driver at the time of the contravention, it remains his/her responsibility to pay or appeal the PCN.

The only exception is where the registered keeper is a hire company and has supplied a copy of the relevant signed hire agreement which includes acceptance of liability for any penalties by the person leasing the vehicle.

### Removal of vehicles (tow away)

Vehicles are removed in accordance with legislation including The Removal and Disposal of Vehicles (Amendment) (England) Regulations 2007.

#### Festivals and events

There are a number of festivals and events that take place in the city throughout the year.

The towing of vehicles may be in operation for these events. Legal notices are in place to notify drivers.

#### Illegally parked vehicles

Illegally parked vehicles are not towed away by the council, but PCNs are issued.

However, if the vehicle belongs to a persistent evader or an offender, we may remove it. See [Illegally parked persistent evaders and offenders](#) section for further information.

#### Illegally parked persistent evaders and offenders

A persistent evader is defined as a person who has three or more penalties outstanding after all opportunities to challenge those penalties have expired.

A persistent offender is defined as a person who commits regular contraventions and then pays the penalty charges.

The council may remove a vehicle of a persistent evader or offender if it is parked on a parking restriction. The Council must not remove the vehicle for the first 15 minutes following the issuing of the PCN.

### Vehicles causing hazards, dangerously or inconsiderately parked

The police should be contacted.

In exceptional circumstances, the council may remove a vehicle causing a hazard to other road users or parked dangerously or inconsiderately, and it is parked on a parking restriction. If no parking restrictions are in place, only the police may remove vehicles.

It is unlikely that the Council will tow away a vehicle displaying a Blue Badge unless instructed to do so by the police.

## Restricted hours on sign plates

The hours during which restrictions are in force may vary. Generally, restrictions are as follows:

- Permitted parking bays: as per adjacent sign.
- Yellow lines
  - single lines: no waiting during the time shown on the adjacent sign; or, if within a controlled zone, during the times shown on the zone entry sign;
  - double lines: no waiting at any time, sign plates are not mandatory.
- Loading restrictions (yellow kerb markings)
  - one kerb mark: no loading during the time shown on the adjacent sign;
  - two kerb marks: no loading at any time.
- Designated loading bays: as indicated on the adjacent sign.
- Disabled bays: as indicated on the adjacent sign. Legends (road markings) are not mandatory.
- Bus stops: usually, 7 am to 7 pm but may vary (see the adjacent sign).

## Restricted Parking Zone (RPZ)



Restricted Parking Zones (RPZs) are usually used where conventional yellow lines are visually intrusive, such as narrow streets, or to enhance the environment.

Main routes into an RPZ are introduced by a sign [example left], explaining that a driver is entering an RPZ and giving details of the times that restrictions are in force.

Yellow lines may not be present as not legally required and signs are used instead. Parking bays (such as pay and display or loading bays) are denoted by other means, e.g. a different road surface or kerbstones levelled with the highway.

## Road signs and markings – missing, obscured or broken

### Broken or worn out lines and kerb markings

Where it is claimed that a yellow line is worn away or has been covered by a highway repair, the area will be inspected, and remedial work will be undertaken as soon as possible. However, it should be noted that when the intention of the restriction is clear, a PCN may be issued.

Where weather conditions (such as snow) have obstructed the lines, then a decision is made as to whether it is appropriate or not to enforce parking restrictions.

### Missing signs

If a sign is claimed to be missing, the location will be inspected as soon as possible. If it is confirmed that there are insufficient signs to comply with current legislation arrangements will be made for replacement.

Where there are insufficient signs, the PCN will be cancelled (except where the restriction is double yellow lines, when a sign is not required).

### Obscured signs

Information signs accompanying waiting and loading restrictions must be clearly visible at all times.

If it is claimed that a sign was obscured and could not be read (for example, because of graffiti or overhanging trees), the sign will be inspected, and remedial action will be taken. If the claim proves to be correct, consideration will be given to cancelling the PCN, although the degree to which the sign was obscured will be taken into account.

## Royal Mail vehicles

Royal mail vehicles used for the collection or delivery of postal packets are exempt from restrictions as long as they can be seen to be actively involved in such activities. Royal Mail vehicles parked for long periods with no activity observed are subject to the same restrictions as ordinary motorists, and a PCN will be issued.

Cancellation of a PCN will only be considered if written confirmation is received from the appropriate area manager that the vehicle was actively involved in the collection or delivery of mail.

See [Emergency and exempt vehicles](#) section for further information.

## S

### Schools – parking outside

Keep Clear (zigzag) markings outside schools can either be advisory or mandatory. Any mandatory markings are governed by the relevant Traffic Regulation Order and have an adjacent time plate, showing hours of operation. An advisory bay does not have a time plate and shows road markings only.

Any vehicle parked on a mandatory restriction during the times shown on the plate is issued with a PCN, which will not be cancelled under any circumstances.

