

Thurrock Council
Parking enforcement strategy
February 2024

Version control

Version	Date	Amendments made and person responsible
1.0	February 2022	New Parking Enforcement Strategy
1.1	April 2024	Amended to include MTO legislation and reference to new CoP for MTO enforcement (Michael Dineen)

Contents

1. Introduction and context.....	4
2. Areas of legislation.....	5
3. Parking enforcement.....	6
4. Penalty charge notices.....	8
Figure 1 – flowchart showing the process for PCNs (Non-Moving Traffic Contraventions)	10
Figure 2 – flowchart showing the process for PCNs (Moving Traffic Contraventions)	11

1. Introduction and context

The Parking Enforcement Strategy sets out the council's strategies for enforcing parking offences within the borough.

It is a sub-strategy to the Thurrock Parking Strategy and contributes to the council's objectives of delivering a safe environment for residents in the borough through its impact upon mode choice for journeys and obstruction to flow of traffic, cyclists, and pedestrians.

Thurrock parking policy and strategy

The Enforcement Strategy should be read in conjunction with the overarching **Parking Policy and Strategy**, with the **Parking Design and Development Standards** and **Highway Maintenance Strategy** also being components of the suite of documents.

The **Parking Policy and Strategy** document sets out a review of existing national legislation and polices, consideration of proposals for an update of local parking policies, the current parking situation, managing future demand, next steps and – in Appendix A of the Parking Policy and Strategy – a proposed parking strategy action plan.

The **Parking Design and Development Standards** set out the parking design standards and the parking development standards that are applicable throughout the borough.

The **Parking Enforcement Strategy** sets out the strategies for enforcing parking policies within the borough.

Purpose of the parking strategy

The purpose of the Parking Strategy is to:

1. assist planning officers in determining appropriate standards for new developments.
2. advise members of the public in a readily comprehensible manner.
3. assist intending developers in preparing plans for the development of land.
4. expedite the determination of planning applications by ensuring that applications submitted include an appropriate level and location of car parking provision that also contributes to the public realm.
5. ensure new development incorporate seamlessly emerging vehicle technologies, such as electric vehicle charging facilities.

The lack of a formally adopted Parking Strategy can lead to confusion and inconsistency in the application of standards relating to planning applications, parking controls and enforcement. It is therefore important to ensure that a Parking Policy and Strategy and supporting documents are up to date and relevant in terms of overall national and council policy and objectives.

Structure of this document

The remainder of this document:

- sets out the legislative background to parking enforcement

- defines the meaning of parking
- describes what, why, how, where and when we enforce parking
- describes the process of issuing, paying and appealing Penalty Charge Notices

2. Areas of legislation

This section of the strategy identifies parking legislation policies and standards at regional and local level. The policy review identifies key focus areas to ensure the Enforcement Strategy aligns with regional and local aims and objectives.

Definitions of kerbside activity

In law, there are three kinds of kerbside activity:

- **stopping**
- **loading**
- waiting – usually called **parking**

The restrictions on each of these activities is often different and can vary from authority to authority:

- **stopping** is a short-term stop on the side of the road, typically to let someone in or out of a vehicle – unless it is specifically prohibited through a Clearway, Yellow box junctions, No Stopping or Red Route signs, stopping is normally allowed, even when parking is not allowed.
- **loading** is defined as the loading or unloading of goods from a vehicle on the roadside to adjacent premises – typically, this is done using a goods vehicle (a van or lorry) but can also be from a car.
- **parking** is defined as a longer-term stop on the roadside which is neither a stop nor for loading – the driver may or may not remain with the vehicle.

This document describes our enforcement of parking.

Traffic Management Act 2004

The Traffic Management Act (TMA) 2004 is a key piece of legislation for parking management. The TMA requires that arrangements should be based on the principles of fairness, consistency, and transparency.

Part 6 of the Act enables the consolidation, by making regulations, of civil traffic enforcement legislation covering parking, bus stands and school keep clears.

The Act extends the scope for local authorities to take over enforcement of traffic contraventions from the police and be granted civil enforcement powers to cover several parking offences.

The Act enables Authorities outside of London, to issue parking penalty charge notices by post, use CCTV cameras to detect parking/moving traffic contraventions, and issue penalty charges for parking within the area of a pedestrian crossing.

The Act also creates specific offences to deal with double parking and parking at dropped footways within a local authority civil enforcement area.

Regulations to be made under the Act will enable authorities to challenge the validity of statutory declarations so they cannot be used as a way of avoiding payment of parking penalty charges.

Section 87 of the Act enables the Secretary of State and the National Assembly for Wales to publish statutory guidance to local authorities about any matter relating to their civil traffic enforcement functions, which may be conferred on them under Part 6 of the Act. In exercising those functions authorities must have regard to any such guidance. This is particularly important to ensure that enforcement is carried out in a fair and reasonable manner.

