

Leeds City Council



A-Z of Parking

INDEX OF CONTENTS

ITEM	PAGE NO
Abandoned Vehicles	4
Arrests	5
Bailiffs	6
Bank Holidays	7
Bank Visits	8
Banks and Building Societies	9
Bankrupts and Liquidations	10
Blocked Access	11
Broken Down Vehicles	12
Bus Lanes	15
Bus Stops	16
Cabs and Mini Cabs	17
Clamping	107
Coach Parking Provision	19
Complaints Against Civil Enforcement Officers	20
Controlled Parking Zone (CPZ)	21
Council Officers On Duty	22
Court Attendance and Delays	23
Delivery and Collection, Loading and Unloading Of Goods	24
Dental & Doctors Appointments	27
Disabled Motorists/Passengers	28
Dispensations - In General	30
Dispensation Scheme	31
Dropped Kerbs or Footways	108
DVLA Inconsistencies	33
Early Issue Of PCNs	34
Electricity Companies	35
Exemptions and Cancellations Policy	36
Exempt Vehicles	39
Funerals and Weddings	41
Garages (Vehicles Left For Attention)	42
Gas Companies	43
Glaziers	44
Going For Change	45
Government Departments	46
Grace Periods	47
Hazardous Chemicals/Substances	48
Hire Agreements	49
Holidays (Requests For Evidence)	51

Hospital Car Service	52
Hospital Visits	53
Landlords LLAS Business Permit Scheme	54
Leeds City Car Club (formerly WhizzGo)	102
Legislation Queries	56
Lost Keys	57
Machines Not Working	58
Mandatory and Advisory Parking Bays	59
Mitigating Circumstances	60
Motorcycle Bays	61
Non-Mitigating Circumstances	62
Notes In Vehicles	64
Notice to Owner (NtO)	65
Off Street Car Parks	67
Park and Ride	69
Patients Visiting Doctors	70
Pay and Display Bays	71
Payments	72
Pedestrian Precincts	73
Permits	74
Plumbers	76
Police Officers On Duty	77
Police Officer/Civil Enforcement Officer Gave Permission To Park	78
Post Office Vehicles	79
Pregnancy and Mothers With Young Children	80
Private Property	81
Restricted Hours	82
Road Signs and Markings (Missing/Obscured/Broken)	84
Schools	88
Security Vans	89
Skips	90
Stolen Vehicles and Keys	91
Suspended Bays - General	92
Suspension Scheme	94
Taxis, Ranks and Stands	95
Tradesman's Permitted Parking Scheme	96
Unauthorised Movement Of Vehicle	97
Vandalised Vehicles	98
Vehicles Left Unattended to Gain Access	99
Vehicle Not At Scene	100
Visitors To This Country	101
Wrong Machine Used	103

ABANDONED VEHICLES

Abandoned vehicles obstruct roads and pavements and they look unattractive. They may also be dangerous as they can encourage vandalism or arson. The fire brigade has to go to hundreds of deliberate car fires in Leeds every year. Police research shows that abandoned vehicles are also linked to other criminal activity. About 3000 vehicles are removed from the streets of Leeds every year and this costs hundreds of thousands of pounds.

Our highways enforcement team deal with untaxed abandoned vehicles. They work closely with West Yorkshire Police and the government's Driver and Vehicle Licensing Agency (DVLA) to find out if a vehicle has been abandoned. If they can't find the owner, our contractor will remove the vehicle as quickly as possible. The car or van will be destroyed but most of the parts are recycled.

If you see an abandoned vehicle, check whether it is taxed. If it is, the council cannot get involved you should contact the DVLA on 0870 240 0009. If the vehicle is untaxed, you can ring the Leeds City Council contact centre on 0845 124 0113 Monday to Friday between 08:00am and 18:00pm. Please be aware that Monday morning is the busiest time at the call centre. You can also report abandoned vehicles to the police on 0845 606 0606.

ARRESTS

GENERAL

If a person has been arrested and is unable to return to their vehicle, an exemption will apply.

The following must be documented:

- Time and date of arrest
- Police station
- Custody number
- Arresting officer

DRINK DRIVING

If the motorist of the vehicle has been arrested by the police and the vehicle has been left in contravention of the regulations, the PCN should not be enforced unless the motorist had ample time (at least 12 hours after being released from custody) to remove the vehicle.

In all case of arrest claims, the motorist should be asked to provide the date and time of arrest, the custody number, the police station involved and the name of the arresting officer.

The relevant police station should be contacted to substantiate the information given by the motorist before the PCN is cancelled.

This also applies in cases where a person has been to visit a doctor or a hospital and is subsequently detained and sectioned under the Mental Health Act. The PCN should be cancelled after confirmation is received from the GP or doctor concerned.

BAILIFFS

Bailiffs are agents of the court and perform many functions. Executing warrants is the function that is likely to require their vehicles to be parked for any length of time and this is when they are most likely to receive a PCN.

Warrants of Execution are Court Orders for the collection of money or goods of sufficient value to produce the required amount. The bailiff will always have a vehicle nearby as they may have to remove goods from the property to cover the value of the warrant they are enforcing.

They do not need a vehicle nearby for their other activities i.e. if they are serving a summons or serving a Warrant (not actually enforcing it).

Bailiffs carrying out orders of the court are not exempt from the legislation and an official badge of identification should be displayed in the vehicle. However, when they are taking goods or high values in cash, discretion can be given, where it appears reasonable.

Once a bailiff has seized goods, they have to be listed before the bailiff leaves the premises and this can take some time. In these circumstances we should ask for a warrant number identification, confirmation of the nature of the goods seized and the address from which they were taken before cancelling the PCN.

Where it is known that extensive and time-consuming loading/unloading is to take place, a dispensation should be obtained from the council in advance to cover parking. (Please see the section entitled Dispensations for more information).

Any situation not contained within these parameters should be referred to the Parking services office for advice on 0113 395 2023.

Leeds Policy:

There is no general exception for bailiffs' vehicles. If this is claimed, they may be able to claim an exemption for loading. The following information will be needed:

- Warrant number
- List of goods

BANK HOLIDAYS

APPLICABLE RESTRICTIONS

Legally, waiting and loading restrictions (as indicated by yellow lines on the carriageway) are in force throughout the year, including bank holidays. It is up to each individual council whether or not they enforce other restrictions (permit or pay and display bays for example). Motorists are recommended to check the local TRO if in any doubt.

In Leeds, controls are not enforced in some permit bays, pay and display bays or shared use bays on bank holidays.

Unless there is a 24 hour waiting restriction (double yellow line) or loading / unloading restriction (double kerb markings), Leeds City Council will not normally enforce waiting and loading restrictions on a bank holiday.

In view of this, any PCN issued on a bank holiday is upheld, unless it falls into the normal criteria for cancellation. Prior to making a decision, the service instructions for each bank holiday are checked.

The following adjudication cases have dealt with this subject and the related subject of special events which have required additional temporary restrictions to be put into place on days when they would otherwise not be applicable –

Coley –v- London Borough of Brent

Kristovic –v- London Borough of Hammersmith and Fulham

In this case, the adjudicator held that because the council's Traffic Regulation Orders did not specifically exclude any days from the waiting restrictions, there was no need for signs indicating that restrictions were in force on yellow lines on bank holidays.

BANK VISITS

Claims from individuals or companies that money was being taken to or collected from the bank are not normally accepted for cancellation of the PCN. Whilst it is appreciated that difficulty may be experienced when visiting banks, the normal loading/unloading, delivery & collection rules apply. (Please see section on delivering and collecting).

The value of the money involved should not be a consideration in these circumstances.

However, although the value of the money does not matter in itself, if the delivery or collection involves large amounts of coinage, the PCN should be cancelled, upon suitable proof being received, as the activity will fall into the normal delivery or loading provisions regarding heavy items, which could not normally be carried.

Motorists are advised to reconsider their future security arrangements and therefore, it may be appropriate to refer them to a local crime prevention officer for specific advice relating to the handling of money or valuables.

BANKS and BUILDING SOCIETIES

Only security vehicles can claim a loading / unloading exemption when carrying cash and other valuables. There is no exemption for other vehicles visiting the bank.

See also Bank Visits

BANKRUPTS AND LIQUIDATIONS

Any claim that an individual or company had been adjudged bankrupt or gone into liquidation must be supported by appropriate documentation. This is usually in the form of a letter from the liquidator handling the winding up of the company.

The liquidator will be appointed to handle the winding up arrangements and will be responsible for paying all creditors providing that there are sufficient assets. If the assets are insufficient, part payment of claims may be made.

A claim should be sent to the liquidator advising them how much the debt is for and providing proof of the debt (a copy of the Notice to Owner). The council can only ask for the amount shown on the Notice to Owner.

The PCN is then put on an indefinite hold until a creditor meeting has taken place and further information is received from the liquidator.

BLOCKED ACCESS

If a motorist claims that they were unable to gain access to their private or commercial property this does not entitle them to park in contravention of the regulations and the PCN is upheld if issued for a waiting contravention.

If there are no notes in the CEO's pocket book, consideration is given to the circumstances and how long the vehicle was observed before the PCN was issued.

If a motorist claims that access is being persistently blocked, the Council now has the authority to deal with the obstruction – please refer to the information on Dropped Kerbs and Footways on page 108.

The police deal with obstructions but will not usually become involved where a motorist is unable to get access to his property from the road. They will however usually take action where the motorist is unable to move his vehicle from the property (i.e. from the garage or drive onto the road).

Leeds policy:

Motorists who claim they were unable to reach their intended parking space because of obstruction are not exempt.

BROKEN-DOWN VEHICLES

A broken-down vehicle that cannot be moved is covered by the exemptions contained in the TROs. Claims of a vehicle breakdown are accepted if they appear to be unavoidable and if supporting evidence in the form of one of the following is produced such as:

- a) A garage receipt, on headed paper, properly documented
- b) A till receipt for purchase of seemingly relevant spare parts purchased on or about the date of the contravention
- c) A confirmation letter from the AA, RAC or other motoring organisation
- d) The CEO has noted in the pocket or on the hand held computer that the vehicle had obviously broken down

The main areas of contention associated with the breakdown of vehicles are listed below with guidelines on how the enquiry is dealt with.

Removal of vehicle by a garage or break-down service

It should be noted that if a vehicle is broken down, the motorist cannot leave it indefinitely before arranging for it to be removed. Generally, the motorist is expected to arrange for the vehicle to be removed within 24 hours – if the vehicle cannot be removed within this time, we expect to see some evidence that the motorist has contacted the breakdown service or garage.

Flat Battery

A receipt for the purchase of a new battery or for parts, which could cause a flat battery, is required. Normally a faulty alternator, solenoid or fan belt would cause a flat battery. If no evidence is forthcoming, the PCN is upheld.

In cases where the vehicle was bump/jump started and no other evidence is received, the PCN is upheld.

Consideration is also given as to how the vehicle came to be illegally parked before it failed to restart.

Flat Tyre

The PCN is upheld unless there is a good reason why the motorist could not change the tyre i.e. the motorist is elderly, infirm or disabled, or where the breakdown services were called because of mechanical difficulty.

Overheating

Where the vehicle overheated due to lack of water, the PCN should be upheld unless there is evidence of a mechanical failure i.e. a broken fan belt, faulty radiator or hose. Consideration is not given to any claims that the vehicle had overheated because of heavy traffic or hot weather.

Running out of petrol

Unless the motorist provides evidence that the vehicle ran out of fuel due to an electrical or mechanical fault, the PCN should be upheld.

If it is apparent from previous cases that a particular motorist is using the breakdown of a vehicle in order to park in contravention of the regulations, this is taken into consideration when deciding whether or not to cancel or uphold subsequent PCNs.

This also applies where frequent claims are being made from a particular garage and the vehicles concerned are parked in the vicinity of the garage premises as they are likely to be vehicles the garage is repairing.

Leeds policy:

Breakdowns qualify if it can be proved that the breakdown was unavoidable. CEOs do not issue a PCN if they are satisfied from the evidence that a breakdown has occurred. If a breakdown is alleged to the processing team after the PCN has been issued, the following evidence will be acceptable (if dated correctly):

- Garage receipt on headed paper for repair of the fault
- Confirmatory letter from recognised recovery association (AA, RAC, Green flag etc)

If there is no other evidence the PCN will stand. A card in the window stating “vehicle has broken down” or a testimony from a witness is not accepted, and the CEO will issue the PCN.

