

London Borough of Barking and Dagenham

Parking & Traffic Enforcement Policy

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Foreword

This document is intended to provide a comprehensive reference guide to the strategy and policies laid down by the Council for everyone with a vested interest in parking enforcement within Barking and Dagenham. It will be regularly updated to keep pace with changing priorities, assimilate new ideas and reflect changes to the regulations that control parking demands.

The purpose of the document is to:

- Improve road safety and / or assisting traffic flow
- Improved conditions for pedestrians and cyclists
- Improved conditions for public transport use
- Communicate clearly Barking and Dagenham Council's parking enforcement policy to motorists, who either reside, work in or visit the Borough,
- Ensure that Barking and Dagenham Civil Enforcement staff apply policy as required,
- Assist Barking and Dagenham Enforcement Service in the decision making process, ensuring that consideration to parking matters demonstrate consistent high quality decision making.
- Help ensure that a consistent approach to initial advice and all parking matters by officers across the Council.

Disclaimer

This document supersedes any information which previously appeared on LB Barking and Dagenham Council's website or published documentation pertaining to civil parking enforcement (CPE) within the Borough.

The contents and polices contained within this document seek to clarify those areas where LB Barking and Dagenham has discretion on CPE regulations. It does not over-ride the Traffic Management Act 2004 (TMA), Highway Code or any related regulatory framework. Where there may be contradiction please ensure that the Department for Transports (DfT) and Secretary of State's guidance (Feb 2008 onwards) takes precedent on statutory matters.

Abbreviations

CEA:	Civil Enforcement Area
CEO:	Civil Enforcement Officer
CCTV:	Closed Circuit Television
CPE:	Civil Parking Enforcement
CPZ:	Controlled Parking Zone
CC:	Charge Certificate
DfT:	Department for Transport
DVLA:	Driver and Vehicle Licensing Agency
LIP:	Local Implementation Plan
NtO:	Notice to Owner
NoR:	Notice of Rejection
PATAS:	Parking and Traffic Appeals Service
PCN:	Penalty Charge Notice
TfL:	Transport for London
TMA:	Traffic Management Act
TMO:	Traffic Management Order

1 An introduction to Barking and Dagenham's Parking Policy

1.1 Barking and Dagenham's Parking Policy

This Policy has been designed to help us deliver better network management which will result in reduced road danger, less motor traffic, improved conditions for pedestrians, cyclists and public transport use by improved / better traffic flow and ease congestion.

Parking is very much a local issue. Central Government sets the framework but local authorities draw up policies and local regulations for their implementation and, where they have the relevant powers, enforce them. At Barking and Dagenham, in addition to local implementation of legislative requirements, the Parking Enforcement Policy (PEP) incorporates the Council's own transport strategies governing parking enforcement.

The Council's Transport Policy is set out in Barking and Dagenham's Local Implementation Plan (LIP), chapter 9. Its overarching objective is to "support the Council's vision by facilitating links into Barking and Dagenham and by improving the movement of people and goods in and around the Borough in a convenient, efficient, safe and environmentally friendly manner".

The Mayor of London published a transport strategy that contains proposals for improving the transport system in the Capital over the coming years. Each London borough is required to have a Local Implementation Plan (LIP), setting out its own strategy for implementing the Mayor's proposals in the local area. This document draws from the strategies outlined therein.

The PEP guides the actions of the Council's parking enforcement team, determines the basic objectives for the Council's parking permit schemes and informs the Council's approach to determining the appropriate level of charges for casual parking, permits and other parking concerns.

1.2 Legislation on Parking Enforcement

The legislative framework for local authorities to carry out parking enforcement changed to the Traffic Management Act 2004 (TMA) Part 6 on 31st March 2008, replacing parts of the Road Traffic Act 1991 (as amended) and the Local Authorities Act 2000 (as amended). The TMA was introduced to improve public perception of parking enforcement by providing greater consistency of nationwide parking regulations and providing a fairer and more transparent system.

Legislation covering bus lane, moving traffic contraventions remains unchanged.

The TMA has also brought consistency to parking enforcement regulations for London and non London authorities.

The regulations in part 6 of the Traffic Management Act 2004 largely replicate those contained in the Road Traffic Act 1991 (as amended) and London Local Authorities Act 2000 (as amended).

The Traffic Management Act 2004 strengthens the requirements for local authorities to have consistent and transparent enforcement policies.

Subsequent legislation in the London Local Authorities Acts in 1995, 2000 and the London Local Authorities and Transport for London Act 2003 modified the 1991 Act, introducing new categories of contravention, such as "double parking" and parking on pedestrian crossings.

The London Local Authorities Act 1996 provided for local authority enforcement of bus lanes. The joint 2003 Act provides for decriminalised enforcement of other moving traffic offences, such as box junctions and no entry signs and also empowered the Council to take enforcement action against vehicles parked by dropped kerbs.

The parking regulations as prescribed by the 1991 Road Traffic Act and consolidated in the Traffic Management Act 2004 decriminalised parking contraventions, which means that they are no longer dealt with under Criminal Law in the Magistrates Courts but come under the jurisdiction of the Civil Law. In effect, the Act gave powers to Local Authorities to enforce parking restrictions, previously the responsibility of the Police (traffic wardens).

Since Barking and Dagenham Council adopted these it has continued to develop additional enforcement powers. Through its parking enforcement, 'prohibited' and 'permitted' parking contraventions are enforced.

The London Borough of Barking and Dagenham's parking enforcement policy seeks to abide by both Acts of Parliament and to incorporate best practice within its protocols. Reference is made to the Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking contraventions (Traffic Management Act 2004 issue Feb 2008) and London Councils - Codes of Practice for enforcement.

1.3 The case for controlled parking in Barking and Dagenham

Good parking provision is vital for the economy of the Borough and for the convenience of residents and visitors alike. It must, however, be recognised that parking space and availability is directly linked to traffic volume, which is linked to both congestion and pollution.

A careful balance must, therefore, be struck between parking provision, parking controls, levels of charges and enforcement, in order to ensure that we obtain optimum value for the economic well being of the Borough as well as for sustainability and environmental issues.

Over the last few years, traffic in Barking and Dagenham has increased as are car-free developments and the demand on parking space is increasing steadily. The net result is that the parking organisation has grown in significance as a priority and affects all Barking and Dagenham residents and the business community, directly or indirectly.

To address these growing needs, the Council has responded by introducing Controlled Parking Zones (CPZs) to the Borough and there is pressure in some areas to expand these further.

Parking and Traffic Enforcement is central to the Council's overall approach to transport and has as its primary purpose, the achievement of traffic management objectives, through encouraging compliance with traffic regulations. Effective enforcement assists the Council in delivering its wider transport objectives.

These key objectives can be summarised as follows:-

- Managing the safe and free movement of vehicles, pedestrians and cyclists
- Improving road safety
- Improving the local environment including air quality
- Improving traffic flow to ease congestion
- Maximising the use of parking space to balance the needs of road users, including residents, businesses and visitors
- Improving the movement and accessibility of public transport
- Meeting the needs of people with disabilities
- It is important to remember that these objectives have been devised with one or more outcomes in mind. For example, it is intended to improve the traffic flow within the borough to enable residents to park near to their homes or reduce congestion and improve the experience in busy shopping areas.

