

2017 Parking and Traffic Enforcement Policy

- 1. Introduction**
- 2. Relevant Legislation and Guidance**
- 3. Requirements Of Statutory Guidance March 2015**
- 4. Parking and Traffic Enforcement Policy**
- 5. Operation of the Service**
- 6. Scope of Parking Controls and Restrictions**

1. INTRODUCTION

Sandwell Council have responsibility for the enforcement of 'on street' and 'off street' parking areas. One of the functions of the service is for Civil enforcement of parking contravention involving the issue of Penalty Charge Notices (PCN's) for breaches of parking regulations. The Council is also proposing to implement the CCTV enforcement of moving traffic contraventions on bus only streets and bus lanes. PCN's issued are not breaches of the criminal law enforceable through the criminal justice system. The penalties are issued under the civil justice system. Local parking restrictions are defined in Traffic Regulation Orders (TROs) made by Sandwell Council.

This document explains the Council's powers in relation to the parking and traffic service especially in respect of the enforcement powers where there has been a contravention of the Council's TRO's.

2. RELEVANT LEGISLATION AND STATUTORY GUIDANCE

The following legislations are relevant to service

- Road Traffic Regulation Act 1984
- Traffic Management Act 2004

The following regulations and guidance are relevant to the enforcement of parking and traffic contraventions

- Civil Enforcement of Parking Contraventions (England) General Regulations 2007
- Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007
- The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000
- Traffic signs Regulations and General Directions 2002 ('TSRGD')
- Road Traffic Act 1991
- Transport Act 2000
- The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions issued in March 2015
- Operational Guidance to Local Authorities : Parking Policy and Enforcement March 2015
- Right to Challenge Parking policies ; Network Management Duty Guidance
- A Code of Practice for Bus Lane Camera Enforcement Using attended CCTV equipment for Approved English Local Authorities outside London – Final Draft 2007

In addition the following legislation applies to the operation of a CCTV system

- The Data Protection Act 1998.
- The Human Rights Act 1998.
- The Regulation of Investigatory Powers Act 2000.
- The Protection of Freedoms Act 2012.

In addition to the above the use of a CCTV system is also subject to the following Guidance:-

- DfT Civil Enforcement of Parking Contraventions 2008 (Statutory Guidance under the Traffic Management Act 2004);
- DfT Provisional Guidance on Bus Lane Enforcement 2005 (Revised 2008);
- Home Office Surveillance Camera Code of Practice 2013.
- The Bus Lanes Contraventions (Penalty Charges, Adjudication and Enforcement)(England) Regulations 2005
- The Tribunals and Inquiries (Bus Lane Adjudicators) (England) Order 2005
- The Bus Lanes Contraventions (Approved Local Authorities) (England) Order 2005
- The Bus Lanes (Approved Devices)(England)Order 2005
- A Code of Practice for Bus Lane Camera Enforcement Using attended CCTV equipment for Approved English Local Authorities outside London

All legislation is available on the www.legislation.gov.uk website

3. REQUIREMENTS OF STATUTORY GUIDANCE MARCH 2015

3.1 The operation of Sandwell Parking and Traffic Service and the enforcement of traffic regulations will be undertaken in accordance with the Secretary of States Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions issued in March 2015 (“the Statutory Guidance”) published under section 87 of the Traffic Management ACT 2004. The Statutory Guidance sets out the policy framework for civil parking enforcement. Local Authorities outside London MUST have regard to the Statutory Guidance when discharging enforcement activities

3.2 Authorities must have regard to this Statutory Guidance when exercising their functions and the Council’s parking policy should be in accordance with the Guidance and any amendments to it. The Guidance advises that the Council MUST undertake the following:

- The income from on-street charging and any penalty charge payments received (whether for on-street or off-street enforcement) must only be used in accordance with section 55 of the Road Traffic Regulation Act 1984 (as amended).
- Authorities must keep an account of all income and expenditure in respect of on-street parking places which are not in a Civil Enforcement Area, on-street parking spaces which are in a Civil Enforcement Area and their functions as an enforcement authority.
- If an authority makes a surplus on its on-street parking charges and on- street and off-street enforcement activities, it must use the surplus in accordance with the legislative restrictions in Section 55 of the Road Traffic Regulation Act 1984 (as amended).
- The enforcement authority must ensure that the public knows what charge levels have been set by publishing them well in advance of their introduction. They must also

publish any subsequent change to the charge levels. The penalty charges must accord with guidelines set by the Secretary of State.

- Authorities must apply different parking penalties to different contraventions.
- Where an authority has to immobilise or remove a vehicle outside London, the charges must accord with guidelines set by the Secretary of State.
- When exercising prescribed functions a Civil Enforcement Officer must wear a uniform.
- The local authority must provide evidence of the contravention either from direct observation, or from the record of an approved device.
- The penalty charge notice must either be fixed to the vehicle or given to the person who appears to be in charge of that vehicle except in the following circumstances:

Contraventions detected solely with a camera and associated recording equipment, certified by the Secretary of State and used in accordance with the Guidelines issued by the Vehicles Certification Agency, provided the vehicles are parked on:

- a bus lane;
 - a bus stop clearway or bus stand clearway;
 - a Keep Clear zig-zag area outside schools; or
 - a red route.
- The Regulations set out what information must be stated on all penalty charge notices.
 - A penalty charge must not be issued to a vehicle which has stayed parked in a parking place on a road or in a local authority car park beyond the permitted parking period for a period of time not exceeding 10 minutes. The grace period applies to on-street and off-street parking places provided under traffic orders, whether the period of parking is paid for or free. Any penalty charge issued before expiry of the 10-minute grace period would be illegal, unless the vehicle itself is parked unlawfully (e.g. where the motorist has not paid any required parking fee or displayed a parking ticket where required). Grace periods only apply to designated parking places where a person is permitted to park. A road with a restriction (e.g. single yellow line) or prohibition (e.g. double yellow line) is not a 'designated' parking place either during - or outside of - the period of the restriction or prohibition.
 - A decision on whether to immobilise or to remove a vehicle requires an exercise of judgement and must only be taken following specific authorisation by an appropriately trained civil enforcement officer.

- When a vehicle is parked in a parking place, there are circumstances where, authorities must not immobilise or remove in the first 30 minutes following the issuing of the penalty notice, or the first 15 minutes in the case of 'persistent evader' vehicles.
- When a vehicle has been immobilised, a civil enforcement officer must affix a notice to it. The regulations set out what that notice must say.
- On the release of a vehicle from a clamp or from the vehicle pound the authority must immediately inform the vehicle owner or person in charge of the vehicle about their right to make representations and their subsequent right to appeal against representations that are rejected.
- Enforcement authorities must have regard to the duties imposed by the Equality Act 2010. Vehicles displaying a valid Blue Badge must not be immobilised and, as a general rule, should not be removed.
- Processes for recovering outstanding penalties and handling challenges, representations and appeals must comply with all relevant primary legislation, regulations, traffic regulation orders and local byelaws.
- Enforcement authorities must use first class post for any notice or Charge Certificate. However, where an electronic address has been provided, communications may be sent by that means in addition to posting statutory notices.
- Where the enforcement authority receives full payment within 14 days of the service of the penalty charge notice, it must accept the discounted amount. Unless the Secretary of State authorises a departure from the guidelines on the levels of penalty charges, the discount must be set at the applicable discount - currently 50% of the penalty charge.
- The Regulations set out the information that the Notice to Owner must give. Authorities must specify on the Notice to Owner (or the penalty charge notice when served by post) the statutory grounds on which representations may be made.
- Unless the Secretary of State authorises a departure from the guidelines, the increase in the penalty charge must be set at the applicable surcharge - currently 50%.
- The authority may issue a Charge Certificate where a Notice to Owner has been served, the penalty charge has still not been paid and no representation or appeal is under consideration. This must not be done before the end of 28 days beginning with the date on which the Notice to Owner was served.
- Where representations have been made and rejected, and no appeal has been made, the enforcement authority must not issue the Charge Certificate before the end of 28 days beginning with the date on which the Notice of Rejection was served.