Flat tyre - it is expected that the motorist will be with the vehicle and changing the wheel. Failure to carry a spare wheel or the correct tools to change a wheel is an avoidable problem and therefore not an acceptable reason to cancel a PCN. If the person is unable to change the wheel due to age, infirmity etc an exemption may apply if:

- ❖ the flat tyre is proved
- ❖ the infirmity is proved

❖ the person assisting confirms the circumstances in writing

Running out of petrol / water / oil - this is avoidable and a PCN will be issued and upheld.

Overheating / flat battery – a PCN will be cancelled only if attributable to a mechanical fault and documented as above.

BUS LANE ENFORCEMENT

This section has been included for future reference if needed.

Bus Lane enforcement is now in place outside London but in Leeds it remains a matter for the Police.

BUS STOPS

The rules about waiting at bus stops are indicated by road markings and signs.

A restricted bus stop is marked out on the highway in yellow with a bus stop clearway road marking and a time plate showing the hours of operation is affixed to the bus stop post. There is also a sign showing “No Stopping Except Buses”.

PCNs issued to vehicles (other than buses) waiting in a restricted bus stop are generally upheld because vehicles are not usually allowed to park at bus stops for any reason – including loading and unloading, however, there may be an exemption for certain vehicles.

CABS AND MINI-CABS

There is a difference between taxis and mini-cabs.

Taxis are licensed by the local authority and are permitted to ply for hire in the street. They may be black cabs (Hackney carriages) or saloon cars or people carriers and they usually display a 'taxi' sign.

Mini-cabs are also licensed, but they are not allowed to ply for hire or to display a 'taxi' sign. They can only handle pre-arranged pick-ups.

Taxis licensed by other local authorities are not permitted to ply for hire outside of their area (e.g. they may not ply for hire in Leeds unless they are licensed in Leeds).

Taxis and mini-cabs, like all vehicles, are allowed to stop to allow passengers to board or alight for as long as is necessary for the purpose. It is not an automatically exempt activity for the taxi driver to assist passengers into premises and leave the vehicle unattended. If a licensed cab is left unattended it is likely receive a PCN.

However, each case, especially those involving elderly, infirm or disabled passengers, is treated on its merits. It is recognised that mini-cabs working for hospitals need to enter premises to collect patients and that the driver may also be required to make sure the passenger is settled inside their house upon their return. PCNs are cancelled in these circumstances.

It is also borne in mind that when a cab is called by radio link to an address, the driver will need a short period of time to announce his/her arrival and will need to leave the cab to do so. It is generally accepted that this forms part of the picking up/setting down process.

There are occasions when mini-cabs are used to carry essential medical supplies, e.g. blood, organs, emergency equipment. In these cases, the PCN is cancelled upon production of suitable evidence.

COACH PARKING PROVISION

There are **no** designated parking places for coaches in the Leeds area. Coach companies/motorists are referred to the following two areas but Leeds City Council has no control over availability, security etc:

- The streets around Woodhouse Moor
- Lowfield Road at Elland Road Football Ground (not during matches)

COACH PICK UP / DROP OFF POINTS

The council has provided drop off and pick up points which are located around the City. Please contact Parking services for current details.

CHRISTMAS PARK and RIDE

Is not currently available.

COMPLAINTS AGAINST CIVIL ENFORCEMENT OFFICERS

Allegations that a CEO has made an error or issued a PCN incorrectly are dealt with by investigating the matter and sending an appropriate reply.

All allegations of misconduct or rudeness against any member of staff are taken seriously and referred through to the parking manager for the appropriate investigations/action to be taken.

Leeds City Council has a formal complaints procedure which determines the timescales for dealing with formal complaints and responses to the person making a complaint. Usually an acknowledgement letter is required and a substantive response is issued after an investigation has been undertaken and the appropriate person(s) involved have been interviewed.

CONTROLLED PARKING ZONE

A Controlled Parking Zone (CPZ) denotes an area where every square inch of on-street parking is controlled by way of parking places. Parking is permitted under certain conditions, eg permit holder only bays, shared use parking bays and pay & display bays. A CPZ will also have yellow lines, which means that vehicles are subject to waiting and loading restrictions.

The legal position is that all parking is restricted within a controlled zone unless it is specifically exempted, that is by way of permitted parking bays.

Signs will be displayed at all entrance roads into a CPZ to inform the motorist that he/she is entering a CPZ and these signs will give details of the times when the zone is operational.

There is no requirement for an additional separate time plate on any road within a CPZ unless the parking restrictions differ from those stated on the controlled zone entry sign i.e. single yellow line waiting/loading restrictions, which sometimes apply for longer periods. In practice, however the signs within the zone often show the times of restriction.

Note – *double yellow line restrictions apply 24 hours a day and there is no need for this restriction to be signed at all. All motorists are expected to be aware of this as it is explained in the highway code.*

Any requests from members of the public for cancellation of a PCN on the grounds that they were unaware that they parked in a CPZ will be rejected unless there is evidence that the zone entry sign was missing.

In Leeds there is a CPZ for the city centre area.

COUNCIL OFFICERS ON DUTY

Some council vehicles are exempt from the parking restrictions due to the duties they are involved in (see section on Exempt Vehicles). These exemptions do not apply to council officers using private or pool cars.

All council officers on duty, (social workers, housing officers, highways inspectors, environmental health inspectors, etc) are expected to observe the parking regulations.

A request for cancellation of a PCN is only considered if an emergency arises, which prevents the officer from removing the vehicle after the expiry of paid for parking time or necessitated the leaving of the vehicle parked illegally. (This applies to all motorists). A letter from the head of department must support any request for cancellation in these circumstances.

Requests for cancellations due to delays in meetings, case conferences, seeing clients, etc are not considered unless there are mitigating circumstances that would justify the use of discretion.

COURT ATTENDANCE and DELAYS

Requests for cancellation of a PCN from police officers, solicitors, barristers, court witnesses or members of the public who are delayed because a court hearing was delayed or took longer than expected are not allowed.

However, consideration is given to a member of the public who appears in court and is unable to return to the vehicle because he or she has been sent to prison. In these circumstances the PCN is generally cancelled provided that proof is supplied. (See also Arrests).

DELIVERY and COLLECTION, LOADING and UNLOADING OF GOODS

The Traffic Regulation Orders (TROs) offer an exemption from parking restrictions for 'delivery and collection' or 'loading and unloading' of goods.

In an adjudicator's decision on 19th July 1997 (*Jane Packer Flowers and others*), this issue was explored in detail and the Adjudicator considered several cases before issuing a decision, which has helped to clarify the legislation and give guidance to councils on how to handle these cases.

Vehicles

The vehicle involved does not have to be a goods vehicle, but it must be **necessary** for the activity and not merely **convenient**.

The definition of 'Goods'

The term 'goods' is defined in broad outline only in the relevant legislation, and therefore, the intention is to give the term a very wide meaning. In particular there is no definition of size and, because postal packets are included, the implication is that goods can be small.

As stated above, there is no requirement in the TROs that what is to be loaded or unloaded must be specifically goods of a certain nature, nor that must be actually delivered anywhere, i.e. to premises. This means that it can for example refer to tools and equipment, although the word 'load' does imply bulk or weight.

Shopping

Shopping may be classed as goods. The exemption does not cover choosing the goods i.e. the process of shopping, but it would apply while the goods are being put into a car. If they are heavy or bulky, the loading exemption will apply, but even if they are not, the collection exemption may apply – providing this warranted the use of the vehicle.

Trade Deliveries

If the delivery is being carried out in the course of a trade or business it will usually fall within the meaning of 'delivering and collecting goods' even if the size and weight of the goods is small, for example a milk delivery float. The point is illustrated easily by multiple deliveries, but it also applies to one-off deliveries too.

All commercial deliveries have more to them than mere convenience, as there are obvious considerations of time and money involved. Motorists involved in

commercial deliveries will be able to provide some form of supporting evidence if required.

The motorist does not have to prove that it was necessary to park where he did. However, he may have to prove that he did not park for longer than was necessary.

To sum up – deliveries of small items in the course of business are permitted, but it should be borne in mind that the smaller and lighter the goods, the shorter the time needed to deliver. There may be a greater evidential burden on the motorist to prove that he took no longer than was necessary if there was a lengthy absence from the vehicle.

The boundaries of the exemptions

Delivery and collection clearly means taking goods to or from a place. It covers taking goods into a premises or taking them from a premises – it may also apply to putting them in or collecting them from a particular part of a premises. This applies to loading and unloading as well.

Paperwork and other delays

The delivery process applies to the completion of paperwork, which is reasonably required, eg delivery note, obtaining a signature. It is unrealistic to expect deliveries to be made without some form of paperwork.

There may also be some other form of delay, for example papers not ready, people cannot be found, and goods need to be located. The motorist will be covered for unexpected delays, but it will be difficult for him to argue that the process was still continuing if he goes for refreshment or starts another job. The motorist should be allowed a reasonable time while goods are being located, but this is not an automatic exemption covering however long it takes.

Parking while investigating whether or not there are goods to be collected is not covered, unless the motorist can reasonably expect that there are goods there but then finds out that there are none, e.g. a prior appointment or a regular round, rather than a canvassing situation. Although the delays mentioned above are allowed within the terms of the loading provisions, selecting or choosing goods is specifically excluded. The goods must have been pre-ordered or collection pre-arranged.

The burden and standard of proof

This falls on the motorist. The standard is the civil standard – the balance of probabilities. The shorter the observation period, the easier it will be for the motorist to establish that the exemption applies.

Any lack of observable activity by the CEO does not imply that activity was not taking place and there is no authority for saying that it must be continuous. It was suggested by the adjudicators that an observation period of 5 -10 minutes be given in the case of commercial vehicles, or vehicles showing evidence of loading or delivery activity. In Leeds a 5-minute observation period is applied.

However, if the motorist is delivering goods to the 20th floor for example, it is likely that there may be a period in excess of 5-10 minutes where no activity is observed by a CEO. It is important to understand that this does not mean that no loading or unloading was taking place. Again, the circumstances have to be taken into account. There is no requirement for any of the vehicle doors or the boot to be left open to indicate that loading is taking place.

The 20 minute maximum

TROs allow a maximum of 20 minutes for loading/delivering in a permitted parking bay or on yellow lines.

A motorist is not entitled to park for the full time, only for as long as necessary.

Generally, all cases are treated on their merits and whilst the absence of proof is not mandatory, the council is entitled to ask why it is not forthcoming, especially for commercial deliveries.

However, where a motorist exceeds the maximum period, the council is entitled to pursue the PCN, although it is kept in mind that the loading provisions are designed to assist commercial activity and it may be reasonable to exercise discretion where it is clearly proven that loading was taking place throughout the entire period taken.

It is recommended that all motorists consider the following:

- Loading should be continuous
- There is no requirement for the vehicle to be attended, unless it is a case of footway parking, where the TRO specifies that a commercial vehicle must be attended
- There is no automatic right to park for the entire 20 minutes
- The vehicle does not have to be parked adjacent to the premises
- It does not have to be 'reasonably necessary' to park there

- Deliveries of small items are covered, eg wages
- Delivering and collecting includes the checking of goods, completion of paperwork and may include payment
- Shopping may be goods
- Weigh up the difference between convenience and necessity

Some relevant adjudication decisions are:

Jane Packer Flowers –v- Westminster City Council

This is the definitive decision on loading and the information given above derives from this decision.

Norell –v- Westminster City Council (see section on ‘Footway Parking’)

Mr. H –v- Manchester City Council

Although the motorist was loading and unloading, this activity did not include a period of over ten minutes whilst printed material he was collecting was completed.

Mr. L –v- Oxfordshire County Council

The motorist took a large bundle of washing to a launderette for a service wash. This was classed as loading and unloading, but he left the launderette to purchase some washing powder. This activity did not fall within the loading exemption.