1.4 How Barking and Dagenham Council aim to deliver positive parking and enforcement outcomes

It will be important to measure the ongoing effect of the approaches set out in this policy. The following approaches will be adopted to ensure that effective parking enforcement delivers the following objectives:

- Encouraging a 'customer service' attitude towards residents, local businesses and visitors to the area in all aspects of the parking operation
- Developing parking strategies that meet local objectives, focusing particularly on congestion, road safety and accessibility
- Adopting best practice guidance available, including enforcement operations that are firm but fair and are reasonable to motorists and others who live and work in the borough
- Establishing clear performance standards in applying parking restrictions
- Communicating clearly to motorists what regulations are in force and how compliance is to be achieved

- Implementing appropriate recruitment, retention and training practices to ensure professional parking enforcement throughout the Borough
- Ensuring the process for challenging and appealing penalty charge notices is consistent and transparent
- Strengthening the status and profile of the parking appeals procedure and the role of the Independent Adjudication Service
- Maintaining independent scrutiny of Parking Enforcement
- Monitoring and publishing the standards we achieve

1.5 Enforcement ethos

Through parking enforcement the London Borough of Barking and Dagenham is committed to provide traffic management solutions through parking place management and 'on street' enforcement that is consistent, effective and progressive and also to keep the traffic flowing.

This document reflects an enforcement regime that accords with the aims and objectives to accommodate changing patterns of road use and the requirement to vary enforcement according to need. It also confirms our desire for a 'customer service' attitude towards residents, businesses and visitors in all aspects of the Parking Enforcement.

Consistency

- With the volume of enforcement activity, as high as it is, it is inevitable that some drivers will feel aggrieved and occasionally errors will occur.
- Our intention is to keep these to a minimum through clear policies, robust procedures and by employing high calibre, well trained staff. Where mistakes have occurred, we will acknowledge them and rectify them as soon as possible.

Effective

- There are compelling road safety reasons for enforcing parking restrictions. Without parking regulation there can be little doubt that many busy parts of Barking and Dagenham would quickly grind to a halt. However, the Council recognises that a practical, common sense approach is needed to carry out its parking enforcement responsibilities.
- The CCTV operators and the Council's Civil Enforcement Officers who enforce parking restrictions, all receive comprehensive training to enable them to carry out their duties effectively. Specific policies have been developed to ensure that officers carry out their work in a non-discriminatory and reasonable manner.

Progressive

- The use of technology is now an integral part of enforcement duties and assists in ensuring that Penalty Charge Notices are correctly issued. It ensures evidence is collected to enable the penalty to be pursued and provide motorists with proof of contravention in order to reduce errors and time spent on the appeals process.
- Lessons learnt and feedback provided will be used to improve the way we conduct our business.
- We will publish useful information to enable Barking and Dagenham's road users to understand what we are seeking to achieve, why we do it and how we perform against our stated aims.

1.6 Structure of Parking Enforcement in Barking and Dagenham

Barking and Dagenham's Parking Enforcement consists of three key strands:

- Parking Enforcement carried out by CCTV and Civil Enforcement Officers
- Parking Enforcement carried out by Camera Cars
- Parking Processing/Appeals

1.7 Parking Enforcement

The service is managed and run by Barking and Dagenham. The benefit of having this service managed and run in-house allows us to have ownership and be consistent with the Enforcement. This also ensures that the authority plays a strategic role in the development and running of the service.

The Council enforce via CEO's on street patrols and CCTV; some contraventions are and enforced 24 hours a day 7 days a week.

1.7.1 Civil Enforcement (CEO's On Street)

Civil Enforcement Officers (CEO) are responsible for the enforcement of parking restrictions throughout the LB Barking and Dagenham.

Some of the types of restrictions they are likely to enforce include

- parking in bus stops
- adjacent to a pedestrian crossings
- footways
- dropped kerbs
- yellow lines
- resident's parking schemes (CPZ areas)

The principal aims of parking enforcement are traffic flow and public safety and this is achieved with a well-trained and committed on-street staff. Civil Enforcement Officers also provide an on-street presence as the "eyes-and-ears" of the council.

1.7.2 Civil Enforcement (CCTV)

CCTV currently enforces Parking, Bus Lane and all Moving Traffic Contravention enforcement.

CCTV enforcement has a number of advantages; it is able to provide enforcement in historically hard to enforce areas. CCTV encourages compliance with the regulations.

In locations that are enforced using static CCTV cameras the Council always erects signs on the street warning that CCTV cameras are in use. (This does not include mobile CCTV)

Appendix 2 shows a list including descriptions of some of the possible Moving Traffic Contraventions and their relevant traffic signs that Barking and Dagenham Council will enforce

1.7.3 Parking Correspondence and Notice Processing

Barking and Dagenham directly employ a team of appeals officers to deal with the processing of PCN's and associated correspondence. This has the benefit of providing automatic review of the enforcement activity conducted by the CCTV and 'on street' enforcement officers which ensures that customers are dealt with according to the standards required by the Council.

The appeals officers also process, parking permits, and deal with all aspects of a PCN from issue through the court stage and the management of bailiff action.

1.8 Service Development

Enforcement Supervisors/Team Leaders and the Quality Assurance Officer are responsible for reviewing current performance, identifying areas for improvement and project managing the delivery of new initiatives supporting our policy objectives together with the appropriate services.

The officers also ensure that new regulations and guidance on parking matters are translated correctly ensuring that the service is delivered in accordance with legislative requirements.

In addition to this the team also supply information for complaints and Freedom of Information requests as well as providing customer feedback to senior management.

The parking service will identify improvements necessary to our processes and procedures to ensure that customer experience is always fair, transparent and equitable.

2 An overview of Parking and Traffic Enforcement

2.1 Introduction

This section deals with the need for enforcement and explains the background and legislation relating to decriminalised enforcement. The objectives of Barking and Dagenham Council's parking enforcement are also explained.

2.2 The parking regulations explained

The Road Traffic Regulation Act 1984 defines the objectives for which parking regulations can be introduced. These can be summarised as:

- Safety
- Congestion reduction
- Management of the kerb space where demand for parking exceeds supply
- Maintenance of access to premises

The Council enforces parking, waiting and loading restrictions within the borough unless the road is part of the Transport for London (TfL) Road Network. The parking regulations enforced by the Council fall into two basic groups:-

- Those that apply nationally or within London - in which case the Council must be clear as to why it enforces them and in what circumstances; and
- Those that have been applied by the Council through the making of Traffic Management Orders (TMOs), in which case the Council needs to have a policy determining when the use of these powers are appropriate. The question of whether these restrictions should be enforced does not apply because if it was appropriate to introduce and maintain the restriction it is appropriate to enforce it.

There is a distinction between '**prohibited parking**' and '**permitted parking**'.

Prohibited parking - relates to regulations introduced for safety reasons, likely to be in the form of yellow lines or 'school entrance – keep clear' markings. Where congestion reduction is the issue, single yellow lines might suffice. Enforcement is strictly adhered to on public safety grounds.

Permitted parking - may include pay and display bays and residents' zones which are all symptomatic of areas where demand exceeds supply, requiring the Council to give priority to particular groups of motorists, e.g. residents and persons with disabilities, or forms of parking such as short stay or loading bays.

2.3 Objectives of decriminalised enforcement

The objective for the decriminalised enforcement regime is to ensure compliance with the regulations and achieve traffic management objectives. As noted above; the Road Traffic Regulation Act 1984 sets out the only lawful objectives for making parking regulations.

