

## Bromsgrove District Council

### Parking Enforcement

# Customer Charter and Procedures



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# 1 Introduction

## ***Message from the Chair of the Bromsgrove Parking Steering Group***

*“Parking is important. It provides us with access to local services and businesses, leisure activities and shopping. It is also a popular topic for discussion, and many people will have strong views on the subject.*

*The parking provided by the Council in the District is of a high standard. We have CCTV on all our pay and display car parks. Our standards of parking for drivers with a disability are possibly the best in the local area. The car parks are regularly swept and cleaned, are illuminated to a high standard, and are patrolled frequently by uniformed staff.*

*These standards come at a cost. The charges we make for using these car parks support the maintenance, upkeep, and cleanliness of the car parks. The charges also support other Council initiatives such as CCTV and Shopmobility scheme. These two services in particular have made a huge impact on the District, and without charging for parking the Council would have struggled to introduce or maintain either.*

*Most of our customers play fair and pay for their parking, or use the car parks in line with the terms and conditions of use. Those who do not are often subject to enforcement activity.*

*This document sets out the standards we require our officers to adopt. Our officers will always work by the standards of honesty, integrity, and transparency. This document provides our customers access to those standards, and is also used by the section for training purposes.*

*I am pleased to introduce the customer charter and procedures.”*

***Councillor Griffiths - Chair of the Bromsgrove Parking Steering Group***

The purpose of this document is to provide parking customers and staff clear and transparent information regarding the operation of the parking service. It will be used as a training document for all staff. It is also aimed at being a useful tool for customers of the service who wish to research the way that the parking service operates.

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

It is intended that this document will be regularly maintained, and also that it will be jargon free.

## 2 Customer Charter

We strive to;

- Provide an efficient and courteous service
- Provide safe and user friendly parking areas complying with current parking regulations
- Make your safety and security a key factor
- Provide 24 hour CCTV coverage on all our car parks
- Provide uniformed staff patrolling during open hours
- Provide designated spaces for disabled drivers set out to current regulations
- Ensure that our parking areas are well lit, cleaned, and maintained
- Clearly display information about charges and where to pay
- Repair any equipment as soon as possible, keeping disruption to a minimum
- Remove graffiti within 5 working days of reporting
- Seek and listen to your views and ideas on how we may improve the service
- To monitor and compare ourselves to others

### 3 The Role of the Civil Enforcement Officer

The Civil Enforcement Officers employed by Bromsgrove District Council will cover the off-street car parking operated by the Council throughout the District. These officers will receive training which will enable them to respond to customer needs sensitively and also to carry out enforcement fairly and consistently.

Civil Enforcement Officers will often be the first or only point of contact for many customers of the service. Much of the time spent by Civil Enforcement Officers will be engaged in queries from members of the public, but most of their time will be spent in enforcement activity. They will also report back items for action not normally covered by Enforcement Officers, such as fly-tipping, abandoned vehicles, graffiti, and damage to street furniture.

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

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

#### **Excess Charge Notices – Issuing Criteria**

Before an Excess Charge Notice is issued, the following must be considered by the Enforcement Officer;

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

#### **Issue and Serving of Notices**


An excess charge notice may be issued at the time that the Civil Enforcement Officer believes that the motorist is committing an excess charge offence. The notice will either be affixed to the vehicle in an envelope or handed directly to the driver.

The excess charge notice will contain the following information;

- Registration number of the vehicle;
- Location of the vehicle;
- Date and time of the alleged contravention;
- The number of the Civil Enforcement Officer issuing the excess charge notice
- Details of alleged contravention;
- Details of penalty payable;

- Instructions on how and where to pay;
- Instructions on how and when an appeal against the issue of the penalty may be made.