Mr. B –v- Buckinghamshire County Council

Mrs B, who was pregnant at the time was collecting a helium cylinder, and required help from the proprietor loading it into the vehicle. She had to wait whilst the proprietor served another customer and was away from the vehicle for about ten minutes. The adjudicator accepted this was part of the collection process.

DENTAL and DOCTORS APPOINTMENTS

If appointments are delayed or treatment takes longer than expected, consideration is given to the time of the appointment and the amount of fee ticket time purchased upon arrival. As it is not uncommon for appointments to be delayed, it is sensible for people to over-estimate rather than under-estimate the amount of parking time required.

However, if an emergency situation arises out of the appointment or the patient needs more extensive treatment than was predicted, discretion is exercised.

If consideration is given to the cancellation of the PCN, in all cases the customer is asked to supply a letter of confirmation from the dentist, doctor or clinic.

Leeds Policy:

Exemptions do not apply for overrunning appointments, which are both common and foreseeable. An exemption will apply if the person is referred for immediate treatment when in the hospital, upon production of suitable evidence.

DISABLED MOTORISTS/PASSENGERS

The european-style blue badge was introduced on 01 April 2000. Blue badges are valid in all european countries. Different european countries each attach different concessions to their badges, but all blue badge holders are afforded the same concessions when they use their badge in the UK.

The scheme provides parking concessions for people with severe walking difficulties who travel either as passengers or motorists. The scheme also applies to registered blind people, and people with severe upper limb disabilities.

The scheme is intended to allow blue badge holders to park close to their destination. The UK national concessions apply to **on-street** parking only. They do not apply in off-street car parks unless the council has made specific arrangements to offer concessions to disabled motorists. Many councils do make allowances for blue badge holders within their off-street car parks, although in some of these car parks the use of the blue badge may be subject to certain conditions.

In Leeds, valid blue badge holders can park in off-street parking bays for an unlimited time, free of charge.

Under the terms of the national scheme, a blue badge holder must not park in the following places:

- At a time when loading or unloading is prohibited (02 contravention)
- In a bus or tram lane during the hours of operation
- In a cycle lane
- On any clear way
- On pedestrian crossings
- In parking places reserved for specific users, eg resident/business bays, loading bays, taxi, cycles
- In suspended parking bays
- Where temporary parking restrictions are in force along a length of road
- On school 'Keep Clear' markings
- Bus stops
- On the pavement (unless signs permit it)

Parking on a single or double yellow line (where there are no loading restrictions) is permitted, but is limited to a 3 hour maximum and both the blue badge and time clock (which must be set to show the time of arrival) must be displayed.

Blue badge holders may park in pay and display bays free of charge and without time limit, providing the blue badge is clearly displayed with all the relevant details visible.

In Leeds, disabled bays are enforceable 24 hours a day and blue badge holders may park in them, for a maximum of three hours (four hours in the city centre), but are not permitted to park in residents or other permit bays.

All representations and enquiries received from a disabled motorist are treated leniently, even if the badge was not displayed or had expired (providing there is evidence that the holder replaced the expired badge).

The PCN is cancelled the first time, for pay and display, permit bays and yellow line contraventions only, and the cancellation letter states that if the same circumstances arise, any further PCNs will not be cancelled but there may be mitigating circumstances where discretion is exercised.

Where the motorist has parked on a yellow line covered by a loading restriction, the PCN will not be cancelled, as it is clearly explained on the badge itself that it is not valid for use on this type of restriction.

It should be noted that the blue badge can only be used when the holder is either present in the vehicle, either as the motorist or passenger, or when the vehicle is being used to pick up or drop off the holder. It is not valid for use by anyone else, eg, someone shopping on behalf of the holder.

It should also be noted that CEOs may issue a document entitled '*Parking Facilities for Disabled Motorists in Leeds*' as an initial warning where motorists have not followed the instructions laid down in the blue badge scheme.

DISPENSATIONS - IN GENERAL

Dispensations may be allowed if permission to park a vehicle for a longer period than the parking restrictions will allow is required. Examples include, on yellow lines, non-chargeable restrictions (e.g. 1 hour no return in 2 hours), residents only permit zones and in pedestrianised areas (where the Police have already given their permission for the vehicle to enter the area). There may be others that are not as common.

In Leeds, **dispensations** are NOT allowed for vehicles to park anywhere on the Loop, in loading bays for longer than is necessary to load/unload and are predominantly used on yellow lines and in pedestrianised areas.

A **Suspensions Scheme*** is in place to allow for parking longer than the permitted hours on pay and display bays and the **Tradesman's Permitted Parking Scheme*** is in operation in residents only permit schemes.

*Details of both these schemes as well as the dispensation scheme appear elsewhere in this guide.

DISPENSATION SCHEME

A dispensation can only be issued where it is considered necessary for the vehicle to be parked close to a property, eg where work is being carried out and heavy equipment/tools are kept in the vehicle. Scaffolders are a good example to consider. If the vehicle can be unloaded and then parked legally, the dispensation is not granted.

Dispensations will only be considered if there are no pay & display bays or loading bays in the vicinity which would suffice for the activity to take place. Another consideration is that the dispensation will not lead to severe problems with traffic flow, is not in the interests of the area/city or there is a sign that forbids one to be allowed.

A form has to be completed to allow the following information to be obtained from the person making a request:

- Reason why dispensation required (nature of business to take place)
- Exact location
- Name/Company
- Tel contact number
- Vehicle details including make and registration number

Motorists should also consider the following:

- Hours of operation
- Any disruption to other users?
- Any disruption to local businesses?
- Will it be noisy?
- Are there alternative sites?
- Will it be good for the city?
- How busy is the area?
- Are there environmental considerations?

The caller is informed if it is found that a dispensation is not appropriate after the details have been taken. The council reserves the right to revoke the request. In Leeds, dispensations issued for yellow lines are not chargeable.

A PCN is issued when the terms of the dispensation are not complied with, ie if the vehicle is waiting at a different location, outside the times and date shown on the dispensation, or for a different purpose.

PCNs issued where the terms of a dispensation has been breached are enforced unless there are other circumstances that warrant cancellation.

Dispensations in Residents Only Parking Zones

On occasion, residents may require additional visitor parking. This will usually be required for a short period and may be for the following types of situation:

- Weddings, parties and other family gatherings
- Funerals and wakes
- Coffee mornings and charity fund-raisers
- Bridge evenings
- Short term family medical care

In such cases, a dispensation can be offered providing a vehicle registration number for each vehicle is supplied and a start and end time can be given. A dispensation form must be completed and the dispensation procedure followed in each case. Other scenarios will be considered by a supervisor before a decision is made and the householder advised.

NB Removal vans do not require a dispensation.

DVLA INCONSISTENCIES

If the colour or make is wrongly recorded but similar on a PCN, the PCN is not cancelled.

If there is photographic evidence and / or tax disk identification, the PCN is pursued.

Mis–Spelling Of Owner Name/Address

The DVLA supplies the majority of the information regarding vehicle ownership. The mis-spelling of a name and address on a NtO does not invalidate it nor does it discharge the liability of the person receiving it. The onus is still on the genuine owner to deal with the matter.

EARLY ISSUE OF PCN

All pay and display machines in use throughout Leeds are of a design approved by the Department for Transport. The conditions of use are fully explained on the front panel of the machines and these conditions explain that a penalty charge will be incurred if the vehicle is left after the paid for time has expired.

The CEO's hand held computer will automatically generate the time at which the PCN is issued. This time is programmed into the hand held computer which is checked at the start and end of each shift. It cannot be altered by the CEO.

However, there is no automatic synchronisation between the CEO's hand held computer and the pay & display machine and this is why CEOs will either check the time on the machine to ensure that it matches the time shown on their computer and/or allow a grace period before issuing a PCN.

Please refer to the Exemptions Policy for information on 'grace' periods and observation times.

ELECTRICITY COMPANIES

Electricity companies are not automatically exempt from the regulations (see section on Exempt Vehicles for more information), and often make arrangements for bay(s) to be suspended if they are working in the area.

The electricity companies often display a board in the vehicle when engaged on emergency work and in these circumstances there may not always be time to arrange a suspension. The PCN is cancelled providing that the circumstances are explained in a letter from the Area Manager. This should clearly state that the motorist was dealing with an emergency situation.

If abuse is suspected, the CEO who issued the PCN will have made a note if the vehicle was unattended and there was no sign that work was being carried out. In these circumstances the PCN is upheld.

Consideration is not given for electricity operatives carrying out routine maintenance to electricity appliances or meter reading.

EXEMPTIONS and CANCELLATIONS POLICY

Principles

The overriding principle of this policy is that a PCN is issued when the TRO is breached unless the breach is unavoidable. Either it could not be foreseen or it is necessary in the situation. If, in the opinion of the CEO, a contravention has taken place and no exemption applies, the CEO must issue a PCN.

Once the CEO has begun to issue a PCN, the CEO has no authority to void it or cancel it.

General points

Vehicles can sometimes be exempt from particular restrictions at particular times and in particular circumstances, but there are no completely exempt vehicles.

If the motorist leaves the vehicle they have parked, even if it appears that they will return shortly (passengers in car, door open, lights flashing etc) they are deemed to have parked.

If a motorist is parked illegally but is sat in the driver's seat they will be asked to move, and will be issued with a PCN if they refuse.

A motorist going to purchase a fee ticket from a pay and display machine, or collect a visitor's permit from the person they are visiting is exempt. A motorist going to get change is not.

Emergency vehicles are only exempt when carrying out duties, not in other circumstances.

Vehicles used for utilities (water, gas, phone, cable TV etc), building, funerals and weddings are exempt from the restrictions provided the following 2 conditions are met:

- The vehicle is in use for this purpose
- Parking in contravention of the restrictions is necessary rather than just convenient eg a scaffolding truck or a glazier fitting a large glass panel will need to park adjacent to the building and so they will be exempt. The building foreman could easily park legally and walk so will not be exempt.

Council vehicles will be treated in exactly the same way as any other vehicles. Evidence from a third party must be supplied by the motorist. If the motorist

states that further information will prove his / her case then it is their responsibility to provide it.

Testimony from friends, relatives, employer, etc will not normally be considered sufficient evidence to cancel a PCN without verifiable documentary evidence.

Loading or Unloading Areas

- Residents parking zones
- Double or single yellow lines
- Pay & display bays

Parking is permitted for loading and unloading in these bays. The parking of the vehicle to do so must be necessary and not simply convenient (ie if they are delivering or collecting an item too large for them to carry).

No Loading or Unloading Areas

There are loading restrictions in place that prohibit parking even for loading when this would cause traffic flow problems, ie during peak traffic periods and in bus lanes. They are shown by yellow markings on the kerb. The restricted hours are shown by a sign. No loading areas are only put in place in areas where traffic flow is particularly important and there are no exceptions to these restrictions.

Please note that these exemptions only apply while the loading and unloading is ongoing. The signing of delivery notes is considered to be part of the loading process and is also exempt. Once that has finished the exemption ends and a PCN will be issued. When the motorist has finished loading or unloading, they should move their vehicle or pay the applicable charge for parking.

Blue Badge Holders

None of the blue badge exemptions apply unless the holder is being present in the vehicle. If there is reason to believe that this is not the case CEOs will issue a PCN (eg if another person is seen getting out of the vehicle with no sign of the badge holder present). Blue badge holders can:

- park for free at an on-street pay & display bay
- park for up to three hours on yellow lines providing they also display a time clock displaying the time of arrival
- park in time restricted bays for as long as they like
- are allowed 2 weeks to renew an expired badge
- all other restrictions apply.

Ticket / Permit* / Badge not displayed properly

If the fee ticket is not displayed properly (eg upside down) but details can still be seen the CEOs do not issue PCN.

If the details can't be seen, the CEOs will issue a PCN.

If the motorist subsequently provides proof that they held a valid permit / blue badge / pay and display ticket the PCN will be cancelled in **the first instance only**. Subsequent PCNs will be pursued.

*For more permit details, refer to the main permits section.

Motorist returns to vehicle

If a motorist returns to their vehicle this is irrelevant to the issue of the PCN. The contravention still applies because they left their car so they are deemed to have parked.