- Where cases go to adjudication, authorities must not issue a Charge Certificate before all due processes have been completed. If an appeal is made and withdrawn before the hearing the authority may, after 14 days beginning with the date on which the appeal was withdrawn, issue the Charge Certificate.
- The enforcement authority must consider representations made at this stage on any grounds but if it proceeds to serve a Notice to Owner after receiving such representations, then those or other representations can be made in accordance with S.I. 2007/3482, Regulation 4.
- The grounds on which representations may be made are set out in the Regulations and must be stated on the Notice to Owner.
- The enforcement authority must consider representations and any supporting evidence against a Notice to Owner or immobilisation or removal, and serve notice of its decision on the person making the representations within 56 days of the representations whether or not it accepts that the ground in question has been established.
- If an authority accepts a representation against a Notice to Owner, it must cancel it and refund any sum already paid
- Where an authority accepts a representation against immobilisation or removal, it must refund any sums paid to release the vehicle, except to the extent (if any) to which those sums were properly paid.
- Where the removed vehicle has already been sold and representations against removal are accepted, the enforcement authority must refund all the sale proceeds to the vehicle owner. It is likely that the vehicle owner will already have received the proceeds of the sale minus the cost of removal, storage and sale, and if this is the case the enforcement authority must at this point refund the costs of removal, storage and sale.
- If the authority rejects the representation, it must serve a notice of rejection stating that it will issue a Charge Certificate unless the penalty is paid or an appeal made to an adjudicator. The notice of rejection must set out the general form and manner of an appeal and explain that costs are not normally awarded. The adjudicator has the power, in exceptional circumstances, to award costs against either party.
- Where a contravention has taken place but the adjudicator considers that the enforcement authority should have used its discretion to cancel the Notice to Owner, the adjudicator may refer the case back for the enforcement authority to reconsider. Such cases should be directed to the Office of the Chief Executive, and should not be dealt with by the person who considered the original representation. A decision must be reached within 35 days from the notice of the adjudicator's decision. If the enforcement authority does not reach a decision within this period, it is deemed to have accepted the adjudicator's recommendation and must cancel the Notice to Owner.

- The enforcement authority must have regard to the reasons given by the adjudicator for his/her recommendation. Where it does not accept this recommendation it must notify the adjudicator and the appellant of the reasons for its decision before issuing the Charge Certificate.
- If the enforcement authority decides to accept the recommendation of the adjudicator, it must cancel the Notice to Owner without delay and refund any sums paid in relation to it. The authority must comply with the adjudicator's directions without delay.
- Enforcement agents and those who employ them or use their services, must maintain high standards of business ethics and practice.
- Local authorities must publish on an annual basis, a breakdown of income and expenditure on the authority's parking account, how the authority has spent any surplus on its parking account and the number of marked out controlled on and off-street parking spaces within their area, or an estimate of the number of spaces where controlled parking space is not marked out in individual parking bays or spaces.
- Authorities must keep an account of all income and expenditure in respect of on-street parking places which are not in a Civil Enforcement Area, designated (i.e. on-street) parking spaces which are in a Civil Enforcement Area and their functions as an enforcement authority.
- Where an authority makes a surplus on its on-street parking charges and on- street and off-street enforcement activities, it must use the surplus in accordance with the legislative restrictions in Section 55 of the Road Traffic Regulation Act 1984 (as amended).

4. PARKING AND TRAFFIC ENFORCEMENT POLICY

4.1 Aims

The aims of the Sandwell Parking and Traffic Enforcement Policy are as follows;

- To contribute to the authority's transport objectives through the enforcement of unsafe or restricted parking and the enforcement of bus lane contraventions to achieve the objectives that follow
- To use quality-based standards through key performance indicators,
- To enforce parking and traffic contraventions fairly, accurately and expeditiously
- To increase compliance with parking and traffic restrictions through clear, well designed and legal controls.
- To deliver wider transport strategies and objectives through appropriate parking charges to balance supply and demand for available parking and consequently encourage sustainable travel options.
- To ensure that parking in town centres and other shopping areas is convenient, safe and secure, including appropriate provision for motorcycles and deliveries
- To raise awareness and promote positive parking policy through education

4.2 Objectives

The Sandwell Parking and Traffic Enforcement Policy and operation of the service are designed to meet the following objectives

- managing the traffic network to ensure expeditious movement of traffic, including pedestrians and cyclists
- improving road safety;
- improving and maintaining unrestricted access to premises
- improving the local environment;
- improving the quality and accessibility of public transport;
- meeting the needs of people with disabilities,
- managing and reconciling the competing demands for kerb space.
- Meet safeguarding agenda for children by keeping them safe.

4.3 The Principle of Parking and Traffic Penalty Charges

The purpose of penalty charges is to dissuade motorists from contravening parking and traffic restrictions. The objective is for 100 per cent compliance, with no penalty charges. Penalty charges are set at proportionate levels that are at or slightly below the levels set by neighbouring authorities. The aim is for parking and traffic enforcement to be self-financing.

Parking charges and enforcement income are used;

1. To provide public car parks and pay for the cost of lighting, cleaning, repairs, rates, maintenance etc. It is appropriate that these costs are paid by the motorists who benefit from the provision of these facilities

2. To pay for the enforcement of parking and traffic controls to keep the highway network operating efficiently. This ensures that the roads operate safely, congestion is reduced, short stay parking is available for shoppers, access to businesses is improved, etc.
3. To help deliver Council, Regional and National Policy to reduce congestion, improve journey times, reduce accidents, improve compliance with restrictions, reduce inconsiderate parking, encourage the use of car sharing or public transport, encourage more walking and cycling, reduce pollution and improve health.
4. To manage and reconcile the competing demands for kerb space of residents, shops, businesses, visitors, pedestrians, cyclists, delivery vehicles, buses, taxis, private hire vehicles, coaches, cars and motorcycles
5. Undertake regular reviews of the Traffic Regulations to meet business and resident expectations and continually manage the road side space in an efficient manner.

The current parking and penalty charges are published and updated on the Council web site at www.Sandwell.gov.uk. (search for parking charges)

4.4 Concessions

Parking Charge Concessions are also provided as follows

- Free parking after 6pm in the evening,
- Free parking on Sundays,
- Season tickets discounts,
- Free parking for Blue Badge holders, (On and Off Street),
- Subsidised Residents Parking Schemes
- Free Saturday parking for 2 weeks before Christmas,
- Dedicated bays for Blue Badge Holders(On and Off Street)

4.5 The Use of CCTV Enforcement

CCTV enforcement ensures the safe and efficient operation of the road network through the detection of traffic regulation contraventions. CCTV systems support and extend the parking enforcement process as follows:-

- To provide a deterrent to parking contraventions;
- To record the registration number, colour and type of vehicles;
- To initiate Penalty Charge Notices to the registered keeper of the vehicles;
- To record evidence of each contravention to ensure that representations and appeals can be fully answered;
- To enable timed and dated pictorial evidence to be produced for adjudication or as information to vehicle owners.

The use of CCTV provides enforcement where this is not as effective using foot patrols alone. CCTV enforcement contributes to beneficial changes in driver behaviour. For example at schools, the presence of Civil Enforcement Officers (CEO's) deters those who park dangerously and inconsiderately risking the lives of our children. However, the problem returns when the officers leave the area. It is not feasible or cost effective to

provide a sufficient number of CEO's to enforce parking outside all schools. The enforcement service operates with 19 CEO's (full time equivalents). The enforcement of around 6,000 traffic regulation orders is required across the borough at more than 110 schools, 10 main town centres, 57 car parks and all principle routes within the borough.

CCTV will be deployed at other locations outside school arrival and departure times, at weekends and during school holidays. At these times the CCTV will be used to monitor traffic flow, parking bays, resident bays, carry out traffic counts, and enforce bus stops, bus gates, bus lanes, bus only streets and red routes. Fixed CCTV cameras will also be used to enforce the contravention of moving traffic offences in Bus Lanes

The deployment of CCTV Enforcement will;

- Be for the legitimate and necessary extension of enforcement activities to improve the effectiveness of the service as stated in this policy.
- Take into account any effect on individuals and their privacy.
- Be as transparent in its use as possible
- Be reviewed with each policy update to take into account complaints and comments from all stakeholders through the published contact points.
- Have clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
- Be subject to the clear rules, policies and procedures published in this document.
- Store only the images and information required for the stated purpose and such images and information will be deleted once their purposes have been discharged.
- Ensure access to retained images and information is restricted to trained Civil Enforcement Officers and managers for the purpose of parking enforcement. The disclosure of images and information will only take place when it is necessary for such purposes or for law enforcement purposes.
- Comply with and maintain the approved operational, technical and competency standards relevant to the system and its purpose.
- Ensure that images and information are subject to appropriate security measures to safeguard against unauthorised access and use.
- Be subject to review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice.
- Be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.

