

Herefordshire Council - Parking Services

Parking Enforcement and Appeals - Operational Guidance Amendment (Covid-19)

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Background

This document amends the current Parking Enforcement and Appeals Operational Guidance ([version v1.2](#)) and is in response to the current COVID 19 pandemic and subsequent recovery.

Parking Restrictions and their enforcement are an important part of the functionality of any town or city centre. It is therefore essential that these restrictions are complied with, and where they are not enforcement action is in place to deal with contravening vehicles.

It is now more important than ever that drivers do not block access to vital services to residents, or obstruct delivery drivers, key workers and emergency services. Additionally, with the increase in private car use as a result of lower utilisation of public transport finding a parking space may become more difficult if these spaces are not managed.

Herefordshire Council do however recognise that the current operational guidance in respect of how enforcement officers handle a vehicle in contravention of a restriction, and the subsequent challenges that may arise from the issue of a Penalty Charge Notice (PCN), may not reflect the current situation. Therefore, this document amends (or clarifies) the way in which our staff will handle such matters.

Issue of a Penalty Charge Notice

In order to protect the Civil Enforcement Officer and driver, the service of a PCN by handing it to a driver will be suspended.

Should a driver be at the vehicle once the Civil Enforcement Officer has issued a PCN they will ask drivers to move away from vehicle to allow it to be safely served, and therefore comply with the governments' social distancing guidelines. This is for the safety of the driver and CEO.

Where a CEO is prevented from safely serving a PCN due the driver refusing to move from the vehicle (to comply with guidelines), the officer may consider this a threat to their health and safety and may serve a PCN by post in order to safeguard the driver and CEO. This action is taken in accordance with Regulation 10 (b), Civil Enforcement of Parking Contraventions (England) General Regulations 2007. Officers may utilise their body worn video during these interactions to ensure evidential recording and safety.

This will only occur if the PCN has been issued, is ready to be served and cannot be cancelled. All other guidance in respect of a PCNs issue remains unchanged.

Temporary TROs for Emergency Active Travel Measures

The government asked local authorities to introduce temporary measures to ensure safe social distancing and to promote walking and cycling for short and local journeys. The temporary measures have included the introduction of a new Temporary Traffic Regulation Order (TTRO) to temporarily prohibiting parking in certain areas from 24 July 2020. The Council's CEO's will enforce these parking bays using the following contravention code.

1. Contravention 21 - Parked wholly or partly in a suspended bay or space (on-street)

Restriction indicated by:

Signs stating that the parking has been suspended, and/or yellow no waiting cones.

The existing signage has been covered, and the parking machines have been made non-operational.



Figure 1

Class of vehicle affected:

All

Blue badge holders:

Badge holders are not permitted to park in a suspended bay

PCN issue protocols:

As the bay is suspended for reasons of pedestrian safety an observation period is not required, and therefore the PCN will be issued by a CEO instantly.

Appeals and Challenges involving COVID 19

This section includes guidance on general grounds for appeal and how it may be established whether a statutory ground for appeal has been satisfied.

Listed in this section are Covid-19 related appeals that may be submitted against a PCN for any contravention and corresponding guidance on how that appeal may be assessed and to the acceptance or rejection of that appeal scenario.

In all cases notes will be taken by the CEO. In addition photographs will also be taken where circumstances allow. The appeals team will review the case in full to check for any conflicting information.

The criterion outlined is for **guidance only** as each case must be considered on its own merits, taking into account all of the circumstances.

	Action	Notes
Covid-19 related medical emergency	Cancel	Refer to section 8 of Version 1.2. This has not changed.
	Uphold	Refer to section 8 of Version 1.2. This has not changed.
Covid-19 related emergency vehicles, or employees.	Cancel	Refer to section 8 of Version 1.2. This has not changed. Additionally, emergency employees using their own vehicles when dealing with an emergency involving COVID 19. Where confirmation of the emergency is evidenced.
	Uphold	Where no documentary evidence to support the claim that the vehicle is an emergency services vehicle, or private employee's vehicle, and that they were responding to an emergency involving Covid-19.
Gas or water leak, or electrical emergency	Cancel	Refer to section 8 of Version 1.2. This has not changed. Additionally, that there was no reasonable alternative to park elsewhere, or closer to the premises, that would allow for the guidelines on social distancing to be followed, or that had the vehicle parked in another location this would have impacted on the general public's ability to maintain social distancing.
Self-Isolation by a driver following medical advice	Cancel	See medical emergency if the vehicle needed to be parked immediately due to the health of the driver.
	Uphold	Unless a medical emergency drivers are expected to park correctly, it is not reasonable for drivers to leave their vehicle in contravention of the restrictions for long periods to self-isolate. Drivers should make contact with Parking Services in advance should they have any particular issue.
Loss of employment, or furlough by driver / owner due to the COVID 19 pandemic.	Discounted amount payment	On the first occasion only, where a Penalty Charge Notice is outstanding at Charge Certificate stage or before. Where the driver provides evidence that shows that they have lost their primary employment through the impact of COVID 19 and this has caused them hardship. Documentary evidence has been

