

City of York Council Parking and Moving Traffic Offences Enforcement Policy

1	Purpose and scope	2
2	Policy alignment.....	2
3	Legal framework.....	3
3.1	TROs and traffic signs	4
3.2	The Highway Code	4
3.3	Exemptions, waivers and suspensions.....	4
4	Enforcement approach	6
4.1	Enforcement objectives.....	6
4.2	Enforcement priorities	6
4.3	How to report issues	7
4.4	Parking enforcement approach	7
4.5	Moving traffic enforcement approach	12
4.6	Use of CCTV and ANPR.....	13
4.7	Penalty charges	13
4.8	Appeals and Representations	14
4.9	Clamping and removal	14
5	Use of revenue surplus	15
6	Review and Monitoring.....	16

1 Purpose and scope

This policy outlines the principles and procedures for enforcing parking and moving traffic offences within the City of York. It is to be considered within the framework of the Council's overarching enforcement policy (available here:

<https://www.york.gov.uk/business-licences/enforcement-policies-1>).

This policy, focussing on parking and moving traffic offences, aims to:

- Encourage compliance with highway rules for the benefit of all highway users, including disabled people, pedestrians and cyclists;
- Promote road safety and accessibility for all road users;
- Support sustainable transport;
- Reduce congestion and environmental impact; and
- Ensure fair and consistent enforcement action.

2 Policy alignment

This Parking and Moving Traffic Offences Enforcement Policy is closely aligned with the city's Local Transport Strategy (LTS) 2022–2040, which sets out a transformative vision for a healthier, more sustainable, and better-connected York. The Enforcement Policy supports and integrates with the strategy by:

- 1. Supporting climate and environmental goals
The LTS aims to reduce transport-related carbon emissions by 71% by 2030, including a 20% reduction in vehicle miles. Enforcement of parking restrictions and moving traffic offences support this aim by discouraging unnecessary car use, encouraging modal shift to walking, cycling, and public transport and reducing congestion.
- 2. Promoting active and sustainable travel and enabling behaviour change
The strategy prioritises active travel and public transport through infrastructure investment and behavioural change. Enforcement plays a key role by deterring and penalising illegal parking that obstructs footways, bus lanes or cycle routes and supporting schemes like School Streets, bus priority corridors, and Low Traffic Neighbourhoods.
- 3. Enhancing safety and accessibility

The LTS includes objectives to improve safety and personal security and support inclusive mobility. Enforcement contributes by targeting dangerous driving behaviours (e.g. illegal turns, box junction violations) and protecting access for disabled users and emergency services.

3 Legal framework

Enforcement is carried out within the following legal and regulatory framework:

- The Traffic Management Act 2004
- The Road Traffic Regulation Act 1984
- Traffic Signs Regulations and General Directions 2016 (as amended) and related circulars and the Department for Transport's (DfT) Traffic Signs Manuals;
- The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022;
- The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022;
- The Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007;
- The Removal and Disposal of Vehicles (Amendment) (England) Regulations 2007;
- The Refuse Disposal (Amenity) Act 1978;
- The Relevant Traffic Regulation Orders (TROs) for the York area.

The Council must also have regard to statutory guidance, including:

- Statutory guidance for local authorities in England on civil enforcement of parking contraventions; and
- Traffic Management Act 2004: statutory guidance for local authorities outside London on civil enforcement of bus lane and moving traffic contraventions.

Civil enforcement powers derived from this legal framework enables the Council to issue Penalty Charge Notices (PCNs) for:

- Parking contraventions, such as parking on yellow lines, zigzag markings, disabled bays, bus stops, taxi ranks, dropped kerbs, ResPark zones without a permit, or paid parking areas without paying, and obstructive parking across driveways or pedestrian dropped kerbs; and

- Moving traffic offences - where civil enforcement is implemented and the required monitoring equipment is in place - including illegal turns, driving in bus lanes, stopping in yellow box junctions, ignoring one-way systems or no entry signs, ignoring access restrictions (such as for pedestrianised areas or School Streets).