**Important note:** No observation time is given, and a PCN is issued immediately.

#### CCTV camera enforcement

Leicester City Council may borrow CCTV enforcement vehicle from Nottingham City Council to enforce Keep Clear markings outside schools from time to time.

CCTV enforcement and fine processing will be carried out by Nottingham City Council in partnership with Leicester City Council. Therefore policies described in this guide will not apply.

#### Enforcement by Civil Enforcement Officers (CEO)

CEO enforcement and subsequent fine processing of Keep Clear marking outside schools are carried out by Leicester City Council. Therefore policies described in this guide apply.

### Security vans

Security cash vans (bullion vehicles) are exempt from restrictions, as long as they can be seen to be actively involved in the cash collection or delivery activities. As a security measure, they are required to park in close proximity to the business premises to facilitate safe delivery and collection of cash.

PCNs issued under such circumstances may be cancelled upon receipt of a representation from the security company confirming collection or delivery of cash at the time, unless the vehicle was parked for longer than was necessary.

Security vans involved in the delivery of mail or other low-value items are expected to comply with parking restrictions.

## Skips and scaffolding

All skips, scaffolding, hoardings and deposits on the highway must be licensed before being used on the highway. Further information can be found online at [www.leicester.gov.uk/business/licences-and-permits/trade-and-industry/skips-scaffolding-and-hoarding-licensing](http://www.leicester.gov.uk/business/licences-and-permits/trade-and-industry/skips-scaffolding-and-hoarding-licensing).

## Suspension of pay and display bays

On-street pay and display bays may be suspended for the following reasons:

- to allow maintenance of adjacent property where highway access is required for deliveries, essential vehicles, skips etc. (Cars are not considered as “essential vehicles” and are expected to park in accordance with parking restrictions);
- maintenance to highway trees;
- at the request of the police;
- for security reasons.

Applications for suspensions must be received at least five working days prior to the required date and must be made to Enforcement Services (see [Useful contact details](#) section).

If granted, suspensions of parking bays or spaces will be clearly signposted using temporary signs which will indicate the exact location and extent of the suspension with the start and finish dates and times. These signs are displayed at least three days before the suspension comes into operation. Cones will also be placed out.

Vehicles parked in contravention of a suspension will receive a PCN.

## T

### Tariffs/ charges for parking – on- and off-street

Parking charges are available to view on the Council’s website. Visit [www.leicester.gov.uk/transport-and-streets/parking-in-leicester/parking-charges](http://www.leicester.gov.uk/transport-and-streets/parking-in-leicester/parking-charges) for details.

The Council regularly reviews the level of charges for parking on-street and in its car parks. Any recommendations are placed before appropriate councillors in accordance with the Council’s constitution.

### Taxi ranks

Taxi ranks are only for the use of hackney carriages licensed by Leicester City Council. Use by hackney carriages licensed by other authorities or by private hire vehicles is prohibited. Similarly, use by other private or commercial vehicles is prohibited. PCNs are issued to any vehicle parked in contravention of the restriction.



In addition, unattended hackney carriages are issued with PCNs, as the regulations require the driver to be present. The vehicle will be continuously observed for five minutes before the PCN is issued.

Details of taxis that over-rank onto any other parking restrictions are recorded by CEOs. A central database is updated, and action is taken. If the driver continues to park in contravention, further enforcement action may be taken against the driver.

The Council may also issue an instant ticket without five minutes' observation time in some circumstances. These areas are communicated to the hackney and private hire trade. Where it is clear that a taxi is overstaying in parking such as blocking pay and display bays or blocking access for buses, no observation time is given. The CEO will issue an instant PCN.

### **Time and date calibration of CEOs' hand held computers and pay and display machines**

The computer that updates the handheld devices is calibrated via the speaking clock (GMT) daily.

Pay and display machines times are checked with the speaking clock. In addition, they are tested at the onset of each day to ensure that they are showing the correct time and date by obtaining a "test" ticket from the machines which is kept as part of a daily report and audit function.

### **Traffic Enforcement Centre (TEC)**

The TEC is located in Northampton. It is a branch of the County Court which specifically deals with motoring contraventions and offences.

All communications from the council with the TEC are carried out electronically for PCN processing.

### **Traffic Penalty Tribunal (TPT)**

The TPT is an independent body supported by subscriptions from local authorities by means of a levy on each issued PCN and an annual fee.

Once a formal representation against a PCN has been rejected, the keeper of a vehicle can appeal to the TPT within 28 days of the rejection. The TPT reviews the case and makes an independent decision.

The council will on occasion take into account mitigating circumstances, however, each case is looked at on an individual basis.

The TPT's decisions are final and binding on both parties.

## U

### Unauthorised movement or use of a vehicle

Movement of any vehicle by the police is considered to be authorised.

If there is clear evidence that a vehicle has been removed by an unauthorised person, (Not the police) PCNs will be enforced.