		supplied either from their employer or government scheme to assist those employees affected.
	Full amount	As above but where an Order for Recovery has been issued where circumstances allow.
	Payment plan	Payment plans will be considered for cases where there are strong mitigations.
Healthcare Staff, where they are treating patients in their homes.	Cancel	Where parked in a marked parking space such as a limited waiting or pay and display. It is acknowledged that medical / care staff will have to take extra precautions, such as PPE, and this may take longer in dealing with patients in their homes. Where evidence is supplied showing that the driver / owner was involved in the care and treatment of patients.
	Uphold	Where parked where it is not allowed. Also see medical emergency. Where no evidence is supplied by the driver/ owner or a request for evidence by the Appeals Team is not forthcoming.
Where driver has parked to unload/ load in a location to comply with social distancing guidelines	Cancel	Where loading could not have taken place from another location, and that this was clear to the driver. In these circumstances it is acknowledged that deliveries may take longer. Other criteria regarding loading still apply such as evidence of delivery has been supplied.
	Uphold	Where location is not considered appropriate, or there is clearly other more reasonable alternatives. Or other circumstances regarding loading have not been adhered to such as no evidence of delivering has been supplied.
Emergency or Key worker who has been working in the COVID 19 pandemic and due to unforeseen circumstances overstayed their parking.	Cancel	See “unforeseen event” in section 5 of version 1.2. Additionally, it is acknowledged that there may be occasions where these employees are unable to leave their place of work on time due to pressures on their services. Where evidence of employment is shown confirming their occupation.

	Uphold	<p>Where not considered unforeseen.</p> <p>Where no evidence is produced that they are an emergency worker or a request for evidence is not forthcoming.</p>
Where a driver has parked their vehicle illegally and believing that as parking tariffs were free this meant all parking was unrestricted.	Uphold	<p>Car park charges may well be free in order to support local business, this does not mean that drivers can park in any location with restriction.</p> <p>Where there is a legitimate contravention OR where an unnecessary obstruction is being caused either to other drivers or pedestrians.</p>
Resident working from home and could not find a legitimate parking space.	Uphold	<p>Drivers should park correctly when leaving their vehicles.</p> <p>Drivers should make contact with Parking Services in advance should they have any particular issue.</p>
Parking in a Goods Vehicle bay whilst collecting essential item(s)	Cancel	<p>“Essential” being defined as “grocery, pharmaceutical or medical supplies”.</p> <p>Where the item(s) were considered to be essential and documentary evidence is provided. The usual definition on loading still applies i.e. they were bulky/heavy and could not be easily carried by hand if parked elsewhere.</p>
	Uphold	<p>Where the items are not considered essential, or they could have been easily carried to a car park or permitted parking area i.e. a single prescription.</p>
Parking in a suspended space to collect an item (loading)	Uphold	<p>Loading is not permitting in suspended spaces. These measures have been implemented to protect pedestrians by allowing them to social distance, vehicles parking in them inhibit their ability to do so cause a health and safety issue.</p>
The driver did not know that they could not load or park in that area.	Uphold	<p>Temporary signage has been placed in the street to accompany the Temporary Traffic Regulation Order, this informs drivers of the restriction. Existing signage and parking meters have been covered over so that there is no impression that parking is permitted.</p>
The vehicle was displaying a disabled badge.	Uphold	<p>Blue badge holders are not exempt from parking in suspended parking spaces (or loading restrictions). This is clearly outlined in the blue badge rights and responsibilities information from the Department for Transport.</p>