4.6 CCTV Enforcement of Bus Lanes

The introduction of statutory instruments in November 2005 under Section 144 of the Transport Act 2000 allowed for the enforcement of Bus Lanes through camera enforcement technology by approved local authorities.

Public transport has a vital role to play in meeting this objective, giving people an alternative to the car. The bus must be a central part of any public transport system. In many towns and cities, quality partnerships between operators and local authorities have improved standards of bus services leading to increased patronage. Operators have provided new vehicles, with high standards of comfort and accessibility, not only benefiting people with disabilities, but also making the bus easy to use for people with children or shopping. Local authorities have provided traffic management schemes, to make the bus quicker and more reliable by getting through the other traffic which so often hinders them.

The Bus Partnership Forum, which brings together representatives of the bus industry, central and local Government, strongly supports bus priorities, in particular through contributing to the resource pack Bus Priority: The Way Forward which has been distributed to all local traffic authorities. The Forum has identified punctuality as a major factor affecting bus use and has developed the concept of Punctuality Improvement Partnerships whereby operators and local authorities work together to remove obstacles to punctual services. Even where bus priority measures exist, their effectiveness is often reduced because of poor enforcement.

The enforcement of bus priority measures can assist in achieving the overarching objective of encouraging bus use. In order to facilitate a viable bus service it is often necessary to regulate traffic on the route. There is no point in introducing traffic management measures if they are not going to be enforced and compliance with regulations will only be gained if they are consistently and fairly enforced. In recent times, due to competing pressures and priorities, the police have not been able to provide the necessary level of consistent enforcement. This has led to a situation where some motorists regard some regulatory traffic signs as advisory rather than compulsory. Drivers and riders whose vehicles are banned from using bus lanes and other restricted areas of carriageway, but use them at banned times nevertheless, can cause delay to buses and frustration and resentment among those drivers complying with the regulations.

The enforcement of Bus Lanes will be undertaken using a fixed CCTV camera in accordance with the Code of Practice appended to this Policy. Bus Lane enforcement will be undertaken using equipment that has type approval from the Home secretary and is certified by the Secretary for Transport.

4.7 CCTV Enforcement of Red Line Restrictions

The updated Traffic Signs, Regulations and General Directions, 2016 (TSRGD 1016) now include red line controls. Consequently the use of red line controls is no longer restricted to the constraints of the 2013 Department for Transport Authorisation for the use within the West Midlands. A Department for Transport Circular 01/2016 provides associated guidance and states that red routes are intended to be used strategically to deal with traffic problems assessed on a whole route basis, not to deal with issues on a relatively short length of road.

Red line controls within the borough are enforced through the use of a CCTV vehicle to ensure that strategic routes operate efficiently and safely, particularly at peak times. Council Policy for the use of red line controls has been reviewed against TSRGD 2016 and will now be extended to provide the traffic management of two strategic problems within the borough.

Public Transport Hubs and Interchanges

Public transport hubs and interchanges are strategic nodes on the public transport network such as bus stations, particularly where they are located next to metro and rail stations. At these locations a number of public transport routes converge. Traffic congestion around these bus stations typically affects many thousands of journeys on the local and regional public transport network. The Council Policy to use of red route controls at these locations consequently provides strategic transport benefits through the CCTV enforcement of no stopping or waiting restrictions.

School Gate Parking

A borough wide building programme for the significant extension of existing schools has been necessary to respond to demographic population changes in recent years. At several locations these large scale changes need to be introduced where road space on the existing network has inadequate capacity to provide for school gate parking demand. A strategic approach to this problem has required comprehensive school travel plans to be provided at each location as part of the planning approval for the extensions. These school travel plans introduce a number of initiatives to encourage modal shift and reduce or spread the demand for school gate parking. However this strategic approach has only been partially successful and consequently at several locations a network traffic problem has developed. Council Policy to use red route controls at some of these school locations will consequently provide a strategic response to mitigate network traffic problems and improve safety for school children. Since the removal of qualification for school entry by catchment area children from wider areas have been attracted by popular schools resulting in extra traffic and exasperating parking problems at start and finish times as well as creating safety issues.

4.8 Enforcement of Pavement Parking and Footway Crossings

The Council is mindful of the issues caused by pavement parking and must consider the preferences of all road users. The Council must balance competing demands within the Parking Enforcement Policy to achieve optimum benefits for all of the functions of the highway network.

The Root Cause

The majority of roads in Sandwell were originally designed and built between 80 and 180 years ago and do not efficiently accommodate modern transport systems. The Council is aware of a variety of problems caused by limited road space and the increasing ownership.

Interest Groups

It is recognised that road users such as pedestrians including disability groups such as the blind and partially sighted experience some of the consequential effects of limited road space such as pavement parking. Other road users such as car drivers, residents, delivery drivers, bus companies, taxis, cyclists, road haulage, freight associations etc. are reliant on the extra carriageway space generated by pavement parking particularly on the many narrow roads in the Borough.

Policy for Pavement Parking

The Council has given consideration to policy changes and regulations that would allow appropriate enforcement of parking on pavements in specific circumstances. Such enforcement would not be practical or appropriate for all footways because of the consequential effects on traffic flow congestion and carriageway safety on many narrow roads. The implementation of pavement parking restrictions, meeting policy requirements, at specific problem locations would be subject to public consultation and the consideration of objections. The policy of another Black Country Authority has been considered. It would

be regionally consistent for Sandwell to apply the following criteria for the enforcement of pavement parking.

- A number of written complaints at the same location over several months
- Repeated damage to footways or verges;
- Permitted on-street parking would not adversely affect traffic flow;
- No risk of displacing parking to surrounding streets;
- The road width exceeds 7.4 metres;
- The problem cannot be solved by cost effective physical measures;
- Locations fall within current existing Civil Enforcement areas.

Public Consultation

The Council is required to take account of the needs of all road users when considering the implementation of parking restrictions of any kind. The necessary enforcement policy changes would need to accommodate a number of constraints and set out specific requirements for a balanced and measured application of parking restrictions.

Legislation and Regulation

The Council is considering the current legislative powers, statutory duties and regulations. For example the Council has a duty to balance the requirement for expeditious movement of traffic on the network with safety and environmental considerations. The Council will need to consider any new regulatory requirements or new guidance and the associated implications. A private members bill on pavement parking was recently withdrawn following debate including issues such as narrow streets, partial implementation, confusion for motorists, obstruction of emergency and refuse vehicles, cost of administration/signage/implementation, alternative options etc. The relevant government department could not support the bill for these reasons but gave a commitment to meet key groups and consider possible changes to existing legislation and regulation.

Council Responses to Government

The Council must give consideration to the different needs of all road users. The Council and Local Government Association regularly respond to Government consultation on proposed changes to legislation, regulation and statutory guidance.

4.9 Enforcement Policy for Vehicles Parked Adjacent to a Dropped Footway

This contravention occurs when a vehicle is parked alongside a dropped kerb used for access to and from a roadside property or for pedestrians to cross at.

The contravention of parking adjacent to a dropped kerb applies where a vehicle parks on the carriageway next to a place where the footway, cycle track or verge has been lowered to the level of the carriageway (or where the carriageway has been raised to the level of the footway, cycle track or verge) to assist:

- Pedestrians crossing the carriageway;
- Cyclists entering or leaving the carriageway; or
- Vehicles entering or leaving the carriageway across the footway, cycle track or verge (e.g. property driveways).

Parking alongside a dropped kerb etc can cause considerable inconvenience and put vulnerable road users at severe risk. Parking adjacent to a dropped kerb at an access to premises can cause considerable nuisance to drivers trying to enter or leave the premises.

The Highway Code advises drivers “DO NOT STOP OR PARK...where the kerb has been lowered to help wheelchair users and powered mobility vehicles, or where it would obstruct cyclists’ use of cycle facilities... except when forced to do so by stationary traffic”.