Sometimes it may become apparent to the CEO once the PCN has been issued that it was issued incorrectly (eg motorist returns and has clearly been loading). As the CEO cannot void or cancel any PCN, they make notes in their pocket book and advise the motorist to write in.

Motorist Drive the Vehicle Away

If the CEO starts to issue the PCN to a vehicle but does not have enough time to serve it before the vehicle is driven away, the PCN is deemed to have been issued and will be served by post on the owner/registered keeper (whose identity is obtained from the DVLA), and also acts as the Notice to Owner.

EXEMPT VEHICLES

The following vehicles are exempted from the regulations in all circumstances, provided that they are being used for their proper purpose, and for as long as reasonably necessary –

- Vehicles being used for fire brigade*, police or ambulance purposes.

The following vehicles are exempted in the circumstances shown below. However, in all cases there should be evidence that the exempted activity is taking place and that the vehicle concerned is actively engaged in this activity. If no exempted activity was seen to be taking place by the CEO, the PCN will be upheld on the basis that the CEO observed the vehicle for a reasonable length of time and saw no indication to suggest that the activity was taking place.

- Post Office and other vehicles whilst engaged in the delivery or collection of postal packages.
- Electricity, Gas, Yorkshire Water, British Telecom or other telecommunication companies, whilst engaged in laying cables or undertaking repairs to pipes, etc.
- Public Service vehicles, transport bodies and other companies whilst waiting at an authorised stopping place, terminal or turning point.
- Furniture removal vehicles whilst removing furniture, vehicles being used in connection with a wedding or funeral.
- Vehicles engaged in building, excavating or demolition works in circumstances whilst the vehicle is actively in use for the purpose e.g. scaffolders.
- Vehicles being used in connection with the removal of any obstruction to traffic.

All exempt vehicles are usually liveried, not private cars or vans, and the exemption does not automatically extend to contractor's vehicles unless specified.

There are other exemptions in the TROs that do not relate to specific vehicles, but apply to any vehicle in particular circumstances. These are:

- Where the motorist is prevented from circumstances beyond his control from moving the vehicle. (This obviously covers a vehicle breakdown, but may cover other circumstances too – each case will need to be assessed on its own merits).
- Where the vehicle needs to wait in order to avoid an accident.
- Where the vehicle is parked to enable someone to get in or out. (This is usually limited to 2 minutes except where the person getting in/out of the

- vehicle needs longer, ie is elderly, suffering from a disability which impairs their ability to walk, is blind, carrying luggage or heavy shopping, etc. In these circumstances the vehicle may wait for as long as is necessary).
- Where the vehicle is waiting to load and unload. (See section on delivery and collection).

Generally, adjudicators have held that if a motorist receives a PCN and is claiming an exemption from the regulations, as listed above, the burden of proof rests with the motorist and he/she should be able to produce evidence that supports his/her claim. If this can be done, the PCN is cancelled. However, it is not always possible for a motorist to produce proof and each case is considered on its own merits.

FUNERALS and WEDDINGS

As stated in the previous section, 'official' funeral and wedding vehicles are exempt from the regulations when the vehicles are actively being used for this purpose.

Any requests for cancellation of a PCN on the ground that the motorist/owner was making funeral arrangements, or in attendance at a funeral, are treated with compassion.

The council may be approached if arrangements need to be made to accommodate a number of vehicles attending a funeral or wedding and each request will be considered on its own merits, according to the number of vehicles involved and the location of the event.

Leeds Policy:

The hearse and any other funeral vehicles are exempt when actively involved in a funeral. Any other vehicles used by mourners are not. Dispensations should be applied for as part of the arrangements for the event.

GARAGES (VEHICLES LEFT FOR ATTENTION)

Whilst a PCN should be paid by the motorist who left the vehicle in contravention of the regulations, if the motorist does not pay, it then becomes the responsibility of the owner/registered keeper and remains so.

If the owner/registered keeper of the vehicle cannot get the garage to pay the PCN, he/she is legally liable for the payment of the NtO and cannot claim he/she was not driving the vehicle at the time. Nor can they claim that the vehicle was in control of the garage at the time.

In most cases the PCN will be upheld. However, the first that many motorists will know of a PCN is when they receive the NtO, and it may be reasonable to offer the discounted amount at that stage if representations are made.

The precedent case that determined the liability of garages and owners for PCNs is as follows:

Francis –v- Wandsworth

The High Court held that for a change of keeper to be effective for the purposes of transferring liability for payment of a PCN, the change had to be of such a nature that the vehicle would be re-registered in the new keeper's name by the DVLA. This ruling was specifically regarding a case where an Adjudicator had held that a garage which had a car at their premises temporarily for repairs could be considered to be the legal keeper and so liable for any PCNs issued to the vehicle. The High Court decision overturned this decision and ruled that the vehicle owner remained liable, not the garage.

See also:

Mr. S –v- Portsmouth
Ms. H –v- Canterbury

Leeds Policy:

Vehicles parked by garages are not exempt. Although the owner or registered keeper has a strong argument that they should not be penalised for the actions of the garage, under the legislation they are responsible and the PCN will be pursued, as supported by the above legislation.

GAS COMPANIES

British Gas and other gas companies such as Transco are not automatically exempt from the regulations (see section on Exempt Vehicles for more information) and often make arrangements for parking bay(s) to be suspended if they are working in the Leeds area.

Gas companies often display a board in the vehicle when engaged on emergency work and in these circumstances there will not always be time to arrange a suspension. The PCN will be cancelled providing that the circumstances are explained in a letter from the area manager rather than the driver of the vehicle. The emergency may be related to a gas problem on the street or to an emergency within a property itself.

If abuse is suspected, the CEO who issued the PCN will have made a note if the vehicle was unattended and there was no sign that work was being carried out and in these circumstances the PCN will be upheld.

Consideration will not be given for gas operatives carrying out routine maintenance to gas appliances or meter readings as these do not constitute an emergency situation.

GLAZIERS

Claims from glazing companies that one of their vehicles needed to be parked close to premises may be treated leniently provided if it is apparent from the CEO's notes or it can be proved from the correspondence, that emergency repairs were being performed.

Nevertheless, the company will be advised that the vehicle should not be parked in contravention of the regulations prior to the task commencing or once the task has been completed.

In most cases it is reasonable to assume that a dispensation or suspension could be obtained, particularly for all day pre-planned jobs, eg replacement windows.

Leeds Policy:

As it is impractical to carry glass on foot for long distances an exemption will apply providing the CEO is satisfied that glazing is taking place. In the absence of such evidence a PCN will be issued. If it is subsequently proved that glazing was taking place, the PCN will be cancelled provided that documentary proof of the date, time and address of the work is received.

GOING FOR CHANGE

The legal case law that applies to “leaving a vehicle to obtain change” is:

Strong -v- Dawtry *Queens Bench 2ND March 1961*

Appellant parked and went to obtain change to pay into the meter. Whilst obtaining change his vehicle was issued with an Excess Charge Notice. Appeal dismissed as the regulations stated that payment of the parking fee should be made as soon as the vehicle was parked and no time is allowed to obtain change.

Mayor –v- London Borough of Camden

It was confirmed that a motorist cannot leave the vehicle to get change for the machine.

GOVERNMENT DEPARTMENTS

Government departments are not normally exempt from the parking regulations.

Unless evidence in the form of a letter on headed notepaper from a senior officer can be provided to confirm that the purpose for leaving the vehicle illegally parked, PCNs will be upheld.

The types of exceptional circumstances where discretion may be appropriate are; vehicles used for security purposes or vehicles used for observation and surveillance (mainly applicable to police, HM Customs and Excise, DSS Fraud). Sometimes these agencies contact us to warn of vehicles parked whilst involved in covert operations, but often the operations are of a confidential nature and so may only be disclosed after the operation is over.

GRACE PERIODS

Pay and display

- if fee ticket has expired allow 5 minutes

Yellow lines

- If a vehicle is parked in a no loading/unloading area the PCN is issued straight way
- Goods carrying vehicles are given 5 minutes observation

Residents permit zone

- if no permit then issue PCN
- if permit out of date for over 2 weeks then issue PCN
- if permit less than 2 weeks over expiry date, no PCN issued

Taxi ranks

See Taxi Ranks and Stands section for more details.

Disabled blue badges

Blue badge holders are allowed 2 weeks to renew an expired badge.

HAZARDOUS CHEMICALS or SUBSTANCES

Claims by companies that toxic or highly dangerous substances were being delivered/collected or used in nearby premises need to be given careful consideration.

On the first occasion the company concerned will be requested to provide evidence that the activity was taking place and if this is provided, the PCN will be cancelled.

The reply will then advise the company that a dispensation should have been obtained if deliveries or work is to be carried out on a regular basis.

HIRE AGREEMENTS

If a company makes representations on the grounds that they are a hire firm and they supply the hirer details, the provisions relating to hiring agreements as contained in the Road Traffic (Owner Liability) Regulations 1975, will apply:

Where the hiring period is for a fixed period of less than 6 months, the hiring agreement must contain the following information:

A Particulars of the person signing the statement of liability

- Full name
- Date of birth
- Permanent address
- Address at the time of hiring
- Details of driving licence - serial number or motorist's number, issuing authority, expiry date.

B Particulars of the hiring agreement

- Registration number of the hire vehicle
- Make of hire vehicle
- Registration mark of any substitute vehicles
- Make of any substitute vehicles
- Time and date of commencement of hiring period
- Time and date of expiry of hiring period
- Time and date of commencement of any extension
- Time and date of expiry of any extension

In all cases the hirer must sign a statement of liability in respect of PCNs issued to the hire vehicle.

These provisions are mandatory and any failure to comply with all these requirements means that the agreement is not then a proper "hiring agreement" within the terms of the Act. If the hire company fails to comply with these requirements, they become liable for payment of the PCN.

Where the hirer is a company or corporate body, it is not necessary to provide the motorist's date of birth or details relating to the motorist's licence.

The above requirements also apply to circumstances where a courtesy car is 'loaned' to a motorist and also include cases where taxi or mini cab companies rent vehicles to motorists.

A computerised print out of the hire details is not acceptable

Where the hiring or leasing period is in excess of 6 months, the hire or lease company should clearly explain that the agreement is for a period exceeding 6 months. There is no obligation for the hire or leasing company to provide a copy of the hire or lease agreement, however, they are required to provide the name and address of the hirer or lessee together with the details of the period and term of lease including the date of commencement.

The points made above about the information to be included in a hiring agreement were outlined in the following adjudication case:

Autolease Ltd –v- London Borough of Barnet

Other cases which confirm these requirements are:

Global Transport –v- London Borough of Harrow

West Wallasey –v- London Borough of Hammersmith and Fulham

S F PLC –v- Sandwell Metropolitan Borough Council

Note – although many hiring companies are reluctant to supply the agreement, and some local authorities do not require it, the adjudicators have made it plain that councils are entitled to see the agreement, with the particulars listed above, before they can transfer liability.

Leeds Policy:

The hire company is liable unless they provide a signed agreement from the hirer accepting liability for any PCNs issued during the hire period as supported by the above legislation.

HOLIDAYS (REQUESTS FOR EVIDENCE)

In cases where residents claim that a parking bay was suspended whilst they were on holiday and therefore, they could not move the vehicle, evidence is usually required.

The evidence is in the form of the following:

- A flight ticket
- A letter from a tour operator
- A copy of the hotel bill

Credit card vouchers are not usually acceptable

The dates of the suspension and the times at which prior notice was circulated will be checked and if the details do not match or the appropriate evidence cannot be provided, the PCN will be upheld.

HOSPITAL CAR SERVICE

A vehicle displaying a Hospital Car Service badge does not exempt the motorist from the parking regulations. However, all claims will be dealt with a certain degree of leniency bearing in mind that this is a voluntary service for the benefit of the sick and elderly. In addition, the motorist may be required to escort the patient into the hospital and wait for their return.

The same consideration will apply to other people who are engaged in this activity but not necessarily part of the scheme.

Leeds policy:

There is no general exemption but ten minutes observation time will be allowed. At the hospital, the motorist will often need to locate the patient and it may take a considerable time to move them to the vehicle and then into the patients home where the motorist may need some time to get the patient settled and comfortable. However, it should be remembered that the visitors permit should be used where possible.

