

Report for Resolution

Report to Norwich Highways Agency Committee
26 March 2009

Report of Head of Asset and City Management

Subject Changes to Policy regarding observation periods prior to
issue of a penalty charge notice

Item

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Purpose

To seek guidance for the change to the Norwich City Council enforcement policy on observation times for loading/unloading on single and double yellow lines.

Recommendations

That the Committee approves the following changes to the City Council's De-criminalised Parking Enforcement Policy regarding observation periods, prior to issue of a penalty charge notice:-

- (1) that the observation periods are 5 minutes for private vehicles and 10 minutes for commercial vehicles;
- (2) that on classified routes in and out of the city, the Civil Enforcement Officers are granted discretional powers to issue instant penalty charge notices where parking restrictions exist;
- (3) that the policy to issue instant penalty charge notices is extended to areas outside schools where parking restrictions exist to assist with the work being undertaken to encourage reduced use of cars in these areas.

Financial Consequences

The financial consequences of this report are potential increase in the number of Penalty Charge Notices issued.

Strategic Priority and Outcome/Service Priorities

The report helps to meet the strategic priority "Strong and prosperous city – working to improve quality of life for residents, visitors and those who work in the city now and in the future" and the service plan priority to maintain traffic flows in to and out of the City.

Contact Officers

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Background Documents

None

Background

1. Changes are recommended to the current De-criminalised Parking Enforcement Policy due to increasing abuse of the periods of grace given by the current 'observation times', and the inappropriateness of observation times in particular circumstances such as where parking causes congestion at peak times on main routes in and out of the city.
2. The observation times for loading/unloading are within the remit of the council's to decide. The current policy is to allow 5 minutes for private and 20 minutes for commercial vehicles. The Civil Enforcement Officer (CEO) has to observe the vehicle constantly during this period to determine whether there is activity that would constitute loading or unloading, and only after this period where no activity is apparent can a penalty charge note (PCN) be issued.
3. Using data obtained from elsewhere, the usual approach is to allow 5 minutes for private and 10 minutes for commercial vehicles. There are also policies in use that enable the observation time to be zero in particular circumstances. (Further details of other local authorities' approach is set out in paragraph 6 below.)
4. There has been an increase in the number of indiscriminate parking taking place on priority routes in to the City, on single and double yellow lines. The Council's De-criminalised Parking Enforcement Policy at present is to observe for loading/ unloading for 5 minutes for private vehicles and 20 minutes for commercial vehicles. This policy encourages inappropriate parking and hence obstruction to traffic.

Traffic Management Act 2004

5. Traffic Management Act 2004 Department of Transport Operational Guidance to local authorities states:-

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Observation periods

8.48 CEOs need to observe a vehicle for a time to ascertain whether certain Contraventions are taking place. How long depends on the type of contravention. Authorities need to set these observation periods and make sure that their CEOs follow them. In the interests of open government, authorities may wish to publish the observation periods. Neighbouring authorities covering a continuous urban area should consider setting the same observation periods, as drivers may not know exactly where one local authority area ends and another starts.

8.49 There are two types of observation: casual and continuous. For casual observation, the standard procedure is for the CEO to note vehicle details when they first see a possible contravention taking place and to return a short while later or at intervals to see whether there is any sign of loading or unloading. If not, the CEO will issue a PCN.

8.50 For continuous observation, the standard procedure is for the CEO to note the vehicle details when they first see a possible contravention taking place and stay next to or near the vehicle, keeping it in sight at all times, for a set period (usually at least five minutes) to see if there is any sign of loading or unloading. If not, the CEO will issue a PCN.

8.51 A period of continuous observation, without any sign of the activity, provides better evidence that loading or unloading was not taking place. However it should not be considered conclusive proof, even after a relatively long observation period, as there are circumstances which could prevent the CEO from seeing the loading or unloading. Casual observation allows the CEO more freedom of movement and lets them cover a larger area, which may be more useful at busy times.

8.52 An observation period is not a grace period. A grace period is a period of time where a contravention is taking place but the authority chooses not to enforce.

Benchmarking

6. Other local authorities policies are:-

- Colchester: 5 minutes observation for private vehicles, 10 for commercial.
- Brentwood: 5 minutes private, 20 minutes commercial
- Basildon: 5 minutes whether private or commercial, however the CEO's do have discretion to issue instant PCN's under certain circumstances. E.g. close to newsagents, fast food outlets, cash machines. If they do issue under these circs then they wait for the driver to return and make notes to confirm what the driver was carrying, eg small amounts of shopping etc. They also explain to the driver that the PCN was issued because they were not actually loading as such.
- Clacton: Always issue instant PCN's, unless signs of loading are apparent, even with commercial vehicles. They argue that the whole point of yellow lines is so that people don't park there.
- West Sussex: 5 minutes private, 10 minutes commercial.
- Worthing: 5 minutes private, 10 minutes commercial.
- Kennet: 5 minutes private, 10 minutes commercial.

Conclusion

7. It is therefore proposed that the observation periods remains at 5 minutes for private vehicles and that the observation period for commercial vehicles is reduced from 20 minutes to 10 minutes.
8. Officers also recommend that on the classified routes in and out of the city, the CEOs have discretion to issue instant PCNs where parking restrictions exist. They would do this where short term parking causes traffic problems, typically by money machines, newsagents and so on.
9. An additional recommendation is that this instant PCN policy is extended to areas outside schools where parking restrictions exist to assist with the work being undertaken to encourage reduced use of cars in these areas.

References:-

Parking Policy

Traffic Management Act 2004 www.dft.gov.uk/parkingenforcepolicy.pdf