In instances where a vehicle parks alongside a ‘tactile paving’ dropped kerb the council’s policy is to issue a penalty charge notice to the offending vehicle, subject to the exemptions listed below.

4.9.1 Exemptions to the Contravention of Parking at Dropped Kerbs (Section 86 of the Traffic Management Act 2004)

- Alighting from a vehicle;
- Vehicles used by the fire, ambulance or police services;
- Where loading or unloading is taking place;
- Vehicles used for waste collection, building works or road works;
- Vehicles parked outside a driveway to residential premises with the occupier’s consent (but see note below);
- Vehicles parked outside a shared driveway to residential premises by, or with the consent of, residents at those premises.
- Where a vehicle is removing an obstruction to traffic,
- Where the vehicle is parked wholly within a designated parking place or any other part of the carriageway where parking is specifically authorised

Note: it is illegal for the owner of a driveway to ‘rent out’ space on the public highway across the driveway entrance. Where there is evidence that the owner’s consent to park across a driveway entrance is based on payment, the vehicle remains liable to the issue of a penalty charge notice.

4.9.2 Driveways to Residential Premises

The council will only respond to a complaint of a vehicle parked outside a single driveway in instances where the complaint has been received from the occupier of the affected premises.

Where there is a persistent problem at dropped kerbs next to private, the Council’s CEOs will issue PCNs to all vehicles including the resident’s vehicle. The PCN will be subsequently be cancelled if the vehicle is registered at the address where it was issued.

4.9.3 Blue Badge Holders

It should be noted that although valid Blue Badge holders may park for up to 3 hours on yellow line restrictions, where it is safe to do so and providing they are not causing an obstruction, they are not exempt from the prohibition of double parking or parking at dropped kerbs.

4.10 Policy for Temporary Suspension of Parking Restrictions

Temporary suspensions of parking restrictions may be considered associated with events where the only safe option is to permit designated public parking for the duration of the event. There are many options that remove the need for the suspension of parking restrictions for example parking availability within a 500 meter walk, car sharing and public transport options. Traffic regulation orders facilitate the regional policy objectives and network management duties of traffic authorities, particularly concerning red route restrictions during peak hours. Consequently public events that seek the suspension of parking restrictions, particularly on red routes, should be held outside peak hours.

The principle of suspension would apply to any event not just religious events. The full cost of the associated traffic management would be charged to the event organizer. The following considerations limit the extent to which the approval of red route suspensions could be recommended.

4.10.1 The Principle of Red Routes

Red Routes have been installed across the West Midlands on strategic routes following DfT approval. The principal benefits used to justify the red routes were journey time benefits to industry and commerce (particularly in the peak hours) together with accident reduction benefits. Several Red Routes such as the A457 Oldbury Road are also bus showcases routes justified by journey time savings.

4.10.2 Consultation Objections & Design Response

When parking restrictions are first implemented consultation representations from centers of community activity are considered. The design proposals are often amended to introduce on-street parking at safe locations during off peak time periods. Parking restrictions may already have been amended from no waiting at any time to operate only on during peak hours on Mon-Fri 7am-10am & 4pm-7pm.

4.10.3 The Combined Authority Strategic Route Network

The majority of the Red Routes in Sandwell are included in Key Route Network defined in the draft order containing the functions to deliver the Devolution Deal including mayoral authority. It is understood that the network management policy for the key route network will pass to the Mayor of the Combined Authority in May 2017.

4.10.4 Major Road Works and Diversion Routes

Major road works and diversion routes will significantly increase congestion on the principal routes in the area. Many of these are Red Routes. There will be a pressing need to mitigate disruption on these roads to alleviate problems for commuters, industry and commerce. Suspension of these red routes to allow peak hour parking may on some occasions be inconsistent with the need to mitigate congestion.

4.10.5 Safety of Suspensions and Cost of Traffic Management

The occasional suspension of parking restrictions on red routes represents a significant change to the normal traffic flow patterns around the suspension. In many instances motorists would need to be warned by appropriate signs. Traffic management may be

required at some locations during the suspension through the use of cones and signs. Charges may apply if significant Traffic Management is required.

4.11 Council Scorecard Priorities

The benefits associated with the parking enforcement policy will assist in meeting the Councils Scorecard Priorities as follows:

- Contribute towards the safety of the children particularly around schools within the borough as well as the disabled;
- Mitigate unsafe, illegal and inconsiderate parking, reducing traffic congestion, whilst maintaining good access and improving safety which will have a positive effect on Sandwell as a good place for local communities and visitors;
- Provide effective enforcement around all our schools and improve the quality of life for communities, including the children, the disabled and the elderly;
- Support the Parking Policy as a key element of the Council's overall Transportation Strategy, for which environmental considerations are an integral element;
- Meeting regional and council priorities for sustainable travel, modal shift and carbon reduction.
- Contribute safe and swift passage of traffic through to neighbouring authorities by reducing congestion on our arterial routes.

4.12 Planning Policy Context

The Black Country Core Strategy (adopted February 2011) contains a number of policies with regard to parking control. These are set out as follows:

The management of the demand for road space and car parking, together with influencing travel choices, is fundamental to achieving the Vision for sustainable communities, environmental transformation and economic prosperity. The policy for managing car parking in centres will also ensure the network of Black Country Centres are maintained and enhanced.

CEN8 - Car Parking in Centres

(a) Pricing

The pricing of parking will not be used as a tool for competition between Strategic Centres. A lower pricing regime may be identified for Town Centres and District and Local Centres.

(b) Type of Parking

The amount and charging of publicly available long stay parking in centres will be managed to ensure a balance between provision of long stay parking and encouraging commuters to use more sustainable modes.

TRAN5 - Influencing the Demand for Travel and Travel Choices Spatial Objectives

The Black Country Local Authorities are committed to considering all aspects of traffic management in the centres and wider area in accordance with the Traffic Management Act 2004.

The priorities for traffic management in the Black Country are:

- The pricing of parking - ensuring that it is not used as a tool for competition between centres;
- The type of parking – ensuring that where appropriate long stay parking is removed near to town centres to support parking for leisure and retail customers and encourage commuters to use more sustainable means and reduce peak hour traffic flows;

4.13 Public Consultation

The views of the following stakeholders groups will be sought when consulting on the parking policy:

- schools
- the police, fire, ambulance and emergency services,
- neighbouring local authorities,
- Statutory undertakers
- the DVLA and the Traffic Enforcement Centre;
- motoring groups and representative organisations
- residents,
- motorists
- the general public.
- socially excluded groups.
- businesses representative organisations
- local businesses and traders
- Freight Quality Partnerships

4.14 Annual Report

The Annual Parking and Traffic Enforcement Service Reports will include the following;

Financial

- Total income and expenditure on the parking account
- Breakdown of income by source (i.e. on-street parking charges, car park charges, parking penalty charges and bus lane penalty charges) Total surplus or deficit on the parking account
- Action taken with respect to a surplus or deficit on the parking account
- Details of how any surplus on the account has been or is to be spent including the benefits that can be expected as a result of such expenditure

Statistical

- Number of higher level PCNs issued
- Number of lower level PCNs issued
- Number of PCNs paid
- Number of PCNs paid at discount rate
- Number of PCNs against which an informal or formal representation was made
- Number of PCNs cancelled as a result of a successful representation
- Number of PCNs written off for other reasons (e.g. CEO error or driver untraceable)
- Number of vehicles immobilised
- Number of vehicles removed

Performance Monitoring

Key Performance Indicator (KPI)	Target KPI
Numbers of informal challenges not responded within 10 working days (extra time added for Bank Holidays and Mandatory council shutdown)	> 95%
% of PCNs cancelled due to CEO error or processing error	> 1.9%
% of PCNs giving rise to formal representations (on issue of NTO)	< 10%
No of vehicles observed in contravention	< 49,000
Complaints by recipients of PCN's successfully refuted by Contractor	> 90%

5. OPERATION OF PARKING AND TRAFFIC ENFORCEMENT SERVICE

5.1 Introduction

Sandwell Council have responsibility for the enforcement of 'on street' and 'off street' parking areas. The necessary powers for Civil enforcement involve the issue of Penalty Charge Notices (PCN's) for breaches of parking regulations. The notices issued are not breaches of the criminal law enforceable through the criminal justice system. The penalties are issued under the civil justice system.

