

# The Highland Council Parking Enforcement Policy Statement

## Background

From June 1997, local authorities in Scotland have had the powers to implement Decriminalised Parking Enforcement (DPE) under the Road Traffic Act 1991.

**The Highland Council will operate a Decriminalised Parking Enforcement Service from Monday 3rd October 2016.**

The DPE process defines a Permitted Parking Area (PPA), covering parking places and a Special Parking Area (SPA) covering waiting and loading restrictions encompassing the whole Council statutory boundary by means of an Act of Parliament. Once DPE is live Police Scotland will cease to issue tickets relating to waiting, loading and parking except on the majority of the Trunk Road Network where they would still be responsible for enforcement and the issue of Fixed Penalty Notices (FPN's). Police Scotland will still be responsible for criminal offences across all Highland Roads, such as Obstruction or Dangerous Parking. The Highland Council will also receive increased powers to uplift vehicles.

**The Highland Council approach to parking enforcement is to be fair but firm.**

## OBJECTIVES

### Fair

- We will explain and communicate the parking rules.
- We will photograph parking contraventions to support the issue of a penalty charge notice.
- We will use Body Warn Video during the course of our enforcement activities.
- We will regularly monitor traffic signs and road markings to help motorists parking throughout the Highlands.
- We will review parking services regularly to see how they can be improved.

### Firm

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

### Best possible service

- We will reply quickly to representations against penalty charge notices whilst fully investigating motorists' comments.
- We will aim to get penalty charge notices right first time using accurate "hand-held" technology.
- We will develop on-line services to improve customer access to information.
- We will develop the on-street parking service to include: Blue Badge enforcement, school patrols, advice and information and assistance at special events.

Parking Enforcement Officers will adopt a helpful attitude and a consistent approach to enforcement in order to encourage lawful and considerate parking.

Our customer promise is we will always:-

- **Be professional, fair and courteous.**
- **Be polite, calm and understanding.**
- **Be open and honest.**
- **Offer advice on parking and enforcement procedure if asked.**

## **Duties**

The main duties we will carry out are:-

- To patrol allocated town/beat area in order to maintain traffic flow.
- To deal with waiting offences by way of issuing advice or a Penalty Charge Notice.
- To advise and direct motorists regarding parking facilities.
- To provide assistance and/or direction to the public.
- To carry out administrative tasks relevant to the good running of a Parking Enforcement Office.
- To provide observations on lookout requests for vehicles and missing persons to the Police.
- To liaise with public services on commission of construction work and road maintenance.
- Monitor parking meters, waiting restrictions, controlled zones, permit areas and other schemes to improve safety and prevent traffic flow problems.
- Take action on cars parked in contravention of restrictions by issuing a Penalty Charge Notice (PCN).
- Where necessary and authorised arrange the uplift of vehicles in contravention

Parking enforcement Officers must be honest and observant and as they will be working alone most of the time, they must be able to work unsupervised. To aid with lone working and transparency of their role Body Worn Video will be deployed to all Officers.

Verbal abuse and violence towards Parking Enforcement Officers will not be tolerated under any circumstances and all instances will be reported to Police Scotland.

## **Service of a penalty charge notice by post**

There are three circumstances in which a penalty charge notice (a 'regulation 10' PCN) may be served by post:

- Where the contravention has been detected on the basis of evidence from an approved device.
- If the Enforcement Officer has been prevented by violence from serving the penalty charge notice, either by affixing it to the vehicle or by giving it to the person who appears to be in charge of that vehicle
- If the Enforcement Officer had started to issue the penalty charge notice, but did not have enough time to serve it before the vehicle was driven away, and would otherwise have to write-off or cancel the penalty charge notice

In any of these circumstances a penalty charge notice is served by post on the owner (whose identity is ascertained from the DVLA), and also acts as the Notice to Owner. Postal penalty charge notices should be sent within 14 days of the contravention. Before pursuing any penalty charge notice served by post, details will be checked to ensure that the relevant evidence is available to progress.

## **Payment**

### **How to pay a penalty charge**

Payments made within 14 days from the date of service will have a 50 percent discount applied.

### **You may pay a penalty charge by the following methods:**

**By telephone** - call the Contact Centre on: 0343 2241888  
24 hour payment line.

**OR**

**On Line** - [www.highland.gov.uk/parking](http://www.highland.gov.uk/parking)

## **Challenge**

### **How to challenge a penalty charge notice**

If a customer feels a penalty charge notice has been incorrectly served they may challenge it.

### **Informal written challenge**

If a customer wishes to challenge a penalty charge notice an appeal may be made in writing to:

Parking Services, The Highland Council. PO Box 261, Sheffield. S98 1TP, within 28 days of the date of service of the penalty charge notice.

The address is on the back of the penalty charge notice. If a challenge is made within 14 days of the ticket being served and the appeal is rejected you will receive a letter explaining the reasons why the penalty charge notice is not being cancelled and you will also be given another opportunity to pay the discounted amount.

If the appeal letter is received outside of the 14 day discount period and the appeal is rejected the discounted rate will no longer apply.

### **Formal written representation**

If their informal challenge has been rejected and/or payment remains outstanding 28 days after the penalty charge notice was served a **'Notice to Owner'** will be subsequently sent to the DVLA registered owner/keeper of the vehicle.

A Notice to Owner allows the registered owner/keeper of the vehicle to either pay the penalty charge or challenge the issue of the penalty charge notice.

The Notice to Owner will advise that there are 28 days beginning with the date on which the Notice to Owner is served to either:

- pay the penalty charge notice in full; or
- make a formal written representation to the council based upon the grounds detailed in the Notice to Owner.

On receipt of the representation the council will carefully consider all the relevant facts and mitigating circumstances and all information relating to the contravention held on our computer records and in the Civil Enforcement Officer's pocket book.

If the representation is accepted the owner/keeper of the vehicle will be notified that the penalty charge notice has been cancelled and no further action will be taken.

Otherwise, a formal Notice of Rejection will be forwarded to the registered owner/keeper of the vehicle together with a Traffic Penalty Tribunal appeal form.

The Notice of Rejection will advise the registered owner/keeper to either pay the penalty charge notice in full or to appeal to an independent adjudicator on the form supplied with the Notice of Rejection.

Late representations will normally not be accepted unless there are mitigating circumstances that the council may wish to take into consideration.

### **Appeal to an independent adjudicator**

You may only appeal to an independent adjudicator on receipt of the Notice of Rejection.

Appeals at this stage should be forwarded to the Parking & Bus Lane Tribunal for Scotland using the appeal form provided.

The adjudicator may only consider appeals on the grounds listed in the Notice to Owner. The decision of the adjudicator is final and binding on both parties.

Appeals may be heard either in person, by telephone or by post, depending on the appellant's preference.

Appeals in person are arranged by the Parking & Bus Lane Tribunal for Scotland

If you need advice on how to challenge a penalty charge notice please visit <https://www.mygov.scot/parking-appeals/how-to-appeal/>