To reduce abuse of the Blue Badge scheme, which gives parking concessions to disabled people, Section 94 of the Act gives local authority Civil Enforcement Officers the power to inspect Blue Badges. The inspection powers were introduced in September 2006 and updated in 2014 whereby the badges can be confiscated if deemed to be used fraudulently.

Section 95 of the Act gives local authorities the additional freedom to spend surpluses from the on street parking account on local environmental improvements as well as parking facilities, road improvements and provision of public passenger transport services. This came into effect in October 2004.

3. Parking enforcement

This section explains how and where we enforce parking in Thurrock.

Why we enforce

We are responsible for enforcing parking, loading and waiting restrictions and moving traffic offences in the borough. The main reasons for enforcement are to:

- encourage sensible and legal parking
- reduce traffic congestion on our roads
- make our roads safer for drivers, pedestrians, motorcyclists, and cyclists
- support town centres by encouraging commuters and other drivers to use long-stay car parks, freeing up short-stay spaces
- help Blue Badge users by keeping disabled parking spaces free for their proper use.
- allow buses and service vehicles to operate more effectively
- improve the general environment

Where we enforce

Our team of Civil Enforcement Officers – previously known as parking attendants – are on patrol across Thurrock and also deployed to support CCTV enforcement.

Using the resources available, they enforce regulations for:

- on-street parking
- pay-and-display car parks
- moving traffic contraventions

Our Civil Enforcement Officers work 7 days a week throughout the borough. Different areas will be prioritised in response to feedback from the public. The council also utilise CCTV enforcement.

The enforcement team works together with the council's Schools Liaison Officer to identify problem areas around schools and respond accordingly.

What we enforce

When a motorist parks or drives a vehicle in contravention of the regulations, we may issue a Penalty Charge Notice. They can be issued for:

- parking in areas where waiting or loading restrictions are in force – restrictions normally apply to the entire width of the road, including verges and pavements
- parking at a pay-and-display ticket machine space without paying the correct amount and clearly displaying the ticket
- parking for longer than the period for which you have paid
- making a subsequent payment for parking in the same space for longer than originally paid for ('meter feeding')
- returning to the same parking place within the prescribed time
- parking in specially reserved bay – for example, a loading place, disabled bay, resident bay, taxi rank – without authorisation
- parking at a bus stop during prohibited hours
- stopping in a restricted area outside a school
- moving traffic contraventions

When we enforce

Civil Enforcement Officers currently operate during the day and evening, which aims to address HGV parking issues. Out of hours enforcement is also carried out to target specific issues as required. Our hours of operation reflect the key times enforcement is needed in the borough.

Reviews are undertaken to ascertain any benefits from more regular enforcement.

For most areas, including single yellow lines, our Civil Enforcement Officers will apply a five-minute observation period, to:

- allow for drivers obtaining or paying for a valid ticket
- observe whether a vehicle is loading or unloading rather than parked

To enforce on dropped kerb access to properties, we require evidence of the obstruction from residents.

The council issues instant Penalty Charge Notices if a vehicle is:

- parked where loading/unloading is restricted
- parked on double yellow lines
- parked on a 'Keep Clear' marking outside a school
- parked on white zig-zag markings

We also enforce eligible moving traffic offences within Thurrock, following the Thurrock CCTV enforcement codes of practice that govern this type of enforcement.

What we do not enforce

The council has no jurisdiction to enforce:

- roads not covered by a restriction
- private land
- obstructions – enforced by the police

Civil Enforcement Officers do not deal with:

- parking appeals
- issuing permits
- abandoned or untaxed vehicles
- vehicles parked on the footway unless there are yellow lines in place
- vehicles parked on grass verges unless there are yellow lines in place
- vehicles causing an obstruction unless there are yellow lines in place

Currently the borough does not have a full Traffic Regulation Order (TRO) in place for enforcing restrictions in bus lanes. TROs are in place for taxi ranks.

The police presently enforce footway parking as obstruction, unless there are restrictions in the road which can be dealt with by the Civil Enforcement Officers.

Parking charges

Public parking charges are at www.thurrock.gov.uk/car-parks and www.thurrock.gov.uk/fees.

Charges are reviewed annually. Any changes to permit charges will be subject to consultation with residents affected.

4. Penalty charge notices

Parking operations

Thurrock Council is responsible for enforcing parking, loading and stopping restrictions in the borough. Contraventions of these restrictions are not criminal offences and are enforced through the issuing of Penalty Charge Notices (PCNs).

The process governing the issuing and appealing PCNs is governed by the Traffic Management Act 2004.

If you park illegally, you may be given a PCN. The charge imposed will be either:

- **£70** for a serious contravention
- **£50** for a less serious contravention
- **£70** for a moving traffic contravention

You will get a 50% discount if you pay within 14 days (21 days for PCNs issued in connection with moving traffic contraventions) and a Civil Enforcement Officer issues the notice.

If you do not pay within 28 days, the council will issue a further notice.

If you receive a Penalty Charge Notice (PCN) that you feel is unfair, you can challenge it by making a Representation.