On 31st March 2008, the parking related sections of Part 6 of the Traffic Management Act 2004 were introduced and became effective. This changed the way in which parking enforcement was managed. One of the key changes of the act was the introduction of differential penalty charges to reflect the severity of the contravention. The Traffic Management Act 2004 allows the charges of £70, discounted to £35 for the higher value contraventions (e.g. yellow line no waiting restriction or where parking/waiting or stopping is prohibited), and £50, discounted to £25 for the lower value contraventions (e.g. parked without displaying a valid Pay and Display ticket or where parking is permitted.)

5.2 Civil Enforcement Officers (CEO's)

The Council operates Civil Parking Enforcement in accordance with legislation, statutory guidance and nationally recognised specifications using fully trained and uniformed CEO's who have passes a Criminal Records Bureau check. The uniforms identify Sandwell Council as the enforcement authority together with a personal identity number. They also wear a body camera for safety. Each CEO also carries a photo identity card. In addition to parking enforcement activities the CEO's assist with a range of supplementary local authority duties facilitated by their presence on street.

5.3 Penalty Charge Notices (PCN)

The PCN's are issued by CEO's who are contracted by the Council to carry out 'on street' and 'off street' parking enforcement. The PCN's must be affixed to the vehicle or handed to the person who appears to be in charge of that vehicle. To protect the CEO's from allegations of inconsistency, favouritism or suspicion of bribery, they do not have the powers to exercise discretion. All appeals in relation to the issue of a Penalty Charge Notice are dealt with by the Council's Parking Services Team. This promotes greater consistency in the approach taken to enforcing the traffic regulations.

There are three circumstances in which a PCN may be served by post:

- (i) where the contravention has been detected on the basis of evidence from an approved device;
- (ii) if the CEO has been prevented, for example by force, threats of force, obstruction or violence, from serving the PCN either by affixing it to the vehicle or by giving it to the person who appears to be in charge of that vehicle; and
- (ii) if the CEO had started to issue the PCN but did not have enough time to finish or serve it before the vehicle was driven away and would otherwise have to write off or cancel the PCN. Once a PCN has been issued, the Notice can either be paid or disputed by following the appeal process.

5.4 Payment Details for PCN'S

If payment is made within 14 days of the issue of the PCN, the discounted amount will apply. The day of service of the PCN is counted as day 1 of the 14 day period. If payment is not made within the 14 day period, the opportunity to pay at the reduced amount is no longer available and the full charge becomes due. Payments can be made as detailed on the Council web site (www.sandwell.gov.uk) by:

- Cheque/postal orders (payable to Sandwell Metropolitan Borough Council).
- Post to Sandwell Metropolitan Borough Council, Council House, Oldbury
- Credit/Debit Card,
- Telephone. - Automated payment line 24 hours a day.
- Internet www.sandwell.gov.uk
- Cash Payments ONLY In person at Oldbury Council House.

5.5 The Appeals Process

Where a parking contravention occurs, it is the 'owner' of the vehicle involved who is legally obliged to pay the penalty charge. The 'owner' means the person by whom the vehicle is kept, which in the case of a vehicle registered under the Vehicle Excise and Registration Act 1994 (c.22) is presumed (unless the contrary is proved) to be the person in whose name the vehicle is registered at the DVLA. The only exception to this is where the vehicle was hired from a firm under a hiring agreement and the person hiring it had a signed statement of liability in respect of any Penalty Charge Notice served in relation to the vehicle during the currency of the agreement. If a PCN has been issued to a company owned vehicle, the Notice to Owner (NtO) will be sent to the company listed as the registered driver or keeper of the vehicle.

5.6 Vehicle owners may challenge a PCN at three stages:

5.6.1 Informal

An informal challenge by the driver or owner can be made before the Council issues a NtO. (This does not apply in the case of a PCN issued by post, as the PCN then also acts as the NtO). As a challenge at this stage will be made by the person who has received the PCN, it may be that the person submitting the challenge was the driver of the vehicle, rather than the vehicle's owner. Challenges must be made in writing either by:

- Post. Parking Services, Council House, Oldbury.
- Email. Appeals form, available from: www.sandwell.gov.uk

The PCN number should be included in the challenge along with reasons why the Notice has been incorrectly issued or compelling reasons why the PCN should be cancelled. Where applicable, include supporting documentary evidence to enable the challenge to be fully considered. If the challenge is accepted the case will be closed and payment will not be required. If the challenge is rejected and it was received within 14 days from the issue of the PCN, a further 14 days in which to make payment at the discounted rate will be given. Once the 14 days have expired the full charge will be applicable. If the challenge is rejected and it was received after the 14 day discount period, the full penalty charge will be due.

5.6.2 Formal

If payment is not received within 28 days of the date the PCN is issued or an extended discount period after the rejection of a challenge, the Council will make an enquiry of DVLA to obtain the vehicle owner details. A NtO will then be served requesting payment of the PCN. At this stage the owner has 28 days in which to make formal representations to the Council. The NtO sets out specific grounds on which formal representations may be made. However, representations may also be made on the basis that, in the particular circumstances of the case there are compelling reasons for the cancellation of the penalty charge.

If the formal representation is accepted the case will be closed and payment will not be required. If the representation is rejected the full charge will be applicable and a 'Notice of Rejection of Representation' will be sent.

Statutory grounds on which a formal representation may be made to the Council and where, in the instance of supporting evidence, the PCN is likely to be cancelled:

- The contravention did not occur.
- The recipient has never owned the vehicle in question.
- The recipient had ceased to be the owner before the contravention date or, became the owner after that date. (Proof of sale or purchase will be required. If the vehicle has been sold, the name and address of the person buying the vehicle must also be supplied in order that the Council can redirect the Notice and serve a Notice to Owner to the new owner. It is not acceptable to simply say the vehicle was sold to somebody else without proof. A letter from DVLA confirming you were not the owner at the date of event or from an insurance company showing you were the main policy holder on a different vehicle may assist the Council in making a decision).
- The vehicle was a hire vehicle, on hire under a formal hire agreement. (A copy of a signed hire agreement, which includes the start and end dates will be required).
- The vehicle was parked without the owner's consent. (This does not cover cases such as lending the vehicle to a friend who then parks illegally; or to a vehicle which is parked illegally whilst in the hands of a vehicle repair or service business). If the vehicle has been stolen, the Council will require details of the crime reference number and a written confirmation on letter headed paper supporting the claim or a letter from an insurance company.
- The Penalty Charge exceeded the amount properly due (i.e. the amount is more than you are legally liable to pay – not that you feel the charge is too much).
- The traffic order was invalid (i.e. the Council had not followed the proper statutory steps in making the order). If the basis of the challenge is that the signs or road markings are incorrect, Ground 1 above should be used.

Representations may also be made on compassionate grounds or "compelling reasons" and Councils have a duty to act fairly, proportionately and apply discretion where appropriate. Each case will therefore be considered on its own merits and all mitigating circumstances will be taken in to account.

Mitigating Circumstances which may apply:

- You became unwell while driving or whilst parked. Evidence of having a medical condition that is consistent with the symptoms described will be required.
- The vehicle had broken down. Evidence of breakdown is required such as, an authenticated garage repair/ vehicle recovery bill.
- You were delayed due to unforeseen circumstances and the parking time purchased had expired i.e. detained in police custody. Proof from the Police, including the time of arrest will be required.
- The Pay and Display machine was faulty. This is subject to another Pay and Display machine not being available and our maintenance records supporting the claim.
- A Blue Badge being displayed incorrectly (photo image on display). Copies of both sides of the badge and the full name and address of the badge holder, will be required to check against our records. If a PCN has not previously been cancelled for a similar reason, the PCN will, be cancelled on one occasion.
- The vehicle was on police, fire brigade or ambulance duties. Supporting evidence by a senior officer on letter headed paper is required.
- The owner liable for payment of the PCN is said to have died or the motorist claims to have been recently bereaved. The circumstances will be confirmed by sensitive enquiry.
- Circumstances that fall into the category of a statutory exemption due to provisions within the Traffic Regulation Order.

The above list is not exhaustive and there can be many reasons to take into account when considering challenges or representations.

