

## Appendix A

# The Council of the City of Newcastle upon Tyne (“The Council”) Enforcement Policy

### Statement of Purpose

The Council's approach to parking enforcement is to be fair yet firm. This document outlines how we intend to deliver the best possible service to motorists and customers and what customers can expect from us.

### Enforcement Objectives

#### 1. Fair

- We will explain and communicate the parking regulations clearly and concisely;
- We will regularly monitor traffic signs and road markings to help motorists parking throughout the city;
- We will review parking services regularly to see how they can be improved.

#### 2. Firm

- We will take consistent enforcement action to deter inconsiderate parking;
- We will pursue people who try to evade penalty charges and take steps to recover debts owed to the Council;
- We will work with the police to prevent crime and anti-social behaviour and to protect our enforcement staff against abuse and violence.

#### 3. Best Possible Service

- We will reply quickly to representations against Penalty Charge Notices whilst fully investigating motorists' comments;
- We will issue Penalty Charge Notices in accordance with the relevant legislation using accurate hand held technology (wherever possible);
- We will develop on-line services to improve customer access to information;
- We will continue to develop our service to provide the best possible service in relation to blue badges and permits.

Our Civil Enforcement Officers (CEOs) will be trained to have a fair and consistent approach to enforcement in order to encourage lawful and considerate parking. Our promise to customers is that, in carrying out our enforcement procedures, we will always:

- Be professional, fair and courteous
  - Be polite, calm and understanding
  - Be open and honest
  - Offer advice and assistance on the appeals procedure.
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### Aims of Parking Enforcement

Civil Parking Enforcement (CPE) is a part of a process designed to manage the roads network to ensure efficient movement of traffic, to improve road safety and to meet the needs of disabled people and any other priority car users who rely on the use of their car.

The national aim of the Secretary of State for Transport (as set out in the statutory guidance published under section 87 of the Traffic Management Act 2004) is to reach 100% compliance with all parking and traffic restrictions.

The purpose of issuing a Penalty Charge Notice (PCN) is to dissuade motorists from contravening parking restrictions.

### Complaints Against Staff

#### 1. Incorrect issue of a Penalty Charge Notice (PCN)

Allegations that a CEO has made an error or issued a PCN incorrectly are dealt with through the motorist submitting an appeal - please refer to guidelines on How to Appeal against a PCN

<https://www.newcastle.gov.uk/services/parking-and-permits/parking-and-bus-lane-penalty-charge-notices/appeal-parking-penalty-38>

The matter will be thoroughly investigated and where it is proven that a mistake has been made the motorist will receive written confirmation that the PCN has been cancelled and officer training will be used to reinforce our enforcement procedures with staff.

#### 2. Staff misconduct

Allegations against any member of staff of misconduct or rudeness are taken very seriously and dealt with according to the formal complaints procedure, which determines the timescales and procedures for dealing with formal complaints. Full details of the formal complaints procedure can be found at

[www.newcastle.gov.uk/your-council-and-democracy/contact-the-council/complaints/make-a-complaint](http://www.newcastle.gov.uk/your-council-and-democracy/contact-the-council/complaints/make-a-complaint)

### Periods of Enforcement

#### 1. Bank Holidays

Parking restrictions are in force every day of the year except 25 December. Motorists should ensure that they observe the regulations displayed in the area in which they park and park in accordance with them. Failure to do so will result in the issue of a penalty charge notice.

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Bank Holidays and Public Holidays are classed as normal days of the week with no special regime in force on those days.

In view of this, any Penalty Charge Notices issued on Bank Holidays will be upheld unless the circumstances are such that they fall into the criteria for cancellation as set out in our cancellation guidelines, a copy of which can be found at

<https://newcastle.gov.uk/sites/default/files/Appendix%20B%20-%20Cancellation%20Guidelines%20May%202020.pdf>

### Observation Periods

The following list is not exhaustive, but provides guidance with regard to observation periods associated with parking restrictions.

RESTRICTION TYPE	DESCRIPTION	OBSERVATION TIME/GRACE PERIOD' PRIOR TO ISSUE OF PENALTY CHARGE NOTICE (PCN)
<b>Restrictions on waiting / stopping</b>	Double yellow lines Single yellow lines "School Keep Clear" markings Loading Restrictions (kerb markings) Bus stop clearways Verge / footway restrictions Taxi rank Red Routes/Clearways	None – PCN issued immediately
<b>Dedicated Parking Bays</b>	Disabled badge holders bay (see notes below)	None – PCN issued immediately  (A 10 minute grace period is provided when the parking restriction commences, provided that the vehicle has been legally parked in accordance with the prevailing parking restrictions prior to the start of the restriction time.)