HOSPITAL VISITS

In cases where the motorist of a vehicle is claiming an emergency visit to a hospital, the PCN will be cancelled providing sufficient details have been provided and the emergency is felt to be genuine.

If the patient was admitted, confirmation must be sought in the form of a letter from the GP or the hospital (this is normally readily available).

Similarly, when a motorist is visiting a sick relative as an emergency visit, proof of a similar nature will be sought.

Where there is a pre-arranged appointment and the motorist claims that he/she was delayed in returning to the vehicle, the PCN will be upheld, unless the emergency developed during the appointment, in which case further evidence will be requested.

This also applies in cases where a person has been to visit a doctor or a hospital and is subsequently detained and sectioned under the Mental Health Act. The PCN will be cancelled after confirmation is received from the GP or doctor concerned.

LANDLORDS BUSINESS PERMIT SCHEME

Landlords who are members of LLAS (Leeds Landlords Accreditation Scheme) may be entitled to a small number of permits to help them park at the properties they own or manage within residents only parking zones (ROPZs). All landlords that live in the ROPZ are expected to apply for a residents / visitors permit in the usual manner.

The current list of accredited landlords eligible to apply for an LLAS permit is available from the Environment and Neighbourhoods department on 0113 247 6135.

The Environment and Neighbourhoods department publicises the permit scheme to accredited landlords who then contact the parking services for an application form. Once the completed application form and payment is received, parking services confirm LLAS membership before processing the payment and issuing the permit/s.

Landlords are dissuaded from having a large number of permits (say 20). The permits expire at the end of March each year.

The list below determines the area and therefore the price of the permit which are:

District zone	£50.00
Outer zone	£100.00
Inner zone	£200.00
Multi zone	£200.00

A multi zone permit can be issued by landlords who own properties across two or more of the bands above. They are valid between 07:30 and 17:30, seven days a week. The permit is transferable in that it can be used by any vehicle or person provided the terms and conditions are followed.

ZONE INFORMATION

ZONE	LOCATION		AREA
Admirals	Hunslet	Leeds 10	Outer
Alma Cottages	Headingley	Leeds 6	Outer
Ancasters / Glen Road	Headingley	Leeds 6	Outer
Ashtons / Ashleys	Harehills	Leeds 8	Outer
Austhorpe Road	Crossgates	Leeds 15	Outer
Bagby Fields / Marlboroughs	Woodhouse	Leeds 2	Inner
Baileys Hill	Seacroft	Leeds 14	Outer
Becketts Park	Headingley	Leeds 6	Outer
Belle Vues	Woodhouse	Leeds 3	Inner
Bexleys	Harehills	Leeds 9	Outer
Blenheim View	Woodhouse	Leeds 2	Inner
Boston Spa	Boston Spa	Leeds 22	District

Broad Lane	Bramley	Leeds 13	Outer
Burley Road ITC	Burley	Leeds 3	Inner
Carltons	Little London	Leeds 7	Inner
Chapel Street Area	Headingley	Leeds 6	Outer
Church Wood Avenue / Drummonds	Headingley	Leeds 6	Outer
Coupland Road-Garforth	Garforth	Leeds 25	District
Cromwells	Burmantofts	Leeds 9	Outer
Cross Catherine / Dolphins	Richmond Hill	Leeds 9	Inner
Crossgates	Crossgates	Leeds 15	Outer
Crossgates / Colton / Whitkirk	Crossgates	Leeds 15	Outer
Dawsons Corner / Cote Lane	Pudsey	Leeds 28	District
Devonshires	Woodhouse	Leeds 2	Inner
Fairfield Avenue	Pudsey	Leeds 28	District
Fidler Lane-Garforth	Garforth	Leeds 25	District
Garforth	Garforth	Leeds 25	District
Garnet Road	Holbeck	Leeds 11	Outer
Gledhows	Harehills	Leeds 9	Outer
Granbys	Headingley	Leeds 6	Outer
Greenway Close	Crossgates	Leeds 15	Outer
Haigh Wood Road / Wood Hill Cres	Tinshill / Cookridge	Leeds 16	District
Hanover / Woodhouse Square	Little Woodhouse	Leeds 3	Inner
Harrogate Road	Chapel Allerton	Leeds 7	Outer
Headingley Stadium	Headingley	Leeds 6	Outer
Heaths	Holbeck	Leeds 11	Outer
Horsforth (Station Rd / Brownberries)	Horsforth	Leeds 18	District
Horsforth Town Centre	Horsforth	Leeds 18	District
Hudson Road	Harehills	Leeds 9	Outer
Hunslet Green Way	Hunslet	Leeds 10	Outer
Kerry Hill	Horsforth	Leeds 18	District
Knightsway	Crossgates	Leeds 15	Outer
Lastingham Road	Rodley	Leeds 13	District
Littlemoor Home Zone	Rawdon	Leeds 19	District
Lovell Parks	Little London	Leeds 7	Inner
Lowtown	Pudsey	Leeds 28	District
Manor Road / Parkside	Horsforth	Leeds 18	District
Marlborough Towers / Grange	Adj City Centre / Burley	Leeds 1	Inner
Meanwood Road	Meanwood	Leeds 7	Outer
Modder Avenue	Armley	Leeds 12	Outer
Morley	Morley	Leeds 27	District
Mount Pleasant Road	Pudsey	Leeds 28	District
Mulberry Street / Park View	Pudsey	Leeds 28	District
New Road Side (Horsforth)	Horsforth	Leeds 18	District
New Street	Farsley	Leeds 28	District
Newports	Headingley	Leeds 6	Outer
North Street Service Road	Sheepscar	Leeds 7	Inner
Oakhurst Avenue	Beeston	Leeds 11	Outer
Oakleys	Holbeck	Leeds 11	Outer
Oatlands	Little London	Leeds 7	Inner
Outwood Lane	Horsforth	Leeds 18	District
Oxford Road	Guiseley	Leeds 20	District
Parsons Green	Wetherby	Leeds 22	District
Rothwell	Rothwell	Leeds 26	District
Saxtons	Richmond Hill	Leeds 9	Inner
Shakespeares	Burmantofts	Leeds 9	Outer

Silver Royds	Wortley	Leeds 12	Outer
Stanhall Avenue	Stanningley	Leeds 28	District
Stanningley Road	Armley	Leeds 12	Outer
Station View	Crossgates	Leeds 15	Outer
Strathmores	Harehills	Leeds 9	Outer
Sunfields	Stanningley	Leeds 28	District
Theaker Lane	Armley	Leeds 12	Outer
Wesleys / Sunnyviews	Beeston	Leeds 11	Outer
Westfield / Burley Road	Burley	Leeds 3	Inner
Westlock Avenue	Burmantofts	Leeds 9	Outer
Wetherby	Wetherby	Leeds 23	District
Wetherby (Horsefair)	Wetherby	Leeds 23	District
Woodhouse / Little London	Woodhouse	Leeds 2	Inner
Woodlands	Pudsey	Leeds 28	District

LEGISLATION QUERIES

Motorists who request copies of the legislation will only be sent photocopies if only one or two paragraphs are required. Copies of relevant legislation can be obtained from the Stationary Office (HMSO) and are also usually available on the Internet, via the Department for Transport web site.

If the motorist is querying the authority for a restriction at a particular location, the relevant TROs will be checked before replying, and if there is any error found, the PCN will be cancelled.

TROs can be viewed at local public libraries and at council offices, such as highways section.

LOST KEYS

If motorists claim that their car keys were lost, stolen, or were inside a locked vehicle, they will be treated leniently on the first occasion and the PCN will be cancelled.

Each case will be treated on its merits, although if the PCN was issued because the vehicle was parked on a yellow line, consideration will be given to the reason it was parked in the first place. If it was shown that a contravention was committed prior to the keys being lost, the PCN will be upheld.

If the motorist has bought replacement keys, a copy of the receipt for the new keys will be requested before the PCN is cancelled.

Leeds policy:

If there is independent evidence (eg from a recovery organisation) an exemption will apply. Testimony of friends, relatives, etc will not be considered sufficient. However, this is only possible in cases where permitted parking time has elapsed. If vehicles are found incorrectly parked on yellow lines, in a resident's bay, etc, the contravention is deemed to have occurred, regardless of the lost keys.

MACHINES NOT WORKING

If a fee ticket machine is not working properly and this is confirmed by maintenance records, then the PCN is cancelled.

If the motorist reports a fault to the CEO (either verbally or by way of a note on the vehicle) the CEO will make arrangements for the machine to be checked. If this has not been done, the PCN is cancelled. This is accepted only if there is no other working machine nearby.

The adjudication cases that apply to purchasing and displaying a fee ticket are:

Baker –v- Westminster City Council

The adjudicator confirmed the requirement not just to purchase a pay and display ticket, but to display it properly on the vehicle.

Mayor –v- London Borough of Camden

It was confirmed that a motorist cannot leave the vehicle to get change for the machine.

Mr. H –v- Manchester City Council

The pay and display ticket was flimsy and did not have any means to affix it to the windscreen. The motorist could not therefore ensure that it was displayed at all times while the vehicle was parked.

The adjudication cases that apply with regard to faulty machines:

Mr. M –v- Manchester City Council

Mr. M wrote to the Council after receiving a PCN, complaining that the machine (in this case a parking meter) was faulty. The council claimed that it was not, but did not produce any maintenance records to the adjudicator. In the absence of this evidence, the case was allowed.

MANDATORY PARKING BAYS

Restrictions applying to particular parking bays, eg disabled bays, doctors bays and business bays, are covered by TROs and are said to be mandatory (obligatory). There **must** be a time plate displaying the restrictions above the bay.

Disabled bays within a CPZ will all be mandatory.

If you are in any doubt about the status of a particular parking bay, you should check the TRO in conjunction with the relevant map or telephone parking services for advice.

MITIGATING CIRCUMSTANCES

Generally every case is treated on its merits and guidelines regarding particular circumstances are contained elsewhere in this manual. However, there are a few general guidelines, which are shown below. (See also the Leeds list of Non-Mitigating Circumstances elsewhere in this guide.)

Delays

Delays due to shop or bank queues, meetings taking longer than expected, etc are not grounds for cancellation of a PCN. Motorists are advised that it is better to over-estimate the amount of time needed, rather than under-estimate and risk incurring a PCN.

If the delay is related to any medical or emergency situation ie sudden sickness, difficulties in walking due to disablement, stopping to assist in an emergency situation and any other such cases, a degree of leniency is exercised.

Children

Cases involving the hospital, doctor's visits with sick children and delays due to sudden illness are treated with leniency. It is usually appropriate for us to consider the length of the delay.

Emergencies

An emergency is an unforeseen situation, which prevents a motorist from moving his/her vehicle. They are usually of a medical nature and leniency is exercised where it is felt that the motorist could not have foreseen the situation and/or had no chance to return to the vehicle.

It is useful to remember that there is an exemption for motorists who were unable to move their vehicle due to 'circumstances beyond their control', and to consider whether or not the circumstances fall into that category.

Where a driver makes a claim for cancellation on the grounds that either he/she or a passenger is taken ill or injured in any way, proof is requested in the form of a letter from the GP. If the letter does not cover the date of the PCN, or it relates to a pre-arranged doctor's visit, the PCN will not be cancelled. There may also be cases where it is clear from the proof submitted that the motorist has been advised not to drive, and if this is the case, the PCN will be upheld.

Urgent toilet visits will not normally permit cancellation of a PCN unless mitigating medical circumstances applied.

MOTORCYCLE BAYS

Motorcycle bays are not mandatory bays – they are an exemption to the waiting/loading restrictions in a restricted street, which apply to solo motorcycles only. In view of this, any other vehicle can be issued with a PCN for the contravention of parking in a restricted street during prescribed hours.

However, CEOs will probably issue a PCN for the contravention of being parked in a parking place or area not designated for that class of vehicle.

A motorcycle bay is indicated by white markings on the carriageway with the words 'Solo Motorcycles'.