In the majority of cases the parking restrictions enforced by the Council are introduced by the making of Traffic Management Orders (TMO), the local regulations that determine parking restrictions in the borough. The introduction of restrictions involves designing the restriction, consultation, making the orders and placing suitable signs and lines.

2.4 How the regulations are applied

The Council can enforce various restrictions some of which are detailed below: -

- Contraventions where parking is prohibited as defined by Traffic Management Order and the Road Traffic Act (including the Highway Code)
- Parking contraventions in permitted parking bays or in restricted areas
- Bus lanes
- Moving traffic contraventions including box junctions and disallowed turns
- Where parking is prohibited, apart from emergencies or circumstances beyond motorist control
- No waiting (single and double yellow lines)
- No loading/unloading (kerb blips used in conjunction with yellow lines)
- School keep clear marking
- Pedestrian crossing zig-zag marking
- Controlled Parking places

In many locations where such measures are introduced it is not possible to meet all the demand for parking spaces, even for priority users. In some residential areas the demand for residents' parking now is starting to exceed the supply of spaces. In mixed-use areas, there are competing demands from shoppers, residents and deliveries. In these cases, difficult decisions have to be made over allocation of parking space.

The introduction of short stay parking gives an option.

When parking demand greatly exceeds supply then the Council may introduce a Controlled Parking Zone (CPZ). A CPZ has the following elements:-

- The creation of controlled parking places
- The introduction (or extension) of permit schemes
- Possible restrictions on the type of vehicles that can use the controlled parking places (such as height and length of vehicles)

- The introduction of some control (waiting/ loading/ zig-zag) on all kerb space not designated a permitted parking place

Enforcement may be carried out by Civil Enforcement Officers (CEO's) who patrol on foot, ANPR (Automatic Number Plate Recognition) vehicles or via Closed Circuit Television (CCTV) cameras. The Council may issue Penalty Charge Notices and in some cases, remove or clamp vehicles.

2.5 Traffic Management Orders

The infrastructure of controlled parking places and signs and lines is fundamental to ensuring that road users are aware of traffic regulations operated within the borough boundaries and enforced by London Borough of Barking and Dagenham. In adopting decriminalised enforcement powers in 1993, Barking and Dagenham is required to update and consolidate all its Traffic Management Orders.

As part of Barking and Dagenham's continuing drive for customer service improvement, it is our aim that the civil parking enforcement regime be considered legitimate and accountable. Our current business plan includes a review of TMOs to ensure that the orders underpinning our protocols are legal and accurate.

It is the responsibility of Parking Enforcement to:

- Ensure that attention to TMOs does not stop once they are in place
- Monitoring the use of parking controls and places to check that restrictions are appropriate and having the intended effect will be carried out in accordance with an annual business plan
- Reviews will also cover the parking infrastructure of lines and signs, which notify the public about the requirements of each order.
- The Authority's TMOs will be updated to reflect changing patterns of demand

2.6 Parking Charges

Our target is to achieve an average rate of 85% occupancy in off-street car parks during the peak periods, reducing the volume of traffic looking for a space and ensuring that drivers who need to park 'on street' are better able to find space. In order to achieve this, charging systems are in place for both on street and off street parking.

A differential in pricing exists between the on and off-street:

- Encourage the use of car parks wherever possible
- Charges and tariffs for services other than PCNs charges are set to ensure the service offerings are self supporting
- Permit prices for Resident's permits will be linked to CO2 emissions and engine size
- Parking place usage, turnover and charges are reviewed annually in order to ensure that the objectives outlined above continue to be met

- All increases in parking charges (excluding PCN's) are agreed by the Members as part of the annual fees and charges report before implementation and advertised widely so that drivers are advised of the revised charges in advance.

Meanwhile, the Department for Transport and London Councils statutorily set PCN levies and fines.

- In Barking and Dagenham, we are looking at introducing a 'Cashless' parking system for selected 'on-street' and car park spaces, concurrently with the traditional method of cash payments into pay and display machines. This is designed to remove the need for drivers to find the correct change for a pay and display ticket.

2.7 Enforcement Protocols

2.7.1 Processing Penalty Charge Notices

Penalty Charge Notices are issued and processed subject to regulations set out in legislative guidance which this document seeks to replicate. Such replication is for benefit of easy access. However, for the avoidance of doubt readers should ensure they consult the Traffic Management Act 2004 and relevant Road Traffic Regulations. These are available upon request or by visiting the DirectGov and Department for Transport websites. There are variations according to the type of notice issued, whether; a parking contravention issued by either a CEO or CCTV or a bus lane contravention.

2.7.2 Removals (See Appendix 4)

In most instances we will not remove your vehicle if you are parked in an authorised parking space. However there are a number of exceptions such as:

- Parking in a Disabled bay without a valid Blue badge or Companion badge
- Footway Parking (dropped kerbs and pavement)
- Parking on single or double yellow lines during set hours
- Where the parked vehicle is obstructing traffic
- Persistent evaders of Parking fines
- Long-term illegal parking in parking bays.

People who persistently incur penalty charge notices (three or more) and do not pay or appeal them will have their vehicle removed and face additional charges.

Appendix 4 advises on the removals and clamping policy and criteria which is considered to be compliant with the requirements contained within the TMA 2004. It is also considered that the proposed removal policy correctly identifies those vehicles and circumstances which require prioritisation within the guidelines of the TMA 2004.

2.7.3 Foreign Registered Vehicles

The DVLA has announced (03/08/2006) that it is clamping down on foreign registered vehicles that flout the UK registration and licensing laws, with enforcement measures that include wheel clamping and impounding foreign registered vehicles that don't comply with UK laws.

Vehicles that are properly registered and taxed in their home countries and brought into the UK temporarily are usually exempt from UK registration and licensing, and may be used in the UK for up to six months in any twelve month period.

After that they must be registered and licensed with DVLA. Keepers must register and license their vehicle immediately once they become resident in this country.

The DVLA has been working closely with relevant organisations to help explain the UK registration and licensing rules to ensure these drivers fully understand what is required.

DVLA is taking the lead and the Republic of Ireland, Lithuania, Poland and Sweden have agreed to allow enforcement action to be taken in the UK on non-compliant vehicles registered in their countries. Information will be shared with the EU Commission and other member states and as a result the initiative may be extended to include vehicles from other countries.

2.7.4 Persistent evader

The London Borough of Barking and Dagenham define persistent evaders as individuals with three or more PCNs, none of which are either subject to an appeal or at a stage where an appeal can be made. Under these circumstances should the vehicle have valid permit it will be cancelled and / or not renewed

Persistent evaders may find their vehicle wheel clamped and impounded and, if unclaimed, disposed of by crushing.

In Barking and Dagenham operate a removal and relocation service using an outside contractor. The instruction for the removal of vehicles will given by the parking enforcement services.

- Vehicles removed are taken to the pound used by the contractor
- Removals are focused on vehicles parked in contravention of higher charge contraventions, (e.g. parking on yellow lines, footway parking, zigzags, dropped kerbs etc)
- Persistent evaders (vehicles with 3 or more PCNs where no appeal has been made
- Where there is a lack of clear evidence of the registered owner
- Where there is concern regarding the information received from the DVLA (where the owner details and recovery of the penalty is unlikely)

- Prior to a removal taking place a vehicle will be issued with a Penalty Charge Notice and then if it falls into one of the above categories will be considered for removal
- Depending on the contravention or whether the vehicle is a persistent offender the removal may take place instantly or following a period of 1 hour
- Where it is thought more appropriate, the relocation of the vehicle may take place rather than removing it to the council's pound.
- Relocations may take place where a vehicle is parked in a suspended parking area and was in-situ at the time of the suspension boards being erected. It may also be deemed inappropriate to remove certain other vehicles such as blue badge holders, diplomatic vehicles, etc. and these too may be relocated.
- The details of any vehicles removed or relocated are passed to TRACE along with the details of the vehicle's new location. To recover your vehicle from the pound you will be required to show proof of ownership, along with payment of the removal/storage and PCN fee.
- Details of appeal against the removal in the event you wish to make a challenge. Any challenge can only be made once the vehicle has been released from the pound.