If the council accepts this, then the case will be closed, and you will not have to pay. If this Representation is rejected, then the notice will be reissued. You are still able to appeal to the Traffic Penalty Tribunal.

If you do not pay within a further 28 days, then the council will issue a Charge Certificate increasing the amount payable by a further 50% on top of the original fine.

More information about challenging a PCN can be found at:

www.thurrock.gov.uk/parking-enforcement/challenging-penalty-charge-notice

The Figure 1 flowchart on the following page shows the process for PCNs, as described above.

The Figure 2 flowchart identifies the slight difference for Moving Traffic Contraventions, in which there is a 21-day reduced payment period, and not the 14 days for other PCNs.

Annual summary

The Thurrock Council Annual Parking Report gives more details of the number of PCNs issued, the revenue raised and the costs of enforcement. Go to:

www.thurrock.gov.uk/parking-enforcement/parking-documents-reports-and-auditing

Figure 1 – flowchart showing the process for PCNs (Non-Moving Traffic Contraventions)

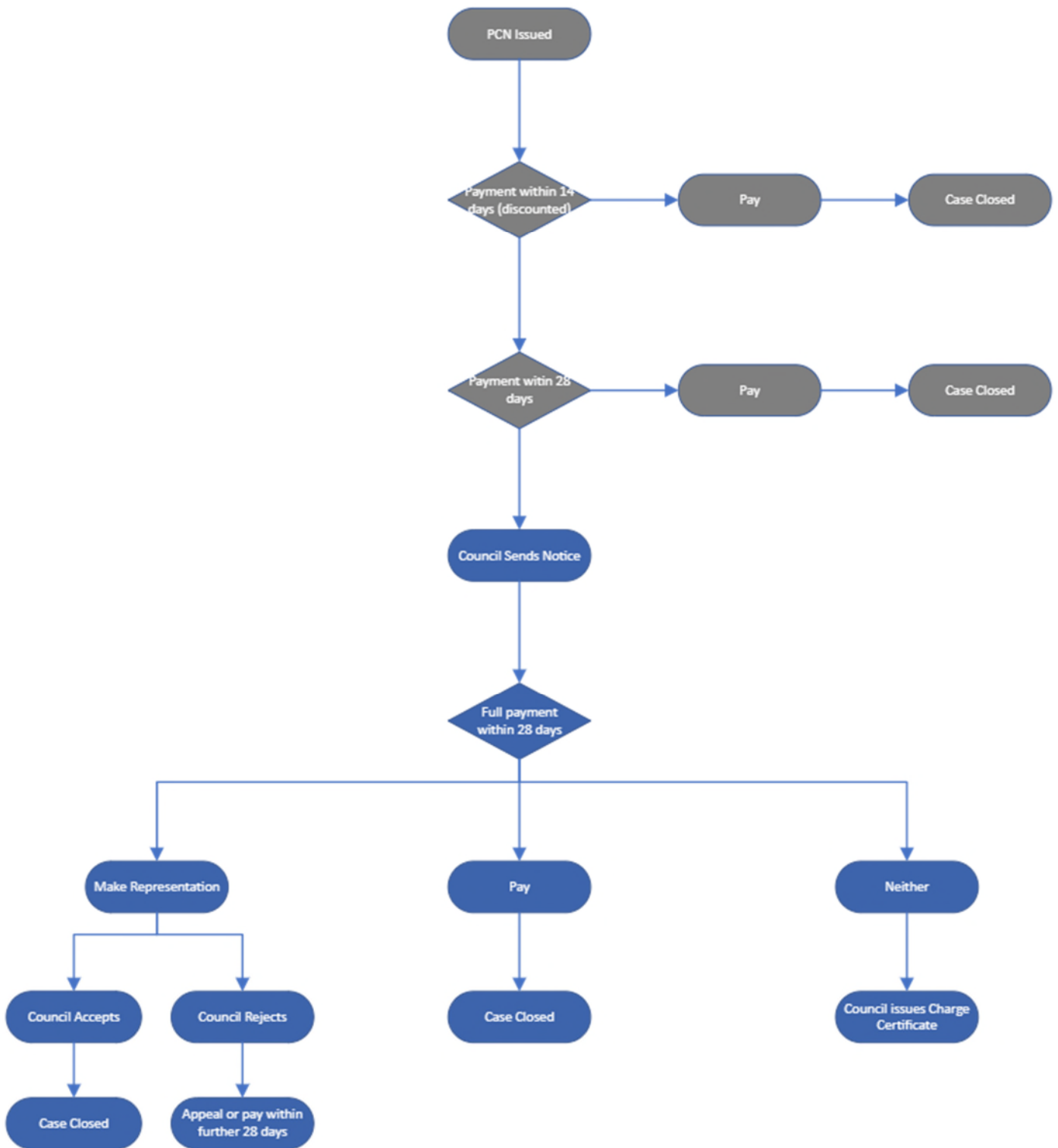


Figure 2 – flowchart showing the process for PCNs (Moving Traffic Contraventions)