An example of the type of excess charge notice is included below:

Copy to Driver		<b>BROMSGROVE DISTRICT COUNCIL</b>		Excess Charge Number:
		<b><u>EXCESS CHARGE NOTICE</u></b>		ECN
<b>ROAD TRAFFIC REGULATION ACT 1984 DISTRICT COUNCIL OF BROMSGROVE (OFF-STREET PARKING PLACES) (VARIATION) ORDER 2008</b>				
To the driver of the vehicle, the registration number of which is: _____				
the above vehicle was observed in the _____ parking place				
at (time) _____ on (date) _____ 20 ____ by Civil Enforcement Officer No. ____ . The vehicle (tick as applicable);				
<input type="checkbox"/> Did not have a valid ticket or permit displayed.	<input type="checkbox"/> Was not parked wholly in a designated bay.			
<input type="checkbox"/> Had a ticket which had expired at _____.	<input type="checkbox"/> Had a permit which had expired on _____.			
<input type="checkbox"/> Exceeded the maximum time allowed of _____.	<input type="checkbox"/> Was using a space for a purpose other than indicated.			
<input type="checkbox"/> Was parked in a space for the disabled without displaying a valid blue badge.	<input type="checkbox"/> Was being used for the sale of foodstuffs or other goods to persons in or near the car park.			
<input type="checkbox"/> Exceeded the maximum weight permitted.	Issued at (time): _____	VDA?	<input type="checkbox"/>	
<b>IF YOU DO NOT PAY A REDUCED CHARGE OF £35 WITHIN 14 DAYS OF THE DATE OF ISSUE OF THIS NOTICE, THE CHARGE DUE WILL BE £70. FAILURE TO PAY MAY LEAD TO PROSECUTION. DO NOT PAY THE ATTENDANT. SEE THE REVERSE FOR DETAILS OF HOW TO PAY.</b>				
<b>IT IS AN OFFENCE UNDER SECTION 35A(1) OF THE ROAD TRAFFIC REGULATION ACT 1984 FOR THE DRIVER WHO HAS LEFT THE VEHICLE IN THIS PARKING PLACE TO FAIL TO PAY THE EXCESS CHARGE.</b>				

Wherever possible a pre-addressed envelope will be supplied with the excess charge notice. In cases where the excess charge notice is handed to the driver, this may not always be possible.

Any excess charge offence may require the civil enforcement officer to take photographic evidence (either in the form of stills or video footage) of the offence. This will allow the Council to;

- Provide evidence to support the issue of the excess charge notice in cases of dispute
- Provide evidence that the civil enforcement officer has acted correctly and within the current guidelines

Photographic evidence will solely be used for the considering of appeals and the recovery of any debts incurred.

## 4 Appeals

We aim to ensure that each letter of appeal is carefully and fully considered, and that the decision reached in relation to the appeal is clearly communicated. The reasons behind our decision will also be made clear.

All appeals must be received in writing which may be by email, letter, or on an official appeal form. This is to ensure a clear record of the reasons for appeal.

Drivers are encouraged to appeal before the 14 working day limit for reduced payment has been breached. If an appeal is received after this time the full amount of the excess charge notice will be due.

We will endeavour to respond fully to any appeal within 10 working days.

The Council will contact the Driver and Vehicle Licensing Agency (DVLA) in order to ascertain who the registered keeper at the time of the excess charge notice was. If the driver fails to respond to the excess charge notice, then a letter will be sent to the registered keeper of the vehicle. This letter is known as a Notice to Owner (or NTO). The registered keeper will then have the opportunity to dispute the excess charge notice or make payment in full.

After 21 days the debt is formally recorded with the Council's accounting system. An invoice will be raised and sent to the debtor.

If no appeal is received, the debt is passed to our legal team for prosecution, and the cost of the excess charge notice may increase with administration fees being added to the cost, and additional charges may also apply if court appointed bailiffs are used.

Drivers may appeal on whatever grounds they wish, and all appeals will be considered on their own merits. However, officers dealing with appeals are required to observe the guidelines laid out in section 5.

A list of possible reasons that appeals may be accepted and also mitigating circumstances are included in section 5.

All appeals will be considered by the Notice Processing Office and the motorist informed of their decision within 10 working days on receipt of the appeal. Appeals must be received by the Notice Processing Office, and if possible should be on the appropriate form which is available online at [www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk).

In addition, a paper copy of the appeal form can be collected from;

Bromsgrove District Customer Service Centre  
School Drive  
Bromsgrove

If you do not have access to the internet and cannot visit the Service Centre, a simple statement in letter form will be adequate.