2.7.5 Correspondence

PCN's issued will often result in correspondence from drivers who are seeking evidence or clarification on why they have received a fine. It is Barking and Dagenham's policy to respond to all correspondence in full (Unless the PCN has been paid or the correspondence is from a third party).

- If the PCN has been paid the case is deemed as closed and no further correspondence will be dealt with unless the PCN has been issued for a bus lane contravention
- Correspondence can only be responded to if it matches the details we have received from the DVLA; we are unable to discuss any case with a third party unless written consent from the third party has been received
- If payment is received with an appeal payment will be accepted and the case closed

We aim to ensure that the driver is provided with all relevant information with regard the issue of the PCN.

Any matter relating to the contravention, issue and progression of a PCN must be dealt with in accordance with the TMA. The Council accepts communication by email and letter which will be dealt with in accordance with the legislation. It must however, be noted that complaints are dealt with under a separate policy and do not fall within the legislative requirements.

It is the aim of the council to provide clear, consistent, advice to all parties that have dealings with the Parking Service. All correspondence must be responded to in full, advising the appellant of the range of options that are open to them and providing advice and guidance with regard the process.

2.8 Cancellation Guidance

The cancellation guidance report is to provide a reference relating to the cancellation procedures for penalty charge notices (PCNs). This guidance report is intended to provide guidance and clarity to the public and Council officers for the more common types of request for cancellations received by processing/appeals officers. All representations and requests for exemptions will be treated on their individual merits.

This policy outlines that all recipients of PCNs are treated in the same manner, for the purposes of raising an appeal. It acknowledges that in some instances the outcome of individual appeals may indicate that cancellations should also apply to similarly issued tickets. It also acknowledges that complaints or concerns by other routes such as corporate complaints or Member casework can also be considered when deciding if a cancellation should be made. In all cases however the reasons for the cancellations should be made in writing and recorded.

The cancellation guidance may require future amendment to reflect changes in legislation and Barking and Dagenham's enforcement priorities and is subject to ongoing review.

The purpose of the cancellation guidance report is to:

- Provide clarity for Barking and Dagenham residents, members of the public, elected members and Council officers
- Assist processing/appeals officers in the decision making process
- Adopt a best practice guidance that is fair and in line with the requirements of TMA 2004 and the PATAS

3 Parking restrictions that apply in Barking and Dagenham

The parking regulations enforced by the Council are categorised as:

- Those that apply nationally or within London – in which case the Council must be clear as to why it is enforcing them and in what circumstances; and
- Restrictions applied by the Council – which have been made through TMOs and therefore, require a policy explaining why the use of these powers is appropriate

3.1 Parking restrictions which are applicable nationally or regionally Parking on footways and verges

Unauthorised parking on footways and verges is banned throughout London unless specifically exempted by the Borough and appropriately signed. This ban is designated in Section 15 of the Greater London Council (General Powers) Act, 1974.

Unauthorised parking on the pavement is a serious and growing problem. It is a hazard to other drivers, antisocial, encouraging contempt for pedestrians, forcing them to use the carriageway, causing obstruction and blocking the way of parents pushing buggies, the elderly and disabled people in wheel chairs and electric carts. Parking on footways and verges also causes avoidable additional maintenance costs, which add unnecessarily to the Council's financial burden.

The pavement surface is soiled by oil stains and broken by the weight of vehicles, leading to an increased risk of trips and falls and an uglier walking environment.

Parking on footways near to junctions is a specific hazard for other road users. Not only can it block vehicular movement but there is potential for impairing the view of other drivers navigating the carriageway. All junctions will have double yellow lines and loading restrictions for this reason.

Footway parking is prohibited in London, unless signs are placed to the contrary. This requires that each road be reviewed on an individual basis to determine whether or not footway parking should be permitted, and a Council resolution passed in respect of the roads that are to be exempted from the general footway parking ban. The Council has very few "permitted footway parking" markings and signs.

Where footway parking is permitted and there may be a sign but no markings or line provided, vehicles must not be stationary in a position to cause obstruction. In order to allow safe pedestrian movement a minimum space for wheelchair access should be available this is deemed within the London Borough of Barking and Dagenham as the width of two standard vehicle number plates. Vehicles should not park within 10 metres of corner at a junction, Civil Enforcement Officers are required to issue a PCN and to authorise vehicle removal if necessary where a vehicle is parked in these circumstances.

Pending a review of footway parking within the Borough due to take place within 2012; which will see clearly where vehicles can / cannot park via signage or bay markings, Civil Enforcement Officers will enforce against footway parking: -

- In narrow roads and roads included on the list of exempted streets, where the vehicle is seen to seriously impede the movement of pedestrians
- In roads where footway parking is prohibited
- In roads where signage / bays doesn't permit footway parking

3.2 Parking against Dropped Kerbs

Section 86 of the Traffic Management Act 2004 allows the Council to enforce against vehicles that block dropped kerbs. It is important for pedestrians, particularly the elderly, infirmed, persons with disabilities and parents with pushchairs to be able to cross the road safely.

The Council provides dropped kerbs to -

- assist pedestrians
- allow vehicles to leave and join the carriageway

The Council will proactively enforce against vehicle parked adjacent to pedestrian dropped /raised kerbs.

Where a dropped kerb is to a single residential property the Council can only enforce with the consent of the occupier of that property, providing no other restriction applies (e.g. a single yellow line). Enforcement action will only be carried out when requested by a resident who has paid for a vehicle crossover to their property and is able to provide a landline telephone number as a means of contact.

Where dropped kerb access leads to a multi-residential property (e.g. a block of flats) then the Council is able to carry out enforcement.

The Council will keep under review the need to provide enforcement outside normal working hours for dropped kerbs provided to assist vehicles leaving and rejoining the carriageway (the implication being the need to provide 24-hour enforcement and removals).

3.3 Pedestrian Crossing (zig-zag) markings

As a highway authority, the Council is required by law to install zig-zag markings at all controlled crossings. The markings prevent any vehicle from stopping/parking (other than when impeded by traffic).

The purpose of the restrictions is to protect sight lines for motorists (seeing pedestrians on or about to proceed on the crossing) and pedestrians seeing approaching vehicles. They meet the legal requirement to provide clear uncluttered

sight lines for both motorists and pedestrians and assist in the creation of a "safe place to cross".

Although this offence has been partly decriminalised, the police may still issue a Fixed Penalty Notice. Where it does happen, the police action takes priority and any Penalty Charge Notice issued by the Council will be cancelled.

The Council considers that zig-zag markings make a significant contribution to the creation of safe locations where pedestrians can cross the road and will continue to take enforcement action against vehicles that park in breach of these regulations.

3.4 Obstruction and Double Parking

Legislation has enabled the Council to enforce obstructions where this is due to double-parking or parking too far away from the edge of the carriageway. Exercising this power of enforcement allows the Council to address nuisance and obstructive parking and relieves pressure on Police time. The Council will continue to enforce against "double parking".