#### Stolen vehicles

If a PCN is issued to a stolen vehicle, consideration will be given to cancel the PCN. However, confirmation from the police that the vehicle was reported stolen, including the crime reference number, must be provided.

#### Unauthorised use of a vehicle by a family member or friend

Unauthorised use of a vehicle by a family member or friend is difficult to prove, and under these circumstances, the PCN will be enforced unless it can be demonstrated that the matter was reported to the police. If no incident or crime report can be provided, then the PCN will not be cancelled.

### Uniform of a Civil Enforcement Officer (CEO)

When exercising prescribed functions, a CEO must wear a uniform to show:

- that the wearer is engaged in parking enforcement;
- the name of the local authority on whose behalf he or she is acting; and
- a personal identity number.

**Important note:** A PCN is valid even if it is issued when a CEO is not wearing appropriate headgear.

## V

### Vandalised vehicle

When a vehicle has been vandalised to such an extent that it is prevented from being safely moved, any PCNs issued are cancelled providing acceptable supporting evidence is provided. This evidence should be from either:

- the police and a crime number;
- the motoring organisation or garage service which removed the vehicle from the site.

CEOs' observations recorded in their pocketbooks will also be considered.

Failure to provide supporting evidence that the vehicle was damaged at the time the PCN was issued will lead to the PCN being enforced.

### **Vehicle idling**

The Highway Code (rule 123) states: You MUST NOT leave a parked vehicle unattended with the engine running or leave a vehicle engine running unnecessarily while that vehicle is stationary on a public road. Generally, if the vehicle is stationary and is likely to remain so for more than a couple of minutes, you should apply the parking brake and switch off the engine to reduce emissions and noise pollution. However it is permissible to leave the engine running if the vehicle is stationary in traffic or for diagnosing faults.

Leicester City Council's policy is to ask the driver to switch the engine off or move the vehicle on.

### **Vehicles left unattended to gain access**

When a driver has to collect a key to gain access to a property, this should take no longer than five minutes and should be covered by the observation time given by the CEO (except where there is a loading restriction in place, or the location is allocated for a specific type of vehicle or user).

Vehicles should not be parked in locations where a loading restriction is in place to collect a key. In such circumstances, any PCN will be enforced.

### **Vehicle not at the scene (cloned vehicle)**

Where a keeper of the vehicle receives an NTO and claims that their vehicle was not parked at the relevant location at the time, a written request will be made to the keeper to confirm the make and colour of the vehicle, to provide photographs of the vehicle and any other evidence to prove that the vehicle was not at the scene at the time of the contravention.

On receipt of the information, the Council will investigate the case and inform the motorist if the PCN is cancelled or upheld.

### **Visitors to Britain**

If a PCN is issued to a vehicle displaying foreign registration plates, this will automatically be recognised by the processing system as the registration number is not in DVLA format. Foreign vehicles are not exempt from parking regulations.

If a PCN is issued to a UK registered vehicle which has been borrowed or driven by a foreign resident, the PCN will be enforced against the registered keeper as he or she remains liable for it.

## Vulnerable customers

A customer is vulnerable if, for reasons of age, health, disability or severe financial insecurity, they are unable to safeguard their welfare or the welfare of other members of their family. Each case is looked at on an individual basis.

## Weddings

See [Funerals and weddings](#) section.

## Definitions

**Approved devices.** TMA regulations give the power to authorities throughout England to issue PCNs for contraventions detected with a camera and associated recording equipment. The Secretary of State must certify any device used solely to detect contraventions. Once certified, they may be called an 'approved device'. Leicester City Council CEOs use handheld computer terminals to record issued PCNs.

A **Bus Lane** is a traffic lane reserved for buses, pedal cycles and taxis (hackney carriages) where indicated by the signs.

A **Bus Gate** is a short section of the road blocked off to all traffic except buses, cycles and taxis (hackney carriages) and shown by appropriate signage.

**Civil Enforcement Officers (CEO).** CEOs are the public face of parking enforcement. They are deployed by the Council to enforce parking restrictions both on-street and off-street in car parks. They wear an appropriate uniform identifying them as Leicester City Council enforcement officers. The hours of operation and the beats are flexible to address parking management issues and vary between streets.

The beat of each CEO is established by the management of the enforcement team, taking into account traffic management and road safety concerns.

## Abbreviations used in this document

CEO – Civil Enforcement Officer

CPZ – Controlled Parking Zone

DVLA – Driver and Vehicle Licensing Agency

FPN – Fixed Penalty Notice

GDPR – General Data Protection Regulation

NTO – Notice to Owner

PCN – Penalty Charge Notice

PPZ – Pedestrian Preference Zone

RPZ - Restricted Parking Zone

TEC – Traffic Enforcement Centre

TMA – Traffic Management Act

TPT – Traffic Penalty Tribunal

TRO – Traffic Regulation Order