Completed appeal forms and letters of appeal can be returned to;

The Parking Office  
Bromsgrove District Council  
The Council House  
Burcot Lane  
BROMSGROVE  
B60 1AA

Email appeals can be sent to [appeals@bromsgrove.gov.uk](mailto:appeals@bromsgrove.gov.uk) – these will then be automatically forwarded to the relevant officers. Copies of any evidence pertaining to the appeal should be attached to the email. For example, if you wish to appeal on the basis that you own a blue badge, scan both sides of the blue badge and attach it to your email.

Should the Council reject the appeal, the motorist does **not** currently have the right to appeal to the Traffic Penalty Tribunal. This is because the Council operates under the Road Traffic Regulation Act 1984.

Drivers who are dissatisfied with the decision taken can refer the matter to the parking section again where the case will be reviewed by a senior officer. However, drivers should be aware that officers use the same criteria for considering appeals and these are included in section 5.

### **Registered Keepers Liability**

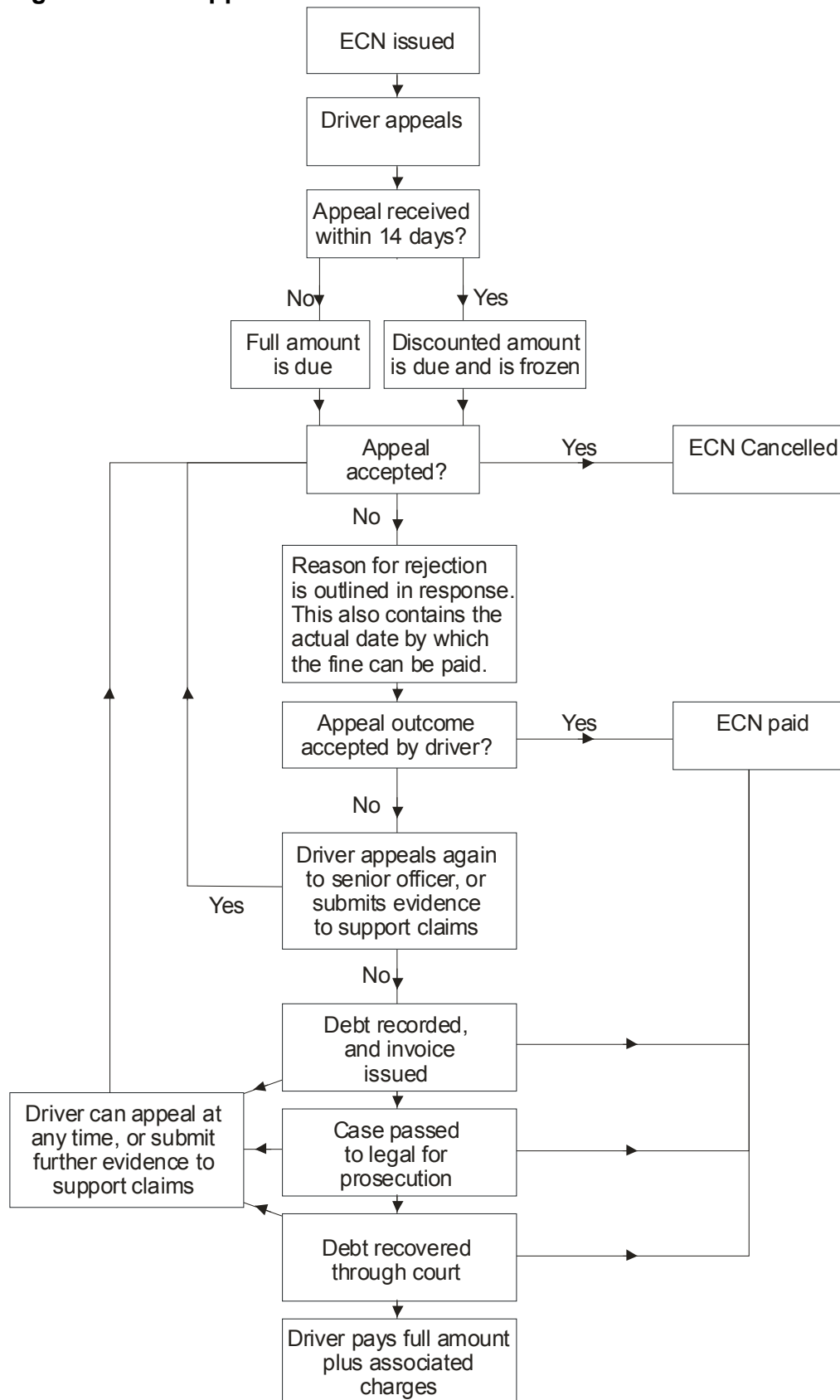
A number of appeals may be received on the grounds that the registered keeper was not in possession of the vehicle at the time of the offence. Although this may be the case, the registered keeper still has a responsibility to ensure that the vehicle is parked correctly and responsibly.