Most restrictions enforced using PCNs must have been created through a TRO. Some restrictions do not require a TRO however and can be created simply by placing the necessary traffic signs/road markings, such as bus stop clearways, yellow box junctions, and pedestrian/cycle crossing controlled areas (marked by white zig zags). Some enforcement can be undertaken based on specific circumstances, such as where parking occurs at dropped kerbs.

3.1 TROs and traffic signs

A TRO is a legal document which sets out the Council's intended restrictions, including how and where they apply. Councils must follow a set process to create TROs. This includes a statutory consultation process where objections have to be fully considered (unless restrictions are only temporary).

Signage and markings are then used on the streets to inform drivers of the relevant restrictions. These are required to comply with the Traffic Signs Regulations and General Directions. DfT approval is required where a restriction is not provided for in the national regulations or to use a non-standard traffic sign.

3.2 The Highway Code

All road users should be familiar with the Highway Code, including the rules relating to driving, parking, road markings, and traffic signs. Drivers should also keep up to date with changes to traffic signs, road layouts, and relevant legislation.

3.3 Exemptions, waivers and suspensions

3.3.1 Exemptions

TROs may contain exemptions which are listed within the order and usually indicated on the relevant traffic signs and markings.

3.3.2 Waivers

Where there is no relevant TRO exemption but access or parking is required for a specific purpose (for example a works vehicle), a waiver needs to be obtained in advance from highway.regulation@york.gov.uk.

Waivers are always vehicle specific. If a dispensation is not used in accordance with the waiver's terms and conditions, or for the activity for which it was issued, a PCN may be issued.

3.3.3 Suspensions

Some access restrictions sometimes need to be suspended, usually to enable works to take place, for example where a one-way street needs to be closed. This is usually indicated by temporary traffic signs and road users must abide by those signs.

There are also occasions when parking bays must be suspended – usually to enable works to be carried out.

Suspension applications will generally be considered for reasons such as:

- Highway maintenance and utility works;
- Maintenance of adjacent property where highway access is required for deliveries, essential vehicles, skips, etc;
- Maintenance of trees;
- Police request;
- Events (on the highway or on adjacent land); and
- Filming.

We will not suspend bays which are usually available to the public or residents to provide parking for specific vehicles unless they are essential for works in the suspended area.

Where a parking suspension is granted, signs are placed to deter parking in the suspended area, but we are not able to guarantee that vehicles will not park there. Our enforcement team can be contacted to report vehicles. Vehicles seen by the Civil Enforcement Officers parked in contravention of a suspension may receive PCNs and vehicles may be removed if required.

4 Enforcement approach

Enforcement is generally data and risk- led, prioritising locations where there are identified safety concerns, persistent accessibility issues, congested areas or persistent non-compliance issues.

4.1 Enforcement objectives

Enforcement is carried out at locations where restrictions are correctly signed, and a Traffic Regulation Order (TRO) is in place (where required).

The Council's enforcement activity aims to:

- Support the needs of disabled people, including those who rely on the use of a vehicle;
- Discourage parking, which is dangerous or obstructs access for disabled people, pedestrians, cyclists, and other drivers;
- Support the objectives and policies set out in the Local Transport Strategy, including encouraging the use of sustainable and active transport modes; improving the quality and accessibility of public transport and bus journey times, supporting high streets and local centres, balancing the needs of different road users, including vehicles required for deliveries;
- Meet the authority's duties under the Traffic Management Act 2004, to secure the expeditious movement of traffic, so far as may be reasonably practicable having regard to their other obligations, policies and objectives;
- Deliver the objectives of specific parking and traffic management schemes (such as pedestrianised areas, low traffic neighbourhoods, and School Streets);
- Improve compliance with parking and traffic restrictions - issuing PCNs acts as a deterrent but the aim is to inform the public of restrictions and provide advice to support compliance to reduce the need for enforcement.

4.2 Enforcement priorities

When planning enforcement activities, the Council must prioritise funding and resource allocation against the objectives set out above. This applies to fixed camera enforcement, mobile camera enforcement, and CEOs observing contraventions.

. Different restrictions and locations may be prioritised at different times. For example, areas near schools are usually prioritised at school start and finish times. Areas near the stadium or other large venues and events are more likely to be prioritised when events take place.