Any vehicle parked on the highway, other than in a designated parking place, could be considered to be causing an obstruction under the Highways Act 1980 section 137 or under common law, which allows the public to pass and re-pass unhindered over the public highway.

3.5 Restrictions applied by the Council

In addition to the introduction of Controlled Parking Zones (CPZs), there are a number of options available to the Council to control where vehicles stop and park and these are outlined below. They have the effect of preventing any vehicles from stopping during the controlled hours other than to set down or pick up passengers.

3.6 School 'Keep Clear' Markings

The Council has introduced keep clear markings outside most schools in the borough and most of these are formalised through Traffic Management Orders and are enforceable.

The purpose of the markings is to:-

- maintain sight lines for children crossing the road to/from school
- maintain good access for emergency vehicles
- School keep clear markings prevent any vehicles from stopping. They attract a considerable number of infringements both at the start and end of the school day and it is recognised that parents dropping off and picking up their children cause this. Parking Enforcement's response to these situations is:
 - At the start and end of the school day we respond to requests for enforcement

- Where there has been no request for enforcement we visit schools on a programmed basis and, where the driver is seen, move vehicles on
- During term time, the start/lunch time and end of the school day, we will issue PCNs to any vehicle seen on a school keep clear marking even when the driver is present
- The restriction is primarily there to improve safety. Failing to adequately enforce the restriction (or having a policy that accepts that full enforcement of the restriction is not desirable) not only endangers our children but could result in the Council being party to injury compensation claims.

3.7 Waiting Restrictions

Waiting restrictions are only used when absolutely necessary to achieve a clearly stated objective or to deal with a demonstrable problem. As such they attract a high priority for enforcement.

Single and double yellow lines indicate that waiting restrictions are in place. 'Single yellows' indicate a restriction that applies for any period less than 24 hours. A time plate shows the times of control unless the restriction is in a CPZ and the hours of operation coincide with the CPZ operating times. Double yellow lines operate 24 hours a day all year. As such, a time plate is not required.

Waiting restrictions are used to: -

- Facilitate road safety by keeping sight lines clear at junctions
- Facilitate commercial activity by "reserving" space that can be used for loading and unloading for a maximum period of 20 minutes
- Reducing congestion by preventing parking that would obstruct traffic flow

The majority of waiting restrictions in Barking and Dagenham are on strategic and distributor roads, where they have been largely introduced to remove obstructive parking at locations such as the approaches to traffic signal junctions, clearways or at bus stops. These also aim to assist in reducing traffic congestion and consequently air pollution.

Waiting restrictions across the Borough are applicable over many different time bands. The Council is working towards a more consistent approach for restrictions to reduce confusion amongst motorists. However, road users have a duty to ensure they are familiar with the restrictions in the area they wish to park.

Other than within Controlled Parking Zones (CPZs), there are fewer restrictions in residential areas. Where they are introduced it is generally at potentially dangerous locations such as close to junctions, on bends, outside schools, where visibility of other motorists is obstructed and where restrictions may improve road safety and reduce accidents.

More restrictions in conjunction with effective enforcement are therefore required to increase compliance with these basic rules and thereby to improve road safety.

In order to deal with changing situations with the parking service there is an ongoing review, rationalisation and upgrading process for waiting restrictions. As part of a systematic approach to the design and application of waiting restrictions the following strategy has been adopted:-

- Waiting restrictions will generally apply “At any time” on strategic roads and from “7am to 7pm” on strategic and distributor roads
- “At any time” waiting restrictions will be introduced in locations where parking is potentially dangerous
- “At any time” waiting restrictions will gradually be introduced at all road junctions
- “Side road returns”, the distance that a waiting restriction extends away from the corner of a junction, will be approximately 2 to 3 car lengths dependant of the location

3.8 Loading Restrictions

Loading restrictions are used in conjunction with waiting restrictions and have the effect of removing the ability to load and unload which is permitted on yellow lines as outlined above.

This prevents stopping by vehicles that would normally be allowed to park on yellow lines, such as Disability (Blue) Badge holders. In general, loading restrictions are introduced in areas or at times where such loading would be obstructive or dangerous or would increase congestion and delays during peak traffic periods.

Loading restrictions are denoted by yellow kerb markings placed on the kerb at right angles to the kerb. A single kerb marking indicates that the restriction operates less than 24 hours and a double indicates 24 hours, 365 days a year. A time plate indicating the hours of the restriction must always be shown, even if the hours coincide with those of the CPZ or are in 24 hour operation over 365 days of the year.

- Loading restrictions on strategic and distributor roads will generally apply from 7am to 10am and from 4pm to 7pm.
- “At any time” loading restrictions will be introduced at all locations where there is a potential for dangerous obstruction.
- Stopping for the purpose of loading and unloading goods is permitted on a waiting restriction (where no loading restriction is present) for up to 20 minutes providing it is constant.
- Waiting and loading restrictions are only imposed when absolutely necessary and in order to achieve a road safety objective and prevent obstruction by parked vehicles.
- Waiting and loading restrictions attract a high enforcement priority and where possible this is carried out by CCTV.

3.9 What constitutes loading and unloading?

This is not defined in the legislation or in the Council's TMO. However, definitions have been provided by decisions by PATAS in cases that have considered the process. Barking and Dagenham has adopted these principles until such time as the Department for Transport / London Council issues guidance.

The following information, when considering the issuing or appeal of PCNs, will guide Civil Enforcement Officers and our appeal processing staff.

For commercial vehicles it is considered necessary that they be able to park close to the premises where they are delivering or collecting goods, as there are considerations of health and safety and security involved in the delivery and collection process. The goods involved do not have to be heavy or bulky and the delivery process can include checking goods and paperwork. However, the goods do have to be pre-ordered and the delivery or collection process should be completed as soon as possible without any undue delays. Waiting for the premises to open or warehouse staff to arrive does not constitute legitimate loading or unloading.

Although private delivery and collection activities may involve heavy or bulky goods, there is a distinction between these and commercial loading. For the private motorist, the goods must be bulky or heavy so that they could not easily be carried by hand and it therefore becomes necessary for the vehicle to be parked close to the premises. The goods must be pre-ordered and the process must be completed as soon as practicable.

3.10 Exemption: Setting down/ Picking up, No Waiting Ban explained

Vehicles are permitted to set down on a "no waiting loading/ unloading" restriction and although not a legislative requirement London Borough of Barking and Dagenham currently has a 2 minute observation policy during which time a vehicle will be observed for any signs of setting down/picking up ie: picking up a passenger.

Where no such activity is observed during this period the vehicle is deemed to be parked and a penalty charge notice (PCN) will be issued.

Where setting down/picking up activity is observed there is no set time limit with regards to passengers boarding or alighting and if it is apparent that the passenger is elderly or disabled the action of boarding/alighting can take as long as necessary.

However, this action must be clearly observable by the CCTV operator or Civil Enforcement Officer and if it is not, a PCN will be issued.

Motorists are not permitted to set down and pick up passengers at marked bus stop locations, yellow box junctions and pedestrian crossing / zig zag lines.

3.11 Regulations in force at Council car parks

TMO's are in place to control the use of 'off-street' car parks, specifying the opening times, charging hours, permitted class/es of vehicle, maximum length of stay and scale of charges for each car park. The TMO also includes regulations relating to pay and display tickets and various by-law style rules controlling how individuals should park.