The registered keeper will still be liable for all excess charge notices issued.

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

Hire vehicles are treated differently in that although the hire company is the registered keeper of the vehicle, the paperwork signed by the hirer clearly transfers responsibility of such penalties to the driver.

**Figure 3 – The Appeals Process**





## 5 Grounds for Making Representations

There are no statutory grounds for appealing against excess charge notices. The following list details how the Council will approach appeals.

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S1 The contravention did not occur:</b>	
<b>S1.2 where the motorist claims that a parking pay &amp; display machine was faulty</b>	
<p>If service records confirm a fault or that the machine had been taken out of service at the time of the contravention.</p> <p>If there is reasonable doubt because evidence not available to confirm that a machine was working at the time (test ticket) and there was not another ticket machine nearby which was operating correctly</p>	<p>If there was another ticket machine nearby that was working correctly at the time.</p> <p>If there is no record of the machine being faulty or taken out of service.</p> <p>If there is reasonable doubt because evidence confirms that other visitors had been able to purchase tickets during the relevant period</p>

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S1.3 where motorist claims that the restriction is not clearly signed or marked</b>	
<p>If signs and/or markings are missing or unclear.</p> <p>If signs and markings are inconsistent with each other and/or Traffic Regulation Order or Car Parking Order.</p>	<p>If site visit records or photographs establish that signs and/or markings are correct and consistent with each other and the Traffic Regulation Order or Car Parking Order legislation.</p>

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S1.4 where motorist was carrying out maintenance or building works</b>	
	In all other circumstances

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S1.5 where motorist claims that excess charge notice was not served (i.e. excess charge notice not found attached to the vehicle or handed to driver)</b>	
If the Civil Enforcement Officer's pocket book and/or computer notes confirm that the vehicle drove away before an excess charge notice could be served, i.e. excess charge notice not handed to the driver or fixed to the vehicle.	If the Civil Enforcement Officer's notes or photographs confirm that an excess charge notice was correctly served, i.e. handed to the motorist or fixed to their vehicle

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S1.6 where the motorist claims that their vehicle was not parked in the location at the time and on the date alleged on the excess charge notice which was issued</b>	
If the photographic, video, or any other evidence does <b>not</b> prove beyond any reasonable doubt that the vehicle was parked at the date, time and place of the contravention.	If the photographic, video, or any other evidence proves beyond any reasonable doubt that the vehicle was parked at the date, time and place of the contravention.

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S1.7 where motorist claims that permission to park had been issued</b>	
If records show that the motorist holds permission to park.	<p>If the motorist cannot provide a copy of the valid permission to park or if there is no record of any issue of the authorisation.</p> <p>If the motorist did not park in accordance with the authorisation.</p>

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
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<p><b>S1.8 where the motorist claims that a pay &amp; display ticket was purchased and displayed</b></p>	
<p>If the motorist produces a Pay &amp; Display parking ticket that was valid at the time the excess charge notice was issued <i>and</i> the vehicle registration number matches that entered on the ticket <i>and</i> it is the first contravention of this kind.</p>	<p>If the motorist is unable to produce a valid pay &amp; display ticket,                      Or                      The motorist has made a similar representation before and had a previous excess charge notice cancelled, after giving them the benefit of the doubt                      Or                      The Civil Enforcement Officer noted that the motorist obtained their ticket from another motorist in the car park                      Or                      Where digits have been entered on the face of the ticket and do not match those of the motorist's vehicle registration, subject to some latitude being allowed for errors.</p>

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S2 The penalty exceeded the relevant amount</b>	
If the excess charge notice and/or notice to owner letter showed the incorrect amount of penalty charge, i.e. the wrong penalty charge band	If the excess charge notice or notice to owner showed the correct amount of penalty charge