A PCN is unlikely to be cancelled on the following grounds:

- The parking restrictions are unfair.
- Pay and display ticket / permit not on display.
- You claim to be unaware of the restriction.
- You had gone to get change for a pay and display machine.
- You had only parked for a few minutes.
- You were not causing an obstruction.
- There was nowhere else to park.
- You ran out of fuel (unless due to a mechanical or electrical fault in which case evidence will be required).
- You are a Council Officer or Elected Member attending Council business.
- You were delayed at an interview/meeting or appointment

The above list is by no means exhaustive.

The process of dealing with challenges and representations against the issue of PCN's is well documented and will be carried out in a fair, unbiased and consistent manner. These procedures include the ultimate right of all appellants to refer the matter to an independent arbitrator – The Traffic Penalty Tribunal. To preserve the integrity of these procedures,

they will be managed and carried out by the administration and processing staff in Parking Services and no undue external pressure shall be brought by either Members or senior officers of the Council, designed to unduly influence the decisions by virtue of their position alone.

5.6.3 Appeal to the Traffic Penalty Tribunal

Following a 'Notice of Rejection of Representation', the owner (or hirer, if the vehicle was on hire when the PCN was issued) may, within 28 days from the date of issue of the 'Notice of Rejection of Representation' appeal to the Traffic Penalty Tribunal. The form to make the appeal is included with the Council's rejection letter. The adjudicators have a judicial position and are appointed with the agreement of the Lord Chancellor. They are independent of the Council and their decision is final (subject to their own power to review a decision). The appellant has the choice of a postal decision, a personal hearing at the town or city of his/her choice, from the locations listed on the appeal form, or a telephone hearing. If the appeal is accepted the case will be closed and payment will not be required. If the appeal is dismissed the full penalty charge is payable unless otherwise stipulated.

5.6.4 Charge Certificate

If payment is not received a Charge Certificate may be issued which increases the original charge by 50%. It occurs, not less than 28 days beginning with the date on which:

- The NtO is served and no formal representation has been received;
- A Notice of Rejection of Representation is sent and no appeal is made to the Traffic Penalty Tribunal;
- The adjudicator's decision to dismiss the appeal is served on the appellant.

5.6.5 Debt Registration

If, after 18 days from the issue of the Charge Certificate, payment is not received, the Council will register the debt at County Court. This could ultimately lead to the issue of a warrant which is recoverable through an independent enforcement agent where their fees will also apply.

5.6.6 Discretion

Civil Enforcement Officers have no discretion or authority to allow motorists to park in contravention of any restriction. Civil Enforcement Officers have no discretion or authority to cancel a PCN after they have started to issue it.

5.7 Enforcement of Waiting Restrictions

A vehicle is considered to be parked on a length of restriction if any part of the restriction is below the vehicle or its load (if any). However, a Penalty Charge Notice (PCN) will only be issued if at least a full wheel is on the restriction.

Under normal circumstances, a Civil Enforcement Officers will issue a PCN to any vehicle as soon as he or she is satisfied that a contravention has occurred. This will be after a period of observation to assess whether any of the exemptions apply to the vehicle, such as if any loading or unloading is taking place, or a Pay & Display ticket or visitor voucher for parking in a resident's permit bay is being obtained.

- The observation times currently in use are 5 minutes for yellow lines, loading bays, disabled person's bays, taxi bays, and permit bays. Five minutes are also given to liveried goods vehicles on yellow lines or in loading bays. An Observation period is not a grace period.

A Grace period of 10 minutes is applied in accordance with the Secretary of State's Guidance issued in March 2015, to on-street and off-street parking places provided under traffic orders, whether the period of parking is paid for or free. A PCN can however be issued to a vehicle that is parked unlawfully (e.g. where the motorist has not paid any required parking fee or displayed a parking ticket where required). Grace periods only apply to designated parking places where a person is permitted to park. A road with a restriction (e.g. single yellow line) or prohibition (e.g. double yellow line) is not a 'designated' parking place either during - or outside of - the period of the restriction or prohibition.

In all other cases, since the exemptions do not apply, no period of observation is required, and a Penalty Charge Notice may be issued immediately.

It should be made clear that these periods of observation may be subject to change. They are not a period of time in which parking is allowed even if the exemption does not apply. In certain circumstances, a Civil Enforcement Officer may issue a Penalty Charge Notice without observing the vehicle for the above periods if he or she is satisfied that the contravention has occurred.

5.8 Enforcement for Vehicles Parked Adjacent to a Dropped Footway

This contravention occurs when a vehicle is parked alongside a dropped kerb used for access to and from a roadside property or for pedestrians to cross at. The Policy is detailed in Section 4.9

5.8.1 Specific Penalty Charge Notice Issuing Criteria

Code 27- Parked adjacent to a dropped footway (kerb)

The owner of a private driveway to a residential property may request council enforcement action against obstructive parking. The council requires the complainant to provide relevant information by e-mail to sandwell.permits@APCOA.com (please provide - name, address, contact details and confirm that you are the occupier of the property).

If picking up/setting down of passengers is observed, allowance will be made for the activity to take place.

The vehicle will be observed to ascertain if loading or unloading is taking place. Instant issue of a penalty charge notice will take place after this period if none seen.

Blue Badge holders are not exempt.

5.9.1 Dispensations / Waivers

The Council, through the Parking Control Office, may issue a waiver indicating a dispensation from the parking regulations. A charge is made for issuing a waiver. The waiver will bear the registration number of the vehicle, together with the time and purpose for which the dispensation is granted and the place where the vehicle is authorised to wait.

Applications for waivers will be considered when it is essential for the vehicle to be parked on a restriction, or occupy a space for longer period than permitted in close proximity to adjacent premises, such as to carry out building works or to deposit or collect cash in excess of £1000.

Evidence of the activity to be carried out and the need for parking in the proposed location may be requested before a waiver will be issued.

The vehicle must be parked in accordance with the times, location and for the purpose described on the dispensation; otherwise a Penalty Charge Notice may be issued.

5.10 Temporary Suspension of Parking Restrictions

Temporary suspensions of parking restrictions may be considered associated with events where the only safe option is to permit designated public parking for the duration of the event. The policy is detailed in section 4.10.

5.10.1 Procedure for Suspension

The suspension of parking restrictions on red routes may be considered where necessary to safely accommodate parking for events provided;

- An application is made 6 weeks in advance of the event
- The event is held outside peak hours or
- Evidence is provided to show that the event cannot be held outside peak hours
- Evidence is provided to support the predicted parking demand
- Insufficient unrestricted parking exists within 500 metres.
- It can be demonstrated that the existing parking provision together with public transport and car sharing cannot accommodate the evidenced parking demand.
- The full cost of temporary traffic management is paid 2 weeks prior to the event.

5.11 Suspended Parking Bays

Vehicles must not be parked in a parking bay if the use of the bay has been suspended. This is shown by means of signs within the length of the affected bay, indicating that the use of the bay is suspended. Vehicles parking in suspended Pay and Display or residents' permit bays or limited waiting bays may be issued with a Penalty Charge Notice.

Temporary suspension may also take place from time to time to accommodate events and may result in suspension of parking/stopping on yellow lines may apply. Vehicles parked at locations where such events take place will be issued Penalty Charge Notices to vehicles parked in contravention.

5.12 Disabled Persons

There are special concessions for disabled badge holders and for vehicles belonging to institutions caring for the disabled. The concessions are as follows:

1. Exemption from waiting restrictions shown by yellow lines, for a maximum period of three hours. The vehicle must not be returned to park in the same street within one hour after the period of first parking. Clocks or discs must be set at the time of parking.
2. Exemption from paying charges for leaving a vehicle in a Pay & Display bay
3. Exemption from any time limit imposed on vehicles waiting in a parking place or bay
4. Exemption from the requirement that a period must elapse before a vehicle which has been taken away from a parking place may again be left in the same parking place (this does not apply to yellow lines)

In order for these concessions to apply, the disabled badge must be displayed on the nearside front windscreen or in a conspicuous position on the vehicle with the front of the badge clearly visible, showing the serial number, expiry date and issuing authority. On single or double yellow lines the time clock must also be displayed, set to the time of first parking. There is no need to display the time clock on a single yellow line if the period during which waiting for all other vehicles is prohibited is for less than three continuous hours. Disabled Badge holders are NOT PERMITTED to park in Residents' Parking Bays in Sandwell.