3.12 Moving Traffic

CCTV enforcement has a number of advantages; it is efficient, poses no risk to a CEO, and encourages compliance with the regulations. In locations which are enforced using CCTV, the Council has usually erected signs on the street warning that CCTV cameras are in use (although there is no legal requirement to display "CCTV enforcement" warning signs). This gives drivers the opportunity to ensure that they are not breaking the regulations.

It is Council policy to support and encourage the use of public transport and further to this, the Council intends that all bus lanes in the Borough should be enforced, and will continue to investigate suitable sites in the Borough for additional camera locations.

3.13 Bus Lanes

The London Borough of Barking and Dagenham fully encourage the use of public transport. Bus lanes are introduced to give priority to buses as part of a range of measures designed to improve the reliability of public transport in London and reduce journey times made by public transport.

Consequently, the Council intends that all bus lanes in the Borough should be enforced during peak travel times; however at certain locations enforcement is able to take place 24/7, 365 days a year

Bus lanes are sign posted with the restrictions that apply.

Under current legislation, bus lane infringements can only be enforced using CCTV equipment. It has been proven that the enforcement of bus lanes in this manner leads to a significant reduction in bus lane infringements within a few months following their introduction.

3.14 Moving Traffic Signs

Enforcing moving traffic regulations in London historically has been the responsibility of the Police. However, from 21 June 2004 Transport for London (TfL) took responsibility for enforcing certain moving traffic infringements on all of London's major roads (under the Local Authorities and Transport for London Act 2003) and under the same Act, the Council adopted powers to enforce moving traffic infringements from July 2006.

Under the legislation there are 21 signs specified as enforceable by the Council. These include:-

- Banned turns (left, right, U-turn)
- Directional signs (i.e. one way traffic)
- Vehicle prohibitions (i.e. no motor vehicles)
- Pedestrian zone signs
- Routes restricted to certain vehicles (blue, circular signs)
- Yellow box junction

Further details of the signs in question are given in [Appendix 2](#).

The Council conducts enforcement either via static CCTV cameras (in main roads and at box junctions) or via mobile CCTV recording the offences by the roadside.

The Council actively seeks recommendations for locations at which to enforce the above signs, from residents and businesses, Councillors, colleagues and Civil Enforcement Officers. Once a suggestion is received, the Traffic Management Orders are checked for accuracy and any vehicles exempted from the restrictions. The location is then surveyed to ascertain the number of infringements taking place there and time of day, as well as the best position for enforcing the site, by static or mobile CCTV.

Once a location is agreed, warning notices are usually issued to motorists for six days (Monday - Saturday). These notices look similar to Penalty Charge Notices, but carry no charge and have the objective of giving motorists advance notice so they can break their bad habits before they receive their first PCN.

Usually, two weeks following the issue of warning notices, 'live' PCNs are issued at the location.

All other moving traffic offences are currently enforced by the Metropolitan Police with the single exception of the London Lorry Ban which has been decriminalised and is enforced by London Councils.

We will never enforce a temporary moving traffic sign (eg for carriageway works) unless at the express request of the Council's highway engineers (to ensure that the temporary regulation is enforceable).

3.15 Signs and lines

Signs and lines must be legally compliant, well maintained and regularly checked. When new restrictions are introduced, the Council must lay the correct lines and erect the proper signs. If correct lines and appropriate signs are not in place, intended restrictions cannot be enforced.

The Traffic Signs Regulations and General Directions specify in precise detail the signs that must be used to indicate parking restrictions. Where there is an unusual or

non-standard type of restriction, the Department for Transport is requested to specifically authorise each sign and, quite often, its location.

The Council's Street Scene service monitors signs and lines to ensure that they are in place and provide an inventory of faults. Civil Enforcement Officers also report discrepancies.

Complaints and reviews of PCN cancellations are other sources used to provide feedback and check inaccuracies in signage and road markings. The Council endeavours to take remedial action as soon as possible when problems are identified and will introduce a regular review of signs and lines compliance to ensure that all restrictions in the borough can be properly enforced. However, minor deviations to lines do not render the parking control invalid.

4 Exemptions, Dispensations and Suspensions

While they may appear very similar, Suspensions, Dispensations and Exemptions have quite specific meaning when it comes to Parking Regulations, not only in relation to CPZs but more generally. This section explains:

- The exemptions included in the Traffic Management Orders
- The availability of dispensations from the waiting and loading restrictions
- The Council's ability to suspend certain parking regulations

4.1 Suspensions

Having introduced or "designated" a permitted parking place such as permit holder, shared use, pay and display, doctor, persons with disabilities, etc., it may be necessary to suspend it for a short time. Unless there are exceptional circumstances, the Council will only suspend a designated parking place in the following situations:-

- to facilitate maintenance and repairs to the highway
- to facilitate maintenance and repairs to services (gas, water, electric, telecoms etc.) buried within the highway
- weddings (only for the bridal carriage)
- funerals (hearse only)
- business or domestic removal
- building works (skip and loading)
- skip placements / holdings
- community events
- trade events
- VIP visits

The suspension of parking bays is normally prompted by the request of a resident, resident service provider (Removal Company, builder etc) or utility company (gas, telecom etc). The request is made in the first instance to the Parking Services who

maintain records of all suspensions. The parking processing/appeals team, then ensure that the appropriate signage is displayed at the location.

Every effort is made to reduce the inconvenience of suspended parking bays. It is our normal practice to erect signs seven days in advance and encourage applicants to apply at least 10 days in advance. This allows a reasonable period of advance warning for the general public.

A charge is levied on each suspension to ensure that parking spaces are returned to their designated use as promptly as possible. Suspensions generally carry an admin charge and per bay/ per day charge, see the website for current charges

To minimise the inconvenience of parking bay suspensions parking services will:-

- only grant a suspension when absolutely necessary
- restrict the suspension to the minimum space required to perform the task or carry out the event
- restrict the duration of the suspension to the shortest possible amount of time
- consider the size of suspension in conjunction with the duration (i.e. a long term suspension is more acceptable if only a short length of kerb is taken)
- choose to suspend free or "pay and display only" bays rather than "permit holder only" or "shared use" bays where there is a choice
- ensure that suspensions are correctly and clearly signed

In exceptional circumstances the Council may accept suspensions at short notice. These requests are treated on a case by case basis. Residents should, therefore, look out for "parking suspended" signs and comply with them as designated parking bays in the Borough could be suspended at any time.

At the time of sign placement, details of all vehicles in the suspended area are recorded and the signs are photographed. Normally a minimum of two signs are placed at each location, although their exact placement is dependent on availability of street furniture and extent of suspension. At the conclusion of the suspension the signs are re-photographed and removed.

Alternative parking arrangements are not normally made as most suspensions are relatively short in duration. However, in the case of major suspensions (e.g. Thames Water Mains Replacement Program) alternative parking provision is considered.

Civil Enforcement Officers enforce as per the suspension board. Information collected at the time of board placement is used to assist with the enforcement process.

Any vehicle parked in a suspended parking bay that is not registered to use the bay will be issued with a PCN and maybe authorised for removal.

Removal is mostly appropriate because the parking bay is required for another use during the period it is suspended. If a vehicle was parked in the area of suspension at the time the signs are erected and has remained unmoved the Council may choose to relocate the vehicle to another safe and legal parking area, where possible.

A vehicle displaying a Blue Badge, parked in a suspended parking place, will receive a PCN and will be relocated to the nearest safe and legal parking place.