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S3 The Parking / Traffic Order was invalid</b>	
If the Traffic Regulation Order or Car Parking Order which prescribes the restrictions that the vehicle was parked in contravention of was either not constructed correctly, i.e. is ultra vires, or was not made correctly, i.e. not consulted on properly.	<p>The Traffic Regulation Order or Car Parking Order which prescribes the restrictions that the vehicle was parked in contravention of was constructed and made correctly.</p> <p>If the motorist merely considers the restrictions to be unfair.</p>

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S4 The motorist was not the owner/keeper of the vehicle at the time of the contravention:</b>	
<b>S4.1 where the current registered keeper claims that the vehicle was disposed of before the contravention occurred</b>	
<p>If the current registered keeper is able to provide proof that the vehicle was disposed of before the contravention, i.e. a bill of sale, registration documents, insurance documents or a letter from the DVLA; and/or</p> <p>If the current registered keeper is able to provide the full name and address of the person to whom they disposed of the vehicle.</p>	<p>If the current registered keeper is unable to prove that they disposed of the vehicle before the contravention or provide the full name and address of the person to whom they disposed of the vehicle.</p> <p>If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide the person named by the current registered keeper.</p>

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S4.2 where the current registered keeper claims that the vehicle was purchased after the contravention occurred</b>	
<p>If the current registered keeper is able to provide proof that the vehicle was purchased after the contravention, i.e. an invoice, registration documents, insurance documents or a letter from the DVLA; and/or</p> <p>If the current registered keeper is able to provide the full name and address of the person from whom they purchased the vehicle.</p>	<p>If the current registered keeper is unable to prove that they purchased the vehicle after the contravention or provide the name and address of the person from whom they bought the vehicle.</p> <p>If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide.</p>

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S4.3 where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention</b>	
Only when a hire agreement exists (see S6, below).	In all other circumstances because the registered keeper is always liable, including where the vehicle was left in the care of a garage.

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S4.4 where the motorist claims that they never owned the vehicle</b>	
If the DVLA confirm that the motorist was not the registered keeper at the time of the contravention.	<p>If the DVLA confirms that the motorist was the registered keeper of the vehicle at the time of the contravention.</p> <p>If the previous registered keeper provides proof that the motorist bought the vehicle before the contravention, or the subsequent registered keeper provides proof that the motorist sold the vehicle after the contravention.</p> <p>If the motorist is proven to have hired the vehicle for the day on which the contravention occurred and signed an agreement to take responsibility for excess charge notices incurred, subject to the time of hire (see policy S6, below).</p>

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p><b>S5 the vehicle had been taken without owner’s consent</b>  <b>S5.1 where the current registered keeper claims that the vehicle had been stolen</b></p>	
<p>If the registered keeper provides a valid police crime report reference number.</p>	<p>If the current registered keeper is unable to provide any proof of theft.</p> <p>If the police crime report reference number provided by the current registered keeper does not exist or it does not match the theft or date of the theft alleged.</p>

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p><b>S5.2 where the current registered keeper claims that the vehicle was driven by a third party (i.e. a friend, relative or estranged partner)</b></p>	
<p>In no circumstance</p>	<p>In all circumstances because the registered keeper is always liable, save for when a hire agreement exists (see policy S6, which follows).</p>

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S6 the owner is a hire company and have supplied the name of the hirer</b>	
<p>If the hire company are able to provide proof that the vehicle was hired at the time of the contravention, i.e. a signed agreement.</p> <p>If the hire company are able to provide the full name and address of the person to whom they hired the vehicle.</p>	<p>If the hire company are unable to prove that they hired out the vehicle on the date of the contravention or provide the name and address of the person to whom they hired the vehicle.</p> <p>If the person named by the hire company, without proof, either does not exist, cannot be traced or denies responsibility for the contravention.</p> <p>If the vehicle was being used as a courtesy car without an agreement signed to accept responsibility for excess charge notices issued.</p>



<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S7 Any other information that the motorist / vehicle owner want the Council to take into consideration</b>	
	The decision whether or not an excess charge notice should be cancelled will only be taken following very careful consideration taking into account all of the evidence available.