NON-MITIGATING CIRCUMSTANCES

The following examples show situations where we are usually unable to cancel PCNs:

1. I thought I was parked legally but made a mistake
2. There was nowhere else to park
3. This is the first time I've got a parking ticket / I won't do it again / I'll be more careful next time
4. I only stopped for a minute
5. I lent the car to a friend and they won't pay the penalty
6. I was parked outside my own house / business
7. I went to get change for the pay & display machine

The legal case law that applies to “leaving a vehicle to obtain change” is:

Strong -v- Dawtry *Queens Bench 2ND March 1961*

Appellant parked and went to obtain change to pay into the meter. Whilst obtaining change his vehicle was issued with an Excess Charge Notice. Appeal dismissed as the regulations stated that payment of the parking fee should be made as soon as the vehicle was parked and no time is allowed to obtain change.

Mayor –v- London Borough of Camden

It was confirmed that a motorist cannot leave the vehicle to get change for the machine.

8. I got lost / forgot about the time and so could not return to my vehicle in time
9. My meeting / hospital / dental appointment ran late
10. My ticket had fallen on the floor again / I had forgotten to display it again
11. My permit / blue badge had fallen on the floor again / I had forgotten to display it again

12. I did not know I had to pay and display
13. I had been loading / unloading
14. I thought I could return to the machine and pay for some more time

NOTES IN VEHICLES

Notes in vehicles are not accepted by appeals officers, unless it refers to a dispensation that has been pre-authorised by parking services.

All notes in vehicles are noted down by CEOs in their pocket books when they issue to PCN. If we receive an appeal the appeals officer will then use their discretion in deciding the matter.

NOTICE TO OWNER (NtO)

Where a PCN has been issued, if it has not been paid within 28 days, the council concerned may serve an NtO on the person who they believe to be the owner of the vehicle on the date of the contravention.

The NtO must state the following:

- The amount payable
- The grounds on which the CEO believed that a contravention had occurred.
- That the PCN must be paid before the 28-day period of the date on which the NtO was served.
- That failure to make payment may lead to an increased charge.
- The amount of the increased charge.
- That the person on whom the NtO is served may be entitled to make representations against the PCN.

Representations can only be made by the recipient of the NtO and must be received by the council within 28 days of the NtO date. The council may disregard any representations received outside this 28-day period.

Representations can be made on the following grounds:

- The recipient never owned the vehicle in question, had ceased to be the owner before the date of the contravention or became the owner of the vehicle after the date of the contravention.
- That the contravention never occurred.
- That the vehicle had been taken without the recipient's consent.
- That the relevant order was invalid.
- That the recipient is a hire company and they have provided the name and address of the hirer.
- That the penalty charge exceeded the relevant amount.
- There has been a procedural impropriety on the part of the enforcement authority.
- The penalty charge had already been paid in full.

However, it is important to note that the grounds shown above are not exclusive and all representations are considered, even where they do not appear to fit into any of the grounds given above.

When representations have been made on the ground that the recipient never owned the vehicle, had ceased to be the owner before the date of the contravention or became the owner after the date of the contravention, they must give the name and address of the person who bought/sold the vehicle and the

date of the sale purchase. They should also provide proof in the form of a receipt for the sale or purchase or a copy of the DVLA registration form. However, it is important to note that this is not mandatory, and legally, the provision of a name and address may be all that is required. Where no evidence is supplied the representation may be rejected. However, it should be taken into consideration that the appellant may be allowed to obtain confirmation from the DVLA by the Traffic Penalty Tribunal (TPT). It is therefore more appropriate to accept the representation and pursue the nominated keeper.

If representations are made on the ground the recipient is a hire company and they have supplied details, they must give the name and address of the hirer, and enclose a copy of the hiring agreement and statement of liability.

There is one case that has clarified the legal position regarding owner liability, in a ruling that was issued by the High Court:

Francis –v- Wandsworth

The High Court held that for a change of keeper to be effective for the purposes of transferring liability for payment of a PCN, the change had to be of such a nature that the vehicle would be re-registered in the new keeper's name by the DVLA. This ruling was specifically regarding a case where an Adjudicator had held that a garage which had a car at their premises temporarily for repairs could be considered to be the legal keeper and so liable for any PCNs issued to the vehicle. The High Court decision overturned this decision and ruled that the vehicle owner remained liable, not the garage.

OFF-STREET CAR PARKS

In addition to on-street pay & display bays, Leeds City Council also operates a number of off-street car parks throughout the city centre and the outlying districts.

Under CPE regulations, there are a number of off-street contraventions that the CEOs will enforce.

City Centre

The council-owned city centre car parks along with some pertinent details are as follows:

Beckett Street (upper)	CS
Beckett Street (lower)	CS
Burley Road	CPL
Hunslet Lane	CPL
International Pool	CPL
Kirkstall Road	CPL
Markets	CES
Maude Street	CPL
Meadow Lane	CPL
Pudsey Civic	CPL
Quarry Hill	CELS
Queens Hall	CPL
West Street	CPEL
Woodhouse Lane	CP**L

Codes:

C	Chargeable
P	Permits
P**	Permits (no block bookings permitted)
L	Long Stay
E	Evening Charging
S	Short Stay (max 5 hours)

District

The Council-owned district car parks along with some pertinent details are as follows:

Boston Spa	High Street Stables Lane
Farsley	Charles Street Andrew Square
Garforth	Barley Hill Road

	Morrisons	
	Netherfield Road	
Guiseley	Springfield Road	
Holt Park	Holt Park (Asda)	
Horsforth	Featherbank Lane	
	Fink Hill	
	New Street (rear of Black Bull)	
Morley	Albion Street	
	Annie Street	
	Commercial Street (Library)	
	High Street (Pavilion)	
	Queensway (Morrisons)	
Otley	Beech Hill	CP
	Burras Lane	
	Courthouse Street	CP
	North Parade	CP
	Station Top	
	Walkergate	
	West Gate (Cross Pipes)	
Pudsey	Civic Hall	
	Leisure Centre	
	Lidgett Hill	
	Market Place	
	Rear of Baths	
	Robin Lane	
	Town Street	
	Victoria Road/Cemetery Road	
Rothwell	Blackburn Hall (rear)	
	Butcher Lane (upper)	
	Butcher Lane (lower)	
	Church Street	
	Marsh Street	
	Meynell Avenue	
	Sports Centre	
Wetherby	Crossley Street	
	Hallfield Lane	
	St James Street	
	Wilderness	
Yeadon	Ivegate	
	Silver Lane	

Codes: C Chargeable
P Permits

PARK and RIDE

Leeds City Council operates a park and ride service in King Lane - Alwoodley adjacent to Allerton High School. This is a year-round park and ride site run in partnership with Metro. King Lane park and ride was opened in July, 1998 and caters for 157 cars. The well-lit car park is attractively laid out with landscaping and has security features approved by the police.

Members of the public drive into the parking area adjacent to Allerton High School and continue their journey into Leeds on buses operated by Metro. There are no charges to the motorist or passengers other than bus fares and the service is available in line with bus running times. There are also cycle lockers available.

CHRISTMAS PARK and RIDE is not available at the moment

PATIENTS VISITING DOCTORS

If a claim is made that the visit to the doctor was an emergency, involving either the motorist or passenger, evidence is sought unless sufficient proof has already been supplied.

If the appointment has been pre-arranged, or the visit is non-emergency, it is treated in the same manner as visits to dentists. (See also mitigating circumstances and dental and doctors appointments).

PAY and DISPLAY BAYS

These are bays which are controlled by a pay and display ticket machine, which will usually cover several bays in the road. Car parks will also be controlled by various types of pay and display ticket machine. Although the types of machine may differ, the regulations regarding paying and displaying, whether on street or in a car park are generally similar.

A motorist using a pay and display machine is required to have sufficient change available to get out of the car, walk to the machine, and insert coins. **No time is allowed to go for change**, and this has been upheld by adjudicators - see also the Going for Change section.

The TROs usually require that the pay and display ticket be purchased in one operation (the motorist cannot stay in the same bay and purchase a further ticket if he subsequently realises he has not paid enough, or wishes to stay longer than allowed by the original fee ticket).

However, where a motorist has purchased two tickets due to a problem with the first ticket, such as coins not registering properly, providing that the total amount paid was sufficient to cover the length of time parked, the PCN will be cancelled on the first occasion only.

A pay and display ticket must be clearly displayed on the vehicle so that it can be seen easily by a CEO. Motorists often claim that they had a pay and display ticket, but that it fell off the windscreen. If they do not produce a ticket covering the time they were parked, the PCN will be enforced.

However, if they do send a valid ticket, it is usual practice to cancel the ticket on one occasion only. In Leeds some fee tickets have serial numbers printed on the reverse and where the fee ticket has been observed turned over and a PCN has been issued, the serial number is noted by the CEO. If the serial number on the fee ticket submitted by the motorist does not correspond with that noted by the CEO then the PCN will not be waived and should be deemed payable.

PAYMENTS

The easiest way to pay is over the automated telephone line by debit or credit card on 0113 395 7100 (24 hours). Please have your PCN number ready.

Alternatively:

You can pay online at www.leeds.gov.uk/epayments.

or

You can pay by telephone banking or PC banking – make your payment to NatWest Bank, Head Office collection account number 00000000, sort code 57-12-72. Please make sure that you quote your PCN number, including the first two letters of the reference.

or

You can telephone one of our customer service officers on 0113 395 0050 and pay by debit or credit card. Office hours are Monday to Friday 8.30am to 5.00pm. Please have your PCN number ready.

or

If you decide to pay by post, please send your cheque or postal order, made payable to Leeds City Council, to Leeds City Council, Parking services, PO box 139, Leeds, LS9 1AA. Please write the PCN number on the back. Post-dated cheques will not be accepted. If you want a receipt please enclose a stamped self-addressed envelope. **Please do not send cash through the post.**

PEDESTRIAN PRECINCTS

If a vehicle needs to be moved on to the streets that make up the pedestrian precincts, permission must first be sought from the police on 0113 243 5353 **before** also seeking permission from parking services.

If a vehicle is observed parked and the CEO has no knowledge of police permission, a PCN will be issued. If the motorist appeals then he/she are asked to provide proof that permission was sought and granted.

The streets included in the pedestrian precinct in Leeds city centre are:

- Albion Place
- Albion Street
- Bond Court
- Bond Street
- Briggate
- Central Road
- Commercial Street
- Lands Lane
- King Charles Street
- King Edward Street
- Kirkgate

Assembly Street, Oxford Row and Park Cross Street are also classed as pedestrian precinct.

Some of these streets are managed by other parts of LCC where events are concerned and any queries regarding events should be forwarded accordingly:

- Albion Place
- Bond Court
- Briggate
- Central Square (Lands Lane)
- Chancellor Court
- Dortmund Square

The above are managed by City Centre Leeds on 0113 247 4471.

The following spaces are managed by the Events team and must be booked by contacting them on 0113 224 3600:

- Millennium Square
- Victoria Gardens
- City Square (filming purposes only)

PERMITS

A resident or business permit holder who has parked in the wrong zone or has forgotten to display their permit are treated leniently on the first occasion and advised of the correct use of the permit. This does not apply if the permit holder has parked on yellow lines due to insufficient space being available in permit bays or a misunderstanding of the regulations.

If the permit holder applies for a permit prior to the date of the PCN, but did not receive it, the PCN will be cancelled after checking that the application was received in time. **If the application was signed within 3 days of the PCN being issued, then Leeds policy is to cancel the PCN.** If the application form is received after the date of the contravention or there has been some other delay on the part of the permit holder in renewing the permit, the PCN will be upheld unless there are other mitigating circumstances, eg the permit holder was away. This applies particularly to new residents who have not yet obtained a permit.

In Leeds, reminder letters are posted out 3-4 weeks before the expiry date of a permit, but just as with the vehicle excise license, it is the owner or motorist's responsibility to ensure that his/her vehicle displays a valid permit. In Leeds, CEOs will not allow any grace time if a permit is not displayed but if the permit displayed has expired, will allow a period of 2 weeks.

Residents Permits

A residents permit is vehicle-specific and the registration mark of the vehicle on which the permit is to be displayed is shown on the front. This means that they are not transferable and cannot be used in any other vehicle. If a permit holder changes his vehicle or uses a different vehicle for a short period of time, he must either make arrangements to obtain a replacement permit or use a visitor's permit. *Please see section below on Landlords.*

If a PCN is issued whilst a replacement permit is being obtained, or if the applicant has failed to notify us, it should be upheld.