4.2 Dispensations

A "dispensation" is short for "dispensation from the waiting and loading restrictions". It is Council policy only to introduce waiting and loading restrictions when absolutely necessary. It follows, therefore, that a dispensation from the waiting and loading restriction can only be granted where there is no alternative.

On receiving an application for a dispensation, the Council will examine whether it is possible to carry out the task in a different manner;

- outside the hours when the restrictions apply
- by correctly using a permitted parking place in the vicinity of (but not immediately adjacent to) the destination
- Underlying its decision making process are the following considerations:
- finding alternatives to inconveniencing other road users
- granting dispensations for special one-off events
- assessing increased risk to public safety

The Council will consider applications for dispensations to allow:-

- major building works
- house clearance / removals
- delivery and collection of cash and high value items where the vehicle requires a dispensation to get close to the destination premises. This acknowledges that some routine "dispensations" may be allowed and reflects the fact that secure deliveries will often be irregularly scheduled for security reasons, making it difficult to deliver during permitted times

A dispensation does not give permission to mount the footway. It is relevant to mention this here because waiting and loading restrictions are often imposed when the carriageway is narrow. When the carriageway is narrow, delivery drivers often feel that blocking the footpath for pedestrians is preferable to blocking the carriageway.

The correct action is to carry out the delivery or task as quickly as possible and move away. The Council will issue PCNs to any vehicle with one or more wheels on the footway regardless of any dispensation that has been issued should restrictions apply in the location.

Any dispensation from the waiting and loading restrictions is very specific, in that it will show the following details –

- the location(s) where the dispensations may be used
- the times and date(s) when it may be used
- the reason it has been issued
- any conditions attached to its issue
- the vehicle registration number (VRM) of the vehicle in question must be shown and a description of the vehicle (e.g. delivery van, removals lorry, mobile crane, concrete pump, armoured vehicle)
- the name of the applicant or company name and their contact telephone number

If the dispensation is not being used correctly and the requirements as to vehicle registration, location, times and dates are not met, a Penalty Charge Notice will be issued.

Charges are levied for dispensation notices to cover the costs of processing applications and monitoring use. The fees are subject to annual review.

4.3 Exemptions

A TMO is required to introduce most of the parking, waiting and loading regulations currently enforced by the Council. Exemptions from the regulations are also contained within the TMOs and these are designed for two major reasons:–

- To ensure that necessary commercial activities can continue
- To accommodate various situations or activities

The Council's TMOs currently grant exemptions to the following classes of vehicle use:–

- Emergency services vehicles, i.e. police, ambulance and fire, whilst on official duties.
- Buses providing a London Bus Service whilst waiting at a bus stop / stand/terminal and taxis waiting at a cab rank.
- Local Authority vehicles whilst being used in connection with statutory duties including bus lanes, box junctions and moving traffic contraventions (i.e. cleansing vehicles, refuse vehicle, gully emptying, highway and street furniture maintenance, Incident Response Unit).
- Post Office whilst engaged in picking up or delivering postal packets.
- Gas, water, electricity and telecommunications providers whilst the vehicles are being used in connection with works on the highway or in emergency situations.

There are also exemptions that apply to any vehicle, but only in certain circumstances:

- Those displaying a valid blue badge (see further information below).
- A vehicle stopping to allow someone to board or alight from the vehicle. (evidence of this must be viewed within 2 minutes)
- A vehicle prevented from moving due to circumstances beyond the driver's control.
- Loading and unloading (discussed earlier in this document).

4.4 Exemption (Blue Badge)

As with most London Boroughs, the national/international Blue Badge Scheme is recognised in Barking and Dagenham. Applications for badges are made to the Customer Services Department, Barking Learning Centre, 2 Town Square, Barking IG11 7NB and considered in accordance with the criteria as set by the Department for Transport.

The Blue Badge Scheme is more correctly known as the Disabled Person's Parking Exemption. The badge conveys a number of benefits to the holder, including an exemption from waiting restrictions (single and double yellow lines). Badge holders may park for up to three hours on single or double yellow lines (provided a loading ban - yellow kerb blips - is not in place) and a clock is displayed.

Additional benefits are available to Blue Badge holders when in Barking and Dagenham:-

- In commercial areas, on-street parking is provided for Blue Badge holders where appropriate. These spaces are clearly signed or marked.
- In car parks a percentage of spaces are designated for Blue Badge holders.
- Badge holders can park free of charge within a London Borough of Barking and Dagenham car park for up to four hours.
- Residents with severe disabilities may apply for a formal disabled resident's parking bay outside their home. This is not for their exclusive use (other holders of disabled resident's permits may use it), but these bays generally remain free for the disabled resident in question.
- Use of resident bays except where controlled signs at any given location state otherwise.

Blue badge holders are not permitted to park on loading restrictions or pavement/verges and, with increasing numbers of such badges, it is regrettably becoming necessary to step up enforcement to prevent dangerous and obstructive parking by inconsiderate badge holders.

Such contraventions may necessitate removal.

The Traffic Management Act 2004 includes provision for Civil Enforcement Officers to inspect Disabled (Blue) Badges. Parking Enforcement is working closely with Barking and Dagenham's Audit Service on the implementation of various prevention and fraud detection measures.

There are five main types of fraud committed which are as follows:-

- A false declaration is made to obtain the badge
- The badge is altered to extend the expiry date
- Displaying a fake or copied badge
- Use of a stolen badge
- Where the badge is used by friends or family of the badge holder when that person is not a passenger in the vehicle
- Where badge holders are complicit in any of the above it jeopardises their rights and the badge could be suspended. Anyone charged with falsely using a badge can face a fine which is currently up to £1000

5 Controlled Parking Zones

Every metre of kerb space within a CPZ is controlled. CPZs are put into operation for areas experiencing conflicting demands for parking at certain times of day or throughout the day. The controls used are a combination of: -

- waiting restrictions (yellow lines)
- loading restrictions (kerb blips)
- zig-zag markings (pedestrian crossings, schools, hospitals)
- permitted parking places
- parking for permit holders
- pay and display bays
- loading bays
- disabled persons parking bays

Traffic signs are situated at all the access points to a CPZ showing the hours of operation. The Council installs signs on entry to each area showing specific restrictions.

5.1 Controlled Parking Places

Without going to the extent of introducing a full Controlled Parking Zone it is possible to introduce limited time on-street controlled parking places. The Council has introduced these in a number of locations, principally around busy local shopping parades for the benefit of shoppers.

The control usually involves limiting vehicles to a maximum stay to achieve good turnover for the shops and is managed by the installation of pay and display machines.

We are considering an awareness campaign to encourage users including shop owners to adhere to the spirit of use for these parking bays and hope for this to be carried out in high profile areas at least once in the year.

5.2 Purpose of Controlled Parking Zones

Controlled Parking Zones (CPZs) are a fundamental component of national, regional and local transport policies. CPZs form part of the Mayor of London's Transport Strategy and are an integral part of the Council's Local Transport Strategy. A CPZ will have clear objectives and the controls that are introduced will be commensurate with achieving these.

Every metre of kerb space is controlled during the hours in which the CPZ operates. The hours of operation are posted on every road by which a motorist can enter the CPZ. Where a single yellow line is imposed, there is no need for a separate time plate unless the hours differ from those of the overall CPZ – this has the effect of a significant reduction in sign clutter on streets. Nevertheless, there are occasions where repeater signs are desirable to reduce confusion to motorists. CPZ times are also shown on parking bay signs within the controlled area.