## 6 Payment of Parking Fines

We will accept payment in a number of ways to make paying an excess charge notice easy. We will take action to recover any unpaid excess charge notices as they are regarded as a debt to the Council.

### Payment Facilities

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

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

Payments can be made by post (cheques only) by sending the payment to;

Bromsgrove District Council  
PO Box 7760  
BROMSGROVE  
B60 1BR

Cheques should be made payable to “Bromsgrove District Council”.

Payment by cash, cheque, or credit or debit card can be made in person at:

Bromsgrove District Customer Service Centre  
School Drive  
Bromsgrove

It is intended that in the future payment by credit or debit card can be made by phoning 01527 881474 and listening to and following the messages. This facility will be available at most times throughout the day everyday.

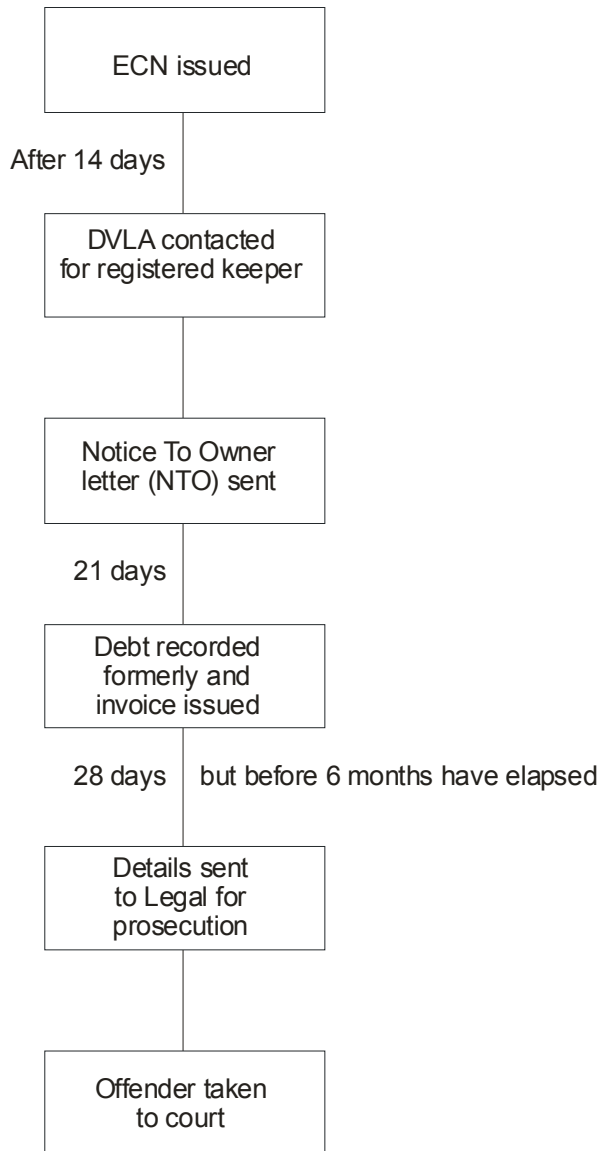
Payment by credit or debit card can be made by logging on to [www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk) and selecting the pay for it section. This facility is available at most times throughout the day everyday.

### The Issue of Excess Charge Notices

Once an excess charge notice has been issued, the registered keeper is offered a reduction for early payment of the charge. Once the prompt payment discount period, which is currently fourteen days, has passed, the debt owed doubles.

If the debt remains unpaid until after the case has been referred to County Court, the Council may add any additional costs incurred to the debt. Drivers should also be aware that the Court may appoint bailiffs to recover the debt.

The procedure detailed on the following page will be applied to excess charge notices.



## 7 Staff Conduct

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

Bromsgrove District Council Civil Enforcement Officers will be easy to recognise in their green uniform.

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

### **Customer Care**

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

For example:

- A high standard for replying to correspondence has been set and will be maintained in line with customer care promises,
- Warning notices may be issued for certain contraventions; for example, a motorist holding a recently expired permit,
- All staff will work towards achieving a nationally recognised standard of competency and
- The use of corporate complaints procedures for the enforcements service embodying all the Council's standards.