Visitors Permits

Leniency should be exercised on the first occasion where a mistake is made, eg use of the permit in the wrong bay, unless it is suspected that the permit has been deliberately altered or is being re-used. Only one visitors permit per property is issued. These are not transferable between zones. *See 'Dispensation Scheme' for a solution to residents requiring more than one visitors permit.*

Business Permits

There are occasions when certain business properties may be considered to be within the boundary of the zone. Such businesses may be allowed to apply for a limited number of business permits (up to a maximum of 3 per business property).

The permits can be used by the business to park vehicles within the zone to enable the effective running of the business. These are not transferable between zones.

Contract Permits

Contract permits allow motorists to park in council-owned car parks and are renewable quarterly or annually. These car parks are:

- Hunslet Lane
- Meadow Lane
- West Street
- Woodhouse Lane Multi Storey Car Park
- Burley Road
- Kirkstall Road
- Maude Street
- Pudsey Civic
- Queens Hall

NHS and All Residents Zones Permits

In Leeds the NHS are allowed to apply for permits for their key workers and service providers who have to park regularly in residents zones to visit clients as part of their job. These are usually midwives, health visitors, district nurses, doctors etc. Such permits are transferable between zones.

Other key service providers are also allowed to apply for permits to park in residents zones in order to visit clients as part of their job. These may include local authority workers such as Social Services, DSS etc. The permits are also transferable.

Landlords (also refer separately to Leeds Landlords Business Permit Scheme)

All applications for residents permits should be checked to make sure that a resident is applying and not the owner of the property (ie landlord).

All permits are to be used for the purpose they are designed for and any misuse can result in the issue of a PCN and the ultimate withdrawal of the permit facility for the individual or organisation.

PLUMBERS

Emergency call out

It is considered that an emergency lasts only as long as it takes to turn off the mains supply, whether gas, water or electricity. The vehicle should then be moved to a permitted parking place before any subsequent repairs are performed.

PCNs issued in these circumstances are treated on their merits; however, generally they are upheld unless there is evidence of the activity taking place at the time of the contravention.

Heavy Equipment

Claims that the vehicle had to be parked close to the emergency as it was carrying heavy equipment, should be dealt with as delivery and collection/loading and unloading.

However, further consideration should be given to pump-out situations, where the pump-out equipment needs to be connected to a generator in the vehicle.

POLICE OFFICERS ON DUTY

Notices are not issued to marked police vehicles on duty, as they are covered by an exemption.

However, this does not apply unless the vehicle is being used in connection with operational police activities, (eg a police vehicle parked outside a cafe or at a cash point, where the officers are seen to be purchasing food or getting cash) is not covered by the exemption.

Many police officers use their own vehicles whilst on duty and in this case, the CEO will not be aware that the vehicle is being used on police business and will issue a PCN.

Any request for cancellation of a PCN should be submitted by way of a letter on official stationery and must be signed by a Chief Superintendent, or another senior officer. The letter should certify that the vehicle was being used on police business and that it was unavoidable for the officer to park anywhere else. The nature of the business does not have to be disclosed.

Without the appropriate signature, the PCN will not be cancelled.

Leeds Policy:

Marked police cars are exempt provided they are being used as part of police duties. Unmarked police cars will only be exempt with confirmation from the Chief Superintendent (or other senior officer) that they were on official police business.

POLICE OFFICER or CIVIL ENFORCEMENT OFFICER GAVE PERMISSION TO PARK

Where details of the officer's name or number are given, confirmation will be sought before the PCN is cancelled.

Where any doubt exists, the benefit of the doubt should be given to the motorist in the first case only.

Where no details are given by the motorist, the PCN will not be cancelled and the motorist will be advised that further details are needed in order to justify cancellation.

POST OFFICE VEHICLES

Generally, post office vans being used for the delivery or collection of mail and postal packets are exempt from the parking restrictions for as long as they are engaged in this activity.

If a PCN is issued and an exemption is claimed, the request must be accompanied by a letter from the post office, on headed paper, confirming this.

It is important to note that post office vehicles are not always liveried. However, Royal Mail vehicles, like other vehicles, are not exempt from parking on school zigzags and crossings.

This exemption also applies to vehicles which do not belong to the Royal Mail, but are being used by a universal postal service provider, eg other carriers who are licensed to collect and deliver post and parcels.

PREGNANCY and MOTHERS WITH YOUNG CHILDREN

Usually, pregnancy is not considered to be a disability and delays caused by young children would not normally allow for cancellation of a PCN.

However, this is a sensitive area and each case is treated on its own merits. If for example, the delay is short and unavoidable, or was caused by a minor medical emergency (child being sick, pregnant mother feeling unwell), the PCN will be cancelled after proof of the pregnancy from the GP or hospital is provided.

Appeals officers bear in mind that there is an exemption in the TROs which relates to unavoidable circumstances which prevented the motorist from removing the vehicle, and will consider whether or not the situation described falls into this category or not. Even if it does not, discretion can be used to cancel the PCN.

PRIVATE PROPERTY

Some telephone callers do not realise that the estate is controlled by another council department and assume that parking services deals with all parking queries.

Parking on private property, which includes parking on council housing estates, is not a matter for the parking section to deal with. CEOs do not enforce the regulations relating to such parking areas unless the area has been designated as an off-street car park.

Housing estates often have their own resident permit parking scheme and take action against people who park in the estate without a permit, such as clamping and removing vehicles. Motorists who have been clamped or removed should enquire to the appropriate housing office or enforcement agency once the address of the estate has been ascertained.

Permits issued for housing estates are not valid on public roads and those parking outside the estate may therefore receive a PCN. These will be enforced and you will be made aware in the literature that accompanies your permit, that it is not valid on the public highway.

RESTRICTED HOURS

The hours during which restrictions are in force will vary and if there is any doubt, reference should be made to the appropriate Traffic Regulation Order (TRO). Generally, restrictions in Leeds are as follows –

City centre restrictions –

Monday – Saturday 08:00 hrs – 18:00 hrs.

Pedestrian precincts –

See separate listing in this manual.

Residents permit bays –

As signed by Controlled Parking Zone (CPZ) entry signs and individual bay signs.

Yellow lines

There are two types of waiting restriction –

1. **single yellow line** – no waiting for at least 8 hours between 7am and 7pm on four or more days of the week. If no days are shown on the sign, the regulations are in force during the times that the CPZ is operational. Outside the CPZ, each restriction will be signed with the times of operation.
2. **double yellow lines** - no waiting at any time.

Loading restrictions are always placed in conjunction with yellow lines and are represented by lines on the kerb, and again there are two types –

1. Two lines – no loading at any time.
2. One line – no loading during the times shown on the sign.

Generally, the hours of operation of the waiting and the loading restrictions will correspond.

Disabled bays – mandatory

Usually 24 hours a day, every day in Leeds whether or not within a CPZ. The exact hours of control should be checked on an individual bay basis when dealing with queries and complaints.

School crossings

If these are included in the TROs in Leeds they are enforceable by CEOs. If they are not included in the TROs then any obstruction queries will become a police matter.

Bus stops

Usually 07:00hrs – 19:00hrs, any day of the week, but it does vary and therefore the signs and line markings should be referred to.

ROAD SIGNS and MARKINGS (MISSING/OBSCURED/BROKEN)

Yellow lines

If the waiting or loading restrictions are in force at the same times as the rest of the CPZ, the times of control are shown on the zone entry sign and there is no need for any additional signs to be in place above each stretch of yellow line, unless additional restrictions apply. There is also no need for signs above double yellow lines as these are understood to be in force at any time. In practice, many yellow lines are signed, but it is important to note that the absence of these in a CPZ will not lead to cancellation of a PCN.

If motorists claim that there was no sign and the restrictions require that a sign be in place, a site inspection will be arranged to check on the allegation. If there is no sign on the same side of the road as the yellow line, the PCN will be cancelled and arrangements made for the correct sign to be installed.

Where yellow lines or kerb markings have been partly worn away or covered in part by re-surfacing, enforcement action can be taken depending on how much of the line is visible and whether it is considered reasonable for the motorist to know that a line was there.

Where yellow lines are obscured by snow, leaves etc, enforcement action may also be taken, although leniency may be judged appropriate.

If time plates are damaged or defective, providing that their meaning is clear, enforcement action will be taken.

Where there is no yellow line beneath any part of the vehicle or where, outside a CPZ, there is no time plate in the vicinity of the vehicle, setting out the restrictions in force, no enforcement action for the restricted street offence may be taken.

Parking bays

There should be a sign above every parking place (bay or group of bays), which gives details of who the bay is available to (resident or business permit holders and/or visitors displaying permits or using pay and display machines).

Most bays also give details of the hours and days of control. In all cases where it is alleged that a time plate is missing, a site check will be arranged. If the check confirms that there is no sign, the PCN will be cancelled and arrangements made for the problem to be rectified.

Please note that there is no requirement for a sign to be above metered parking bays as the information required is already given on the meter itself.

Claims that the motorist did not realise where he/she had parked or used the wrong type of bay will not be allowed.

Similarly, if road markings are missing or shown to be incorrect, the PCN will be cancelled and arrangements made for rectification.

Pay and display bays

It is not necessary for additional signs to be placed above pay and display bays. Instructions for use are on the front of the machine itself (the side facing the pavement) whilst each machine also has a clearly visible 'P' sign that can be seen from the road.

Claims that a motorist did not realise there was a machine in the bays will not be allowed unless there are other circumstances that need to be taken into consideration.

In car parks, the legal position is that the restrictions must be clearly indicated - it does not matter about the size or shape as long as we can demonstrate that they are clear. However there are rules about the sizes of signs on public highways.

Obscured signs

If the time plate is shown to exist, but was temporarily or partly obscured each case will be considered on its own merits, depending on the degree of obscurity and whether the relevant details could still be seen.

Adjudicators have accepted that the absence of the 'T' Bar does not always mean that the restriction cannot be enforced, as long as it is clear where the yellow line applies.

Kerb markings

Generally it is mandatory for kerb markings to be in place as a sign that waiting and loading is not permitted. However, this is not so in the case of experimental traffic orders although the council may use kerb markings anyway.

Case law

There are a number of adjudication cases that have dealt with the adequacy of signs and road markings, most of which confirm the council's duty to ensure that road markings and signs are adequate. These are listed below:

Bladon –v- Westminster City Council (Lincoln Inn Fields)

The adjudicator pointed out that the council must not only comply with the regulations, but also has a duty to act fairly and parking restrictions must be signed in such a way that the motoring public knows of the regulations. Because of the unusual nature of this location, the council had a duty to ensure that additional signs were put into place in order to discharge its duty to provide adequate information to the motorist.

Grimwood –v- London Borough of Croydon

This case deals with the confusion caused by signs that do not need to be in place.

Letts –v- London Borough of Lambeth (bay markings)

The adjudicator confirmed councils must install bays of adequate size, as the bay in question was smaller than the minimum permitted in the Traffic Signs Regulations of 1994.

Minier –v- London Borough of Camden

The absence of the 'T' bar markings did not render the yellow line invalid

Other cases are –

Cooper –v- London Borough of Richmond upon Thames

Fairburn –v- London Borough of Bexley (new charges)

Shannahan –v- London Borough of Croydon & Genco –v- London Borough of Croydon (Wellesley Road Bus Lane – old signage)

Ms. B –v- Portsmouth City Council

Mr. M –v- Oxfordshire County Council (lack of CPZ zone entry signs)

Mr. W –v- Watford Council

Leeds Policy:

A claim that a sign was not visible will be referred for inspection. If it is proved to be the case then the PCN will be cancelled, unless there are sufficient alternative signs in the area.

Missing lines and signs can be reported to the customer service team on 0113 395 0050.

According to the traffic section of Leeds City Council, we:

- DO NOT HAVE to display a sign where DOUBLE YELLOW LINES are marked on the street in any area of the SEA
- HAVE to display a sign where a SINGLE YELLOW LINE is marked

SCHOOLS

The school markings which do not permit parking during term time are there for the safety of children. Parents dropping off or picking up children should not park on the school markings.