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		Note: Any vehicle parked in a disabled badge holders bay must be parked with a valid disabled person's badge clearly displayed in the prescribed manner.
	Ambulance bay/Police Bay	None – PCN issued immediately  (A 10 minute grace period is provided when the parking restriction commences, provided that the vehicle has been legally parked in accordance with the prevailing parking restrictions prior to the start of the restriction time.)
	Permit bay (on-street) (see notes below)	5 minutes observation time  (A 10 minute grace period is provided when the parking restriction commences, provided that the vehicle has been legally parked in accordance with the prevailing parking restrictions prior to the start of the restriction time.)
	Permit bay (off-street)	5 minutes observation time  (A 10 minute grace period is provided when the parking restriction commences, provided that the vehicle has been legally parked in accordance with the prevailing parking restrictions prior to the start of the restriction time.)
	Goods Vehicle Only Loading bay (see note below)	None – PCN issued immediately to any vehicle that is not classified as a goods vehicle.

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		<p>20 minutes observation for goods vehicles to ensure that continuous loading/unloading activities are taking place. However, a PCN may be issued earlier if it is established that loading activity is not taking place.</p> <p>(A 10 minute grace period is provided when the parking restriction commences, provided that the vehicle has been legally parked in accordance with the prevailing parking restrictions prior to the start of the restriction time.)</p>
	General loading bay (see note below)	<p>20 minutes observation for goods vehicles to ensure that continuous loading/unloading activities are taking place; 5 minutes for all other vehicles. However, a PCN may be earlier if it is established that that loading activity is not taking place.</p> <p>(A 10 minute grace period is provided when the parking restriction commences, provided that the vehicle has been legally parked in accordance with the prevailing parking restrictions prior to the start of the restriction time.)</p>
<b>Limited Stay Parking Bays</b>	Free parking for a specified limited period	10 minutes 'grace period' beyond the limited period, then PCN issued immediately.
<b>Charge Parking</b>	Parked without payment of the parking charge	5 minutes observation time

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	<p>(including going to obtain change).</p> <p>Failure to display a valid ticket or permit.</p> <p>Parked after time paid expired.</p> <p>Parked beyond the maximum stay period.</p>	<p>5 minutes observation time</p> <p>10 minutes 'grace period' after the expiry time, then PCN issued immediately.</p> <p>10 minutes 'grace period' beyond the maximum stay period, then PCN issued immediately.</p>
<b>Formal Crossings</b>	(Zebra, Pelican, Puffin, Toucan, Pegasus) Crossing	<p>None – PCN issued immediately</p> <p>Note: If a fixed penalty notice is issued or if criminal proceedings are instituted by Northumbria Police in respect of the same contravention then the PCN will be cancelled.</p>
<b>Dropped/ Raised Crossings/ Kerbs</b>	<p>Pedestrian crossing points</p> <p>Vehicular crossings.</p> <p>Residential driveways (enforced at the request of the householder)</p>	None – PCN issued immediately
<b>General Provisions</b>	<p>Must be parked wholly within the extents of a bay.</p> <p>Must not exceed the specified length.</p> <p>Must not exceed the specified weight</p>	None – PCN issued immediately
<p><b><u>Loading</u></b></p> <p>Cars may not be parked in loading bays where the signage displays “<i>Goods vehicles loading only</i>”</p> <p>General loading bays can be used by cars provided that the sign refers to “<i>loading only</i>” and a continuous loading operation is being undertaken. The goods must be of a type that cannot be easily carried (irrespective of the value) by one person in a single trip.</p>		

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Please note that loading/unloading does not include waiting to pick up passengers.

### **Blue Badges**

The Council allows Blue badge holders two weeks to renew an expired badge - therefore no Penalty Charge Notice will be issued in instances where the badge has expired by less than two weeks.

### **Residents Parking Area**

The Council allows Resident/Visitor/Business permit holders two weeks to renew an expired permit - therefore no Penalty Charge Notice will be issued in instances where the permit has expired by less than two weeks.

## **Additional Guidance**

### 1. Clamping/Vehicle Removal

The Council intends to adopt the powers associated with clamping and removal. However, this will not be implemented until such a time that is considered necessary to support the parking operation.

### 2. Service of PCN by Post

The Council will adopt the powers to issue PCNs by post under the following circumstances:

- Where the contravention has been detected on the basis of evidence from an approved device (e.g. CCTV) without a CEO being present at the time of the contravention.
- If the CEO has been prevented (e.g. by force, threats of force, obstruction or violence) from serving the PCN either by affixing it to the vehicle or by giving it to the person who appears to be in charge of the vehicle.
- If the CEO had started to issue the PCN but did not have enough time to finish or serve it before the vehicle was driven away and would otherwise have to write off or cancel the PCN.

Where the Council intends to serve a PCN by post, the PCN will also act as a Notice to Owner. According to The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, the PCN must (except in certain specified circumstances) be served within 28 days of the date of the original contravention. The Council will aim to serve these type of PCNs within 14 days of the date of the contravention.

### 3. Enforcement by Northumbria Police

Certain parking contraventions (e.g. parking on or near a pedestrian crossing, dangerous parking and obstructing a highway) remain enforceable by Northumbria Police.

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### 4. Exceptional Circumstances

The Council can use discretion to cancel a Penalty Charge Notice in exceptional circumstances. Each case will be assessed on an individual basis. For guidance on these circumstances please refer to guidance on cancelling a Penalty Charge Notice

<https://newcastle.gov.uk/sites/default/files/Appendix%20B%20-%20Cancellation%20Guidelines%20May%202020.pdf>

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