### **Quality**

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

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

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

All new Civil Enforcement Officers will be required to work towards a nationally recognised assessment and certification.

### **Civil Enforcement Officer Uniforms**

Civil Enforcement Officer uniforms will be worn in accordance with national guidance. The design will incorporate the words "Civil Enforcement Officer" and "Parking Section" and will be easily distinguishable from police officers, etc. They will also have the name of the Council clearly displayed. The Attendants will carry a personal photo identity card. Personal radios and mobile phones will also be carried for the purpose of maintaining contact with the CCTV control room in order to request assistance and to alert the Police to incidents or issues requiring their attention.

**Complaints against Civil Enforcement Officers**

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

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

The Council aims to investigate the complaints and respond within 10 working days of receiving the official complaints form.

## 8 Exemptions and Waivers

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

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

## 9 Enforcement

We will observe vehicles for the periods stated for different contraventions before issuing an excess charge notice.

We will endeavour to take photographic or video evidence to show the excess charge notice was correctly issued.

We will consider mitigating circumstances for all representations.

### **Observation Period Prior to Issue of Excess Charge Notice**

What is important about these procedures is that they represent a foundation upon which fairness and discretion can be applied. The importance of flexibility in these matters has been recognised by the courts and, as a consequence, decisions made by Bromsgrove District Council staff must not be fettered by being unduly formulaic.

The procedures address the following:

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

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

Civil Enforcement Officers may allow a period to undertake and record observations for genuine attempts to park before they may issue an excess charge notice. The table on the next page shows the duration of some of the observation periods and the standard contravention code which applies to the excess charge notice. These codes are nationally used.

<b>Observation Time</b>	<b>Contravention</b>
0 min	Parked for longer than the maximum period permitted
0 min	Parked in a restricted area in a car park
10 min	Parked after the expiry of time paid for in a pay & display* car park
5 min	Parked in a pay & display** car park without clearly displaying a valid pay & display ticket
0 min	Parked beyond the bay markings
0 min	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge
0 min	Parked in an area not designated for that class of vehicle
0 min	Parked causing an obstruction
0 min	Parked in a parking place for a purpose other than the designated purpose for the parking place

An 'instant' excess charge notice may always be issued in circumstances where the Civil Enforcement Officer concerned has evidence, other than a period of observation, which supports the action of issuing the excess charge notice without observing the vehicle for the minimum periods indicated.

\* The ten minutes relates to the period which has elapsed from the time of expiry.

\*\* Visitors are not permitted time to obtain change away from the immediate area of the Pay & Display machine or car park. Civil Enforcement Officers should observe queues at ticket machines and/or pedestrians who may be seeking change or returning to the vehicle in question, before issuing an excess charge notice.

\*\*There is no free parking. The five minutes time period is solely for the observation of vehicles believed to be committing parking offences. All drivers entering the car park are required to park in a bay and purchase a ticket.

To ensure this observation period is followed by all Civil Enforcement Officers, the vehicle details can be noted when first seen. The officer does not need to stay with the vehicle during this observation period. All excess charge notices issued will contain the details of this observation period for the motorist to see.



## 10 Suspected Abandoned & Vandalised Vehicles

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

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

Once a vehicle has been reported by the parking attendant as potentially being abandoned, no further excess charge notices will be issued. The excess charge notices already issued though will be enforced against the registered keeper in the usual manner.

### **Vandalised Vehicles**

All excess charge notices issued will be cancelled when a vehicle has been vandalised to such a degree that it prevents its safe removal. Written evidence will be required before such excess charge notices are cancelled.

Written evidence could include police crime reference details or motoring organisation/garages who have recovered the vehicle. The details contained within the Officer's pocket book will also be considered in assessing extent of any damage to the vehicle in question.

Excess charge notices will not be cancelled without the provision of such supporting evidence.

## 12 Clamping & Removal of Vehicles

### **Clamping**

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

### **Removal**

Bromsgrove District Council does remove vehicles if that vehicle has incurred a number of excess charge notices *and* it is believed that these excess charges remain unpaid *and* the vehicle is committing another excess charge offence. The Council intends to attempt to contact drivers prior to removing vehicles wherever possible. However, this may not always be possible.

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

### **Document Control**

This is version 1.0, written 18/01/2008.