In Leeds, most school markings do not form part of any TRO and are therefore unenforceable by the council. However, those that are will be enforced by the council.

If vehicles parked on the school markings are deemed an obstruction then the police would be responsible for any enforcement.

It is also important to note that a school's own vehicles are not permitted to park on the school zigzag markings regardless of whether or not they are being used to pick up or drop off children.

The school should ideally inform parents and visitors not to park on the school markings and emphasise the importance of not doing so in the interest of the safety of children.

SECURITY VANS

Secure cash vans are occasionally required to be parked in close proximity to the premises where cash is being delivered or picked up, for safety reasons.

Security vans delivering other 'lower priority' items, such as recorded mail, should usually park in accordance with the regulations although this may not always be possible.

PCNs issued to security vans will be cancelled, providing that suitable proof is provided by the security company.

SKIPS

If you wish to place a skip on the public footway, verge or road you will need to obtain a licence to do so from Leeds City Council, highways services.

If you are requesting a skip company to provide the skip for you it is normal practice for the skip company to obtain a licence for their skip on your behalf.

At least 3 working days notice should be given when applying for a skip licence. Licences may be issued for a maximum of one month. If you already have a licence and wish to extend it, a further application must be submitted before the expiry date of your original licence.

The council will only suspend residential parking areas or parking meter bay(s) for a skip if there is no practical alternative site. The decision of the council will be binding and any suspension, if granted, may be revoked at any time.

Before placing a skip on the public footway, verge or road you should always inspect the area before placing the skip and report any existing damage to the highways skip licence number on 0113 247 7574. Failure to do so will imply that the highway was in good order before the skip was delivered and you will be charged for repairs to any damage subsequently reported due to the placing and removal of the skip.

To apply for a licence, please complete the skip licence application form and return it with your payment to the address on the form. Please ensure that your application form has been fully completed otherwise the issue of your licence authorisation number may be delayed.

If you are a skip company who has not previously placed skips within the Leeds Metropolitan District or if you are interested in setting up an account to allow you to send fax applications, please contact the highways skip licence number 0113 247 7574 for more information.

Please fax applications to 0113 247 7018 or e-mail to highways@leeds.gov.uk. After receipt of the application form Leeds City Council will issue a skip licence number and you will be able to place your skip on the highway subject to any conditions contained in the licence.

It is an offence under section 189 of the Highways Act 1980 to place a skip on the public highway without a licence. Failure to obtain a licence or adhere to the licence conditions for a skip on the highway (footpath, verge or road) will result in prosecution.

STOLEN VEHICLES & KEYS

Police confirmation of the incident, including a crime number, is required in order for an appeals officer to cancel the PCN.

SUSPENDED BAYS - GENERAL

Permitted parking bays

Where representations are made that the vehicle was parked at a location without prior notification of the impending suspension being received, if the claim can be substantiated the PCN will be cancelled, providing that the vehicle was displaying a permit or a pay and display ticket that would have allowed parking had the suspension not been in force.

Advance notice of suspensions is usually given except in the case of emergency suspensions, which are carried out as short notice. But councils are not obliged to give warning of suspensions, although this has become good practice.

It will normally be the case that the responsibility for ensuring the vehicle has been correctly parked and in accordance with a possible suspension, rests with the motorist.

However, when a vehicle is parked legally in a parking place that is subsequently suspended, there is a strong argument that the act of parking cannot be made illegal retrospectively, ie by the suspension. This however, is probably only sustainable for 'same day' parking, as the following day is a new start – a different period of parking restrictions. It is then arguable that the vehicle has been left illegally, although not actually moved, if the suspension is still in force or begins that day.

Where a motorist can show that he was away from home and could not have had any knowledge of the impending suspension, PCNs will be cancelled. Suitable evidence should be requested, such as air or train tickets.

Suspension of a parking place applies in law for the full 24 hours a day. However, unless the purpose of the suspension extends beyond the controlled hours, ie furniture removals, security, building works, etc, vehicles are normally only dealt with during the hours of enforcement.

The council can make a charge for suspensions and dispensations.

Pay and display machines

When a machine is suspended it is covered with a sign that makes it quite clear that a vehicle should not park in that place.

The CEO will leave a note on the vehicle telling the motorist that the vehicle may park until the time has expired, but that then the car should be moved.

A PCN issued to a vehicle parked at a suspended machine will be enforced unless it can be shown that the vehicle was parked prior to the suspension and the motorist did not receive the relevant notice.

Where a resident has requested a suspension for a removal van or building vans for example, and subsequently parks his own vehicle in the suspended bay, he may receive a PCN. The council is entitled to pursue the PCN as the bay was not suspended for the use of his own vehicle.

There are two relevant adjudication cases –

Barker Main –v- Royal Borough of Kensington and Chelsea.

The adjudicator held that the council had a duty to ensure that a suspension was adequately signed and a motorist cannot be expected to make more than a reasonable effort to see whether a suspension is in force. If he cannot see the sign with reasonable clarity from where he is parked, then it is inadequate. However, if he does not bother to check, then he is at fault. One appeal was refused where a motorist had been ill in bed and did not check the sign. A further complaint from a motorist that his vehicle was the only one towed away was not relevant – it did not matter whether his was the only vehicle towed or not.

Mr. Anthony Paul L –v- Manchester City Council

Mr L parked in a suspended pay and display bay and although the council claimed that the suspension was signed on the machine and nearby, they did not produce any evidence to this effect. Consequently, the appeal was allowed.

Leeds Policy:

If it can be shown that a vehicle was parked before a bay was suspended then an exemption should apply. The CEO responsible for coning / signing the suspension should note any vehicles in the bay at the time so that this can be established.

SUSPENSION SCHEME

Suspensions enable vehicles connected with commercial activities to park on pay and display bays, throughout the Special Enforcement Area (SEA), on-street and in car parks for longer than the permitted hours. They are chargeable on a per bay per day basis.

Suspensions are not chargeable on Sundays, but permission from parking services will still need to be obtained to have the bays suspended.

Unless the contractor indicates that he will provide his own cones, the parking services enforcement team is responsible for placing cones in the suspended bays each morning.

Arrangements for large scale suspensions eg for the purposes of filming, should be passed to the project officer for events & maintenance for his approval and pricing. **Please also see the Pedestrian Precincts section for streets managed by other departments.**

Details are phoned or faxed through to parking services, where details are recorded and payment taken or invoice arranged. Payment in advance is encouraged. The details are diarised in order that the CEOs can suspend the relevant bay/s on the required day/s.

TAXIS, RANKS & STANDS

There are no general exemptions for taxis and minicabs. (See also cabs and mini-cabs).

TRADESMAN'S PERMITTED PARKING SCHEME

This scheme is to enable parking within a residents only permit zone (ROPZ), during hours that the zone is in operation where parking can only be undertaken by a vehicle displaying a valid residents or visitors or business permit. If a vehicle is not displaying a valid permit then it could incur a PCN.

Most contractors should have access to the residents' own visitor permit, but there will be times when the property being worked on may be empty. In those cases the contractor will have to seek permission from parking services to park within the zone without displaying a valid permit. This scheme will facilitate this requirement.

A tradesman's permission allows trades people to park in an ROPZ while they carry out work at an address in the zone. The scheme is not for landlords unless they can demonstrate that they are the undertaking the work to the property. Please also see Landlords section.

It is recognised that some companies will require more than one vehicle so the charge is per company rather than per vehicle.

The council is entitled to charge for certain dispensations but, where the trades person requires less than two hours of parking time, this will be free of charge. However, details are still taken and the CEOs advised accordingly.

Stays of longer than two hours under this scheme are charged on daily / weekly basis. Full details must be received by fax on letter headed paper and paid for in advance before commencement of the permission.

UNAUTHORISED MOVEMENT OF VEHICLE

If a vehicle is re-positioned (a street to street removal in effect), details must be retained for the consideration of representations and a note should be left on the vehicle explaining why it was necessary to re-position it.

Any movement of a vehicle by a police officer or any instruction to leave a vehicle where it is by a police officer is considered to be an authorised movement and any resulting PCNs will be cancelled.

Unless there is any evidence to suggest that a vehicle was moved by a third party, PCNs will be enforced.

VANDALISED VEHICLES

If a vehicle has been vandalised or damaged while parked, police confirmation of the incident or proof of breakdown is required in order to cancel the PCN.

VEHICLES LEFT UNATTENDED TO GAIN ACCESS

When a motorist has left his vehicle to collect a key before access to premises can be obtained, the time taken for the activity should not be excessive – 5 minutes would be reasonable. The vehicle should not however be left where there is a total prohibition on waiting.

This is usually an exemption in the TROs, so each case should be treated on its own merits.

VEHICLE NOT AT SCENE

If the owner of a vehicle receives a NtO and claims that his or her vehicle was not parked in the area, the reply letter will ask for a copy of the tax disc. When this is received, the details will be checked against the details recorded by the CEO who issued the PCN.

If the make, vehicle registration number and tax disc number all match the details recorded by the CEO, the PCN will be enforced, but if any of the details differ, it will be cancelled.

Where the motorist claims that he was not in the exact location shown on the PCN, if the CEO has made clear notes on the hand held computer and in his pocket-book, the PCN will be enforced. It is also be useful in some cases to check the location against a map. If there is a photograph of the vehicle taken by the CEO, this will obviously help.

VISITORS TO THIS COUNTRY

If a PCN is issued to a foreign motorist who is borrowing or hiring a british-registered vehicle, the PCN will be enforced and the owner advised that he is ultimately responsible for the penalty, as liability rests with the owner rather than the motorist.

LEEDS CITY CAR CLUB (formerly WHIZZGO)

The vehicles connected with this scheme (a partnership between the council, Leeds City Car Club and Metro) are able to park in specially designated parking bays located throughout the city centre, which are covered by a TRO.

It is illegal for any other vehicles to park in these bays. There are times when other vehicles choose to park in the car club bays thereby preventing the car club vehicle from parking.

In such situations, it has been agreed that the car club vehicle can be parked in the nearest available pay & display bay until it can be parked in the car club bay. The car club vehicle should display the appropriate "Contract" permit so CEOs can identify it is part of the car club scheme. The car club should notify Parking services of the situation regarding the illegally parked vehicle and they should ensure that the vehicle is issued with a PCN.

Any deviations from the agreement on the part of the car club vehicle could result in the issue of a PCN which will be payable.

WRONG MACHINE USED

Unless there are other mitigating circumstances, the PCN will be enforced. However, in circumstances where the motorist has used a nearby machine and the time period purchased does not exceed the maximum time period at the bay in which the motorist *actually* parked, the PCN will be cancelled. In these cases, the motorist *has* paid to park legally and the council has suffered no financial loss.

This also applies where the motorist uses a pay and display machine, but parks in a resident parking bay for example. Generally, any instance where the motorist has made a mistake in where to park does not in itself justify cancellation of the PCN.

CLAMPING

In some circumstances, parking services may have to clamp a vehicle. Vehicles are clamped according to the manufacturer's instructions and photographs are taken. Once clamped, the vehicle is left with instructions and contact details affixed to the windscreen.

Once payment is received, the clamp is removed and the vehicle can be driven away.

DROPPED KERBS OR FOOTWAYS

If a vehicle has been parked on the carriageway adjacent to a footway, cycle track or verge which have been lowered to meet the level of the carriageway it is in contravention of the parking regulations.

Dropped kerbs or footways are put in place to:

- assist pedestrians crossing the carriageway
- assist cyclists entering or leaving the carriageway
- assist vehicles entering or leaving the carriageway across the footway, cycle track or verge

The vehicle does not have to be parallel to the carriageway and this is not classed as an obstruction (ie an offence which only the police can deal with). In Leeds, CEOs will issue PCNs to vehicles which are parked in contravention and will also respond to the complaints from house-holders who report vehicles parked across their driveways.

Householders can telephone parking services on 0113 395 0050 to report any problems of this nature. Reports will be followed up as soon operationally possible.

DOUBLE PARKING

If a vehicle is parked more than fifty centimetres from the edge of the carriageway and is not within a designated parking place then it is considered to be double parked and in contravention of the parking regulations. Discretion will be given in proven cases of emergency. The vehicle should not cause danger or obstruction to other road users.