5.13 Bus Only Street, New Street, West Bromwich, other Bus Lanes and Bus Gates

From the 21st November 2016, the Council will operate a Bus Only Street enforcement scheme in New Street, West Bromwich. Due to persistent contraventions the scheme aims to improve pedestrian safety, public transport reliability, journey times and encourage sustainable travel. If you drive illegally in a Bus only street, Bus lane, Bus Gate or Contraflow you may receive a penalty charge notice.

The bus only street is to safeguard pedestrians who use the town square 24 hours of the day. Consequently a Traffic Regulation Order to that effect was approved by Cabinet and objections were considered by the Cabinet Member

Access to the disabled car park is available from Cronehills in accordance with consultation publicity and the Cabinet Report considering objections. The same route is required to be used when leaving the car park which involves turning left out of the car park towards Cronehills Linkway to avoid entering the Bus Gate. Appropriate signs are in place facing the exit.

The council has a policy to cancel Penalty Charge Notice on one occasion for a Blue Badge Holder irrespective of any contravention. Bus Lane Contravention is included in it as "irrespective of any contravention" and therefore notices will not be cancelled if the council have already cancelled a Penalty Charge Notice on previous occasion.

It is more appropriate for Motor cycles to use the ringway as an alternative route rather than the pedestrian town square hence there is no exemption in the cabinet approved Traffic Regulation Order. The Bus Gate does not permit any motorised vehicles except the permitted vehicles. This is to allow maximum safety of pedestrians in a pedestrian zone with large number of pedestrian footfall.

5.13.1 Enforcement

Fixed Automatic Number Plate Recognition (ANPR) cameras mounted on street lighting columns will detect unauthorized vehicles illegally driving in the bus only street and record the footage. This data is transmitted securely and uploaded onto the Council's system. The footage is reviewed by authorized personnel who will identify each contravention recorded on the system and issue a Penalty Charge Notices (PCN) to the registered keeper/owner/hirer of the vehicle.

If a contravention has occurred, a PCN will be sent to the address of the registered keeper/owner/hirer of the vehicle, by post, within 28 days of the date of the alleged contravention. The PCN will be accompanied by photographic evidence of the contravention.

5.13.2 Penalty Charge Notice (PCN)

A £60 charge will apply if a violation occurs. This charge is reduced to £30 if paid within 14 days of the notice date. If the PCN remains unpaid within 28 days this charge is increased to £90. The Council may decide to use CCTV to enforce bus lanes at other locations across the Borough where the restrictions are being contravened.

Permitted vehicles can vary from bus lane to bus lane, so you should check the signs at the start of the lane or bus-only street before entering. The only vehicles allowed to use the Bus Only Street, New Street, West Bromwich are buses, taxis (hackney Carriages Only) and pedal cycles.

Emergency service vehicles are permitted to use the bus lanes in an emergency.

5.13.3 Identification of Bus Only Streets, Bus Lanes and Bus Gates

Bus lanes are marked with a solid thick white line and the appropriate road markings. Bus Only Streets are marked with Bus Gate road markings. Road signs positioned at the start of the Bus Lane and Bus Only Streets stipulate days/times of operation and the restrictions that apply. If the time is not provided on the sign, the bus lane operates 24 hours a day. Intermittent white lines breaking up the solid white line identify an area where vehicles are permitted to cross the bus lane. An example of this is for vehicles turning left to access a side street. Bus gates are defined as short bus lanes which allow buses to make a go where other vehicles are not permitted, or to allow buses to get ahead of the traffic.

Drivers should check the signs at the start of the bus lane or bus-only street before entering to avoid a Penalty Charge Notice. Every driver in Sandwell is responsible for making sure they comply with all traffic regulations. Using Sat-Nav is not an accepted excuse for contravening regulations by entering a bus lane or bus-only street: you will still be held responsible.

6.SCOPE OF ON-STREET PARKING CONTROL AND RESTRICTIONS

The types of parking control within the area of Sandwell are as follows.

6.1 Restricted Streets

A restricted street is one where waiting by vehicles is prohibited during prescribed hours. In addition, there may be restrictions at certain times on loading or unloading.

Yellow lines marked on the carriageway denote the waiting restrictions and yellow kerb markings show where there are restrictions on loading and unloading.

In addition to yellow carriageway markings and yellow kerb markings, time plates are displayed on posts showing the hours during which the restrictions apply, except on double yellow lines, where waiting is prohibited at all times. The signs and lines apply to the side of the road on which they are located - there may be different restrictions on each side of the road.

The restrictions apply to all the highway land from the centre of the road including any verge or footway behind the carriageway. Only land known to be private, such as some forecourts, is exempted from the restrictions.

There are no exemptions from the restrictions on Bank Holidays. Red Routes are also restricted streets and further information on these is given later.

The prescribed hours vary from place to place according to local conditions, and are indicated by two types of carriageway markings.

6.2 Double Yellow Lines

A double yellow line means waiting of vehicles on that side of the road is prohibited at any time during a period of at least four consecutive months. In Sandwell, there are no seasonal reasons for waiting restrictions and double yellow lines therefore apply throughout the year. These are enforceable 24 hours a day, 7 days a week. A time plate is not required.

6.3 Single Yellow Lines

A single yellow line indicates that waiting of vehicles is prohibited at specific times only. The times during which waiting is prohibited will be shown on fixed plates within the length of restricted street.

It is permissible to stop briefly on a yellow line, whether single or double, in order to set down or pick up a passenger, or for the period of time necessary to load or unload goods that is too heavy or bulky to carry a distance from and to the vehicle into or out of adjacent premises. Time to select goods not already pre-ordered or purchased is not included in this period of time.

The vehicle must be essential to the activity to constitute loading and the goods must be sufficiently heavy or bulky as to require the vehicle to be parked close to the collection or

delivery point. There are additional considerations in the case of a driver making commercial deliveries.

6.4 Loading Restrictions

On some streets, or parts of streets it is necessary to ban loading and unloading for varying periods. These bans are only applied on restricted streets and are supported by time plates. The markings are as follows: -

6.5 Double Kerb Marking

The loading or unloading of vehicles on that side of the road is prohibited at all times.

6.6 Single Kerb Marking

The loading or unloading of vehicles on that side of the length of road is prohibited during the times shown on the time plates.

6.7 Parking Places/Bays

A parking place consists of a bay or a number of bays or parking spaces which are indicated on the carriageway by white markings, with double white markings denoting the limits. There will be restrictions on parking in the spaces during the times indicated on adjacent plates.

Pay and Display Parking Places Signs bearing the words "Pay at meter Display ticket" and an arrow pointing to the pay and display machine indicate these parking places.

Any motorist is permitted to leave his or her vehicle in these parking places if he or she obtains a ticket from the ticket machine and displays it so as to be readily visible to a Civil Enforcement Officer.

The ticket must be face-up, so that the purchase details including the expiry time can be read.

There will be a maximum time allowed for parking in a Pay & Display bay and a minimum period which must have elapsed before a vehicle may return to park again in the same bay.

The details will be shown on the plate on the Pay & Display machine. Further tickets must not be purchased to extend the time paid for, after initially parking, beyond the total maximum waiting period allowed.

Drivers must check that all the coins they have entered into the machine have been registered before pressing the button to purchase a ticket. The amount is shown on the display on the machine. They should also check the expiry time printed on the ticket.

A Penalty Charge Notice may be issued if the vehicle remains parked after the expiry time, although a grace period of 10 minutes will be given by Sandwell Council in accordance with statutory guidance issued in March 2015

A driver must seek an alternative pay machine to purchase a ticket in the event the nearest one is out of order.

6.8 Limited Waiting Bays

Parking in these is free. However, the time for which a motorist may stay and the period which must have elapsed before he or she can return to park again in the same bay are shown on the adjacent sign.

A grace period of 10 minutes will be given by Sandwell Council after the maximum waiting time has been exceeded before a Penalty Charge Notice is issued.

6.9 Residents' Parking Places

Parking places for residents' vehicles only are indicated by signs bearing the words "Resident Permit holders only".

Residents who use these facilities must obtain a permit from the Council and display it on their vehicles. The parking places may be reserved for residents' permit holders at all times, or at specific times or days only. Details will be given on plates within the length of the parking place.

Each Resident Scheme is unique and qualification of permit entitlement will be dependent on the number of available spaces within each zone.