Significant consultation takes place with residents and local business prior to introduction. The Council introduces such zones where there is support for them.

Controlled Parking Zones are introduced to:-

- Ensure adequate access and safety standards are maintained;
- Manage competing demands of different road user groups;
- Ensure a balance in parking provision between vehicles required for residents, disabled, delivery and service vehicles etc in residential areas;
- Reduce traffic congestion in the longer term and make essential vehicle journeys easier;
- Encourage a choice of more sustainable means of transport;
- Manage available parking space to ensure convenient short term parking is available for shoppers and visitors
- Ensure adequate access is maintained, particularly for emergency vehicles.

5.3 Consultation on CPZs

CPZs have clear strategic and local advantages. However, they are only introduced following local consultation and after community support has been demonstrated.

Statutory consultation involves public notices displayed on-street and within local publications. In addition, the Council will seek to gauge public support for the CPZ by sending leaflets to local residents and asking for a response where appropriate

In designing a CPZ, the following issues are always considered:-

- Safety of all road users
- The need for steady movement of traffic
- Projected demands for day-time and night-time residents' parking
- Convenient parking for people with disabilities

- The balance between parking for residents, visitors and local businesses
- Opportunities for and implications of the dual use of parking spaces
- Convenient parking provision for delivery and service vehicles
- Business permit requirements
- The volume of signage and reduction of street clutter
- Restraint on traffic growth by reducing available commuter parking

Good practical design to support the efficient day to day operation of the zone such as:-

- Pay and display bays (and therefore equipment) grouped so that in the event of a unit failing it is a practical proposition to require the motorist to find and use an alternative working machine
- Financial viability, like only locating pay & display equipment where they are likely to generate sufficient revenue to recover their operating, maintenance and depreciation costs

5.4 Motor Cycle Parking

The demand for parking by 'two-wheelers' in Barking and Dagenham is low. There are some 'off-street' motorcycle designated parking bays in the Borough. There is no current charge payable in respect of motorcycle parking in car park and on street pay and display bays. There is also no charge levied in respect of on street parking in resident permit bays for motorcycles.

Riders are expected to comply with all other restrictions, to park considerately – avoid dropped kerbs and not park on the pavement. Parking on the pavement is particularly dangerous for the blind and disabled and for young children who could touch a hot engine/exhaust. The Council, has, therefore, adopted a firm enforcement policy against illegally parked powered two-wheelers in this respect.

5.5 Non-CPZ Parking Controls

Some of the regulations on roads outside the Council's controlled parking zones have been in place for many years. It is our intention to introduce regular reviews of locations and the parking regulations which apply to ensure that they are fit for purpose.

However, we consider that existing controls provide a minimum acceptable standard and future amendment will strengthen enforcement, introduce additional regulations and seek to maximise consistency across the Borough.

6 Permits

The Council has introduced a number of permit schemes to meet the needs of the borough its customers, businesses and residents. The way in which the control is implemented is through the use of specific parking permit bays (business, operational, resident etc), pay and display areas and yellow lines. In many cases a bay may be open to use by a variety of permit types or “paid for parking” users. In this instance, the bay is referred to as “Shared Use Bay”.

Permits are purchased for a period of time dependant on the permit being applied for and are not eligible for refunds.

It is the permit holder’s duty to ensure that they display a valid permit relevant to the space in which the vehicle is parked at all times. Failure to do so may result in a PCN being issued.

The Council DOES NOT send out reminders regarding permits that are due to expire; it is therefore the responsibility of the driver / owner of the vehicle to ensure a new permit is ordered in time. The Council will not cancel PCNs in these circumstances.

Any person who has outstanding Penalty Charge Notices (PCN’s) with the London Borough of Barking and Dagenham will not qualify for a permit until such time as the PCN’s are paid. PCN’s which have been appealed and are awaiting a decision by the Parking & Traffic Appeal Services (PATAS) are excluded.

7 Car Clubs and Electric/Zero Emission Vehicles

In order to promote sustainable methods of transport, the Council provides various incentives.

In the context of parking places, permits are issued for companies that operate car clubs or rent electric vehicles.

Permits are issued to car clubs for ‘ANY’ vehicle and are not vehicle specific. For both car clubs and zero emission vehicles discounts for permits are applied.

8 Special Events

There are occasions when special circumstances arise when the Head of Service / Parking Manager will be required to make a small, one-off adjustment without prejudice to its overall aims. Some examples of circumstances that will require a change of enforcement are local and general elections and special events.

The Council will make temporary and specific provision for special events and similar festivals, upon request and provided that it would not cause significant problems.

Each request for enforcement variations for special events will be treated as an individual case and procedures are in place to deal with each situation individually.

9 Fraud and misuse of Permits

The Council offers permits for the benefit of its residents and stakeholders within the community. LB Barking and Dagenham take seriously fraudulent applications, false declarations with the intent to deceive and the misuse of permits for pecuniary gain.

Any permit holder found to have acquired a permit falsely or misused it by fixing it to other vehicles either not registered and/or not belonging to them will have the benefit withdrawn.

Fees paid will not be refunded and future applications will be denied. Civil Enforcement Officers will also check permits for enforcement purposes and may issue PCNs for parking without displaying a valid permit. Vehicles parked in resident pays without valid permits are also liable for removal.

10 Legal Implications

10.1 How the Council Collects and Processes Your Personal Information under the Data Protection Act 1998

The personal information that you have provided to parking Services may be processed by other Council service areas where appropriate to facilitate the provision of services in respect of any of the Council's activities including (but not limited to) benefits, to verify data accuracy, housing, environmental health and care services. There may be a need to share with external partners and organisations e.g. London Councils and other enforcement agencies, other local authorities or information may be used in the prevention and detection of fraud and crime. A full list of what information we control and process and for what purposes is set out in the Council's data protection notifications filed annually with the Information Commissioner.

10.2 Freedom of Information Act

The Freedom of Information (FOI) Act 2000 gives you right of access to information held by public authorities. The aim of the act is to make public authorities more open and accountable.

The enquirer is entitled to be told whether the council holds the information (this is known as the duty to confirm or deny) and, if so, to have access to it. Access can include providing extracts of a document or a summary of the information sought, or access to the original document.

The Act recognises the need to preserve the confidentiality of sensitive information in some circumstances and sets out a number of exemptions, which are capable of limiting the duty to supply information alone, or both the duty to supply information and the duty to confirm or deny.

11 Useful Contacts

Initial queries and requests relating to the following can be directed to 3000direct@LBBD.gov.uk

- PCN's
- Requests for evidence supporting PCN's
- Freedom of Information

Any comments concerning the enforcement policy and performance should be emailed to parking@lbbd.gov.uk

12 Useful Information

Further information on the following is available on our website www.lbbd.gov.uk

- Differential parking observation times
- Guidance on PCN progression including a flowchart
- List of CPZ areas and hours of operation
- Fees & Charges
- Local Implementation Plan
- Guidance on the cancellation of Penalty Charge Notices
- Information on the various types of permits and application forms
- Blue Badge Scheme
- Codes of Practice

13 Appendices

The Council is working on developing its protocols for publication. Below outlines the documents we aim to have available for public viewing and guidance.

The following are Appendices to our policies that detail the systems, procedures and codes for conducting our business: -

1. Cancellation Guidance
2. Description of Traffic signs
3. Discretion Policy
4. Vehicle Removals Policy