Any permits required for company vehicles or commercial vehicles that may be registered at a residential address will have to purchase a Business permit.

6.10 Resident Zone

Conditions are the same as for the Resident Parking Scheme. However, there are no road markings and the signs are displayed facing the oncoming traffic.

SPECIALISED PARKING PLACES

6.11 Doctor Parking Places

Parking places for doctors' vehicles only are indicated by signs bearing a "P" symbol and the legend "Doctor Permit holders only". The parking places will be enclosed by a broken white line and will be marked with the word "DOCTOR" on the carriageway.

6.12 Solo Motor Cycle Bays

In some streets a space may be set aside for the parking of solo motor cycles, and the bay will be marked on the carriageway with the words "Motor Cycles".

6.13 Disabled Badge Holder Parking Bays

Parking bays reserved for vehicles displaying a disabled person's badge are indicated on the carriageway by white markings denoting the limits of the bay and the word "Disabled". There is an adjacent sign on the footway bearing the "P" and Disabled Persons symbol and the legend "Disabled Badge Holders only".

The sign will give information on the times at which the bay is reserved for vehicles displaying a disabled person's badge. Vehicles must display a Blue Badge obtained from a local authority during these times. The sign will usually also specify a maximum period of waiting which applies to vehicles displaying a valid blue badge. A grace period of 10 minutes will be given in accordance with statutory guidance issued in 2014

6.14 Disabled parking bay or 'H' bar marking outside your house (not enforceable)

A disabled parking bay is a road marking placed on street outside your home if you do not have off street parking. It does not guarantee a parking space for you or the disabled person in your household but is simply a visual reminder to other drivers that the space is needed by a person with mobility difficulties.

An 'H' bar road marking is a road marking, shaped like an elongated 'H', placed to discourage other drivers from parking across and obstructing access to your driveway via a properly constructed pavement crossing (dropped kerbs).

Applicants for a disabled parking bay/'H' bar marking must hold a Blue Badge, though they do not have to drive a vehicle. The keeper of the vehicle used by the disabled person and the blue badge holder must live at the application address. Evidence will be required during the application process. To apply, find out more information and current charges search for "Sandwell - Apply for a disabled parking bay or 'H'-bar markings"

The road markings are purely advisory and not legally enforceable by either the council's Civil Enforcement Officers or the police.

You can apply for a disabled parking bay outside your house provided the following conditions are met:

- The keeper of the vehicle used by the disabled person and the blue badge holder live at the application address
- There is no off-street parking available (e.g. garage, driveway or rear access)
- Parking close to the application address is difficult to find on a regular basis
- The parking bay would not cause a safety hazard to other road users
- Parking outside the applicant's property is not restricted (e.g. yellow lines)
- The parking bay is not on or near a junction
- The parking bay markings do not conflict with other road markings
- There is enough space for a parking bay outside the applicant's property. Exceptionally, other locations may be considered but will be subject to local consultation first.
- The parking bay will not overlap a neighbouring property

You can apply for an H Bar outside your house provided the following conditions are met:

- The keeper of the vehicle used by the disabled person and the blue badge holder live at the application address.
- The applicant's property has a properly constructed pavement crossing (e.g. dropped kerbs).
- The applicant's property has a driveway or garage where the car is kept clear of the highway (pavement).

- Access to the driveway is difficult due to regular parking near the pavement crossing.

In the event an application is refused, the applicant will be advised of the reason(s)

The application fee is non-refundable

If your application is approved, the work will be carried out as soon as possible – this type of work is subject to good weather

If a person with a disabled parking bay is not awarded the renewal of a Blue Badge, or hands it in for some reason, or moves house, or passes away, please let us know so that the marking can be removed

A disabled parking bay will not be marked to tailor-fit specific vehicles

A disabled parking bay/'H' bar will not be provided for use by friends, relatives or ambulances when they collect a disabled person from their home

An 'H' Bar marking will only be marked from the point where the kerbs taper down

6.15 Taxi Bays

Taxi parking bays are indicated on the carriageway by yellow lines denoting the limits of the bay and marked with the word "TAXIS". There will be a time plate saying that no waiting is allowed except for taxis. This may be at any time or at specified times only.

6.16 Loading Bays

Loading bays are bays reserved for parking in order for loading or unloading to be carried out. They are indicated on the carriageway by white lines denoting the limits of the bay and marked with the words "Loading only". There will be an adjacent sign also saying "Loading only" and the times at which the restriction applies. Blue Badge holders are not permitted to park in loading bays.

6.17 Shared Use Bays

These are bays that will allow vehicles not displaying a residents' permit to park at certain times for a limited period, as for limited waiting bays. The details of when they may do this will be shown on time plates. At other times, no-one may park without displaying a valid permit.

These bays are also available for use by displaying a valid resident's permit or by displaying a Pay & Display ticket. The times at which this applies will be shown on time plates.

RESTRICTIONS FOR BUSES

6.18 Bus Stop Clearways

A single thick yellow line, a yellow bay marking and the words "BUS STOP" in yellow on the carriageway indicate a restricted bus stop. On posts adjacent to the bus stop or on the bus shelter are time plates bearing a "no stopping" symbol, the words "no stopping except buses" and the times at which the prohibition applies. This is usually at any time, but may be for a lesser period. There are no exemptions for loading or unloading, or for picking up or setting down passengers.

Buses are not permitted to use Bus Stops as Stands. Penalty Charge Notices will be issued to Buses that uses the Bus Stops as Stands.

SCHOOL ENTRANCE RESTRICTIONS

6.19 School Keep Clear markings

A yellow zig-zag line and the words "School Keep Clear" in yellow on the carriageway indicate an area outside a school entrance where no stopping is allowed during the times on the signs on either side of the marking. There are no exemptions for loading or unloading, or for picking up or setting down passengers.

6.20 Pedestrian Crossing Zig-Zag Areas

No stopping is allowed on a zebra or pedestrian crossing including the areas marked by white zig-zag lines. There are no exemptions for loading or unloading, or for picking up or setting down passengers.

The Police may also issue a Fixed Penalty Notice to a vehicle parked in these areas, and this remains an endorsable offence.

OTHER PARKING RESTRICTIONS

6.21 Heavy Goods Vehicles Parked on Verges or Footways

Heavy goods vehicles which exceed 7.5 tonnes maximum gross weight must not park on a verge or footway. There are no signs or lines required to show that this is so, and this applies nationally.

6.22 Vehicles Double Parked or Away From the Kerb, Causing a hazard or Obstruction

The Traffic Management Act 2004 gives local authorities operating civil parking enforcement the power to issue a Penalty Charge Notice to any vehicle parked more than 50cm from the kerb. In Sandwell this will only be done if the vehicle is double parked outside a parking bay adjacent to the kerb, or if the vehicle is parked towards the middle of the road so that it causes a hazard or obstruction to traffic.

6.23 Clearways and Red Routes

Clearways and Red Route Clearways are marked by signs bearing the "no stopping" cross. No stopping is allowed and there are no exemptions for loading or unloading, or for picking up or setting down passengers.

Red Routes which are not Red Route Clearways are marked with the usual markings associated with no waiting, limited waiting, loading only, permit or other specific parking purpose only, except that the markings are in red instead of yellow or white.

Where the type of marking would normally denote no waiting, there is no stopping and the exemptions for loading or unloading, or for picking up or setting down passengers do not apply, except in the case of a disabled passenger in a vehicle displaying a valid Blue Badge.

Signs are not required to accompany with Double Red Line Restrictions

6.24 Restricted Zone

Restricted Zones use vertical signs to restrict parking with no yellow line markings. The signs are displayed facing the motorists. Waiting or loading is not permitted except in marked bays.

Blue Badge holders are not permitted to park in Restricted Zones.

6.25 Reviews of Traffic Regulation Orders

Sandwell Council undertakes regular and continued review of all its Traffic Regulation Order (TRO) to ensure that they are fit for purpose. The statutory process and the updating of such TRO can take up to 18 months.

In the event there is a requirement to fulfill conditions attached with a planning application then a fee will be charged in addition to any planning fees that are applicable. Fees for completing the work will not be refunded should the TRO be not approved by the Cabinet Member.

All requests for Traffic Regulation Orders from general public, businesses or Elected Members will be required to be in writing giving reasons and they will be subject to approval from the cabinet member.