To cover different areas throughout the city, officers are assigned routes to patrol on foot or by car. These are kept under review to enable some flexibility for the enforcement team to address hot spots areas or new issues which have been reported by residents and customers, local councillors or other stakeholders such as emergency services, bus operators, waste collection teams, etc.

Restrictions and areas which are generally considered enforcement priorities include:

- Moving traffic restrictions which have been prioritised for camera enforcement;
- Red routes, stopping and loading restrictions on key corridors and junctions;
- Bus lanes/gates and key bus stop locations;
- Designated Blue Badge parking spaces and suspected Blue Badge misuse;
- Restrictions in school areas at school start and finish times;
- Mandatory cycle lanes;
- Tactile crossing points;
- Restrictions linked to events (including temporary restrictions); and
- Temporary restrictions for works such as highway maintenance and utility works.

4.3 How to report issues

Illegal parking can be reported via the Parking Hotline (0800 1381119), which operates daily between 8am to 9pm. Serious obstructions should be reported to North Yorkshire Police (using the non-emergency 101 number).

Additional information on how to report issues is available here:

<https://www.york.gov.uk/parking-tickets-enforcement-1/parking-enforcement>

4.4 Parking enforcement approach

4.4.1 Grace periods and observation periods

Civil Enforcement Officers (CEOs) may observe vehicles for a period of time before issuing a Penalty Charge Notice (PCN) in order to establish whether an exemption may

apply, such as loading/unloading or passengers boarding or alighting. Observation periods may vary depending on the restriction, location, road safety considerations, and the nature of the contravention.

A statutory grace period is different from an observation period. Where required by legislation, a grace period will be applied before a PCN is issued to a vehicle which has remained parked after a permitted parking period has expired.

Observation periods are discretionary and are not required in all circumstances. Some restrictions, including bus stops, school keep clear markings, pedestrian crossing zig-zags, taxi ranks, mandatory cycle lanes, clearways, and certain moving traffic restrictions, may be enforced immediately where a contravention is identified.

4.4.2 Picking up and setting down passengers

The Council recognises that restrictions on waiting do not generally prevent vehicles from stopping for as long as is reasonably necessary to allow passengers to board or alight.

This may include reasonable assistance for elderly, disabled, or vulnerable passengers, where genuinely necessary. However, the exemption does not normally extend to leaving a vehicle unattended while accompanying passengers into premises, including schools, nurseries, or other buildings.

The exemption does not normally apply where waiting, loading, or stopping restrictions prohibit stopping, or where a vehicle is parked for longer than reasonably necessary.

4.4.3 Broken down vehicles

A vehicle which has broken down may not be issued with a PCN where satisfactory evidence is provided demonstrating that the vehicle could not reasonably be moved.

Drivers should arrange recovery as soon as reasonably practicable. The Council may request supporting evidence, such as recovery invoices or garage documentation.

4.4.4 Multiple PCNs

Where a vehicle remains stationary in contravention at the same location, the Council will generally avoid issuing multiple PCNs within the same 24-hour period unless:

- the vehicle has been moved and returned;
- a different contravention occurs;
- the restriction changes; or
- further enforcement action is considered necessary and proportionate.

4.4.5 Warning notices and new restrictions

Where new parking or traffic restrictions are introduced, or where restrictions are significantly amended, the Council may initially issue warning notices rather than PCNs for a temporary period.

The use and duration of warning notices will depend on the nature of the restriction, road safety considerations, compliance levels, and operational requirements.

4.4.6 Statutory undertakers and utility works

The Council recognises that statutory undertakers and contractors carrying out highway, utility, telecommunications, or other essential works may need to stop in restricted areas while undertaking their statutory duties.

Vehicles must still be parked safely and with reasonable regard to other road users. Evidence may be requested where necessary to confirm that works were actively being undertaken.

4.4.7 Carers and medical circumstances

The Council recognises that carers and those assisting elderly, disabled, or otherwise vulnerable persons may sometimes need to stop for short periods while providing essential assistance.

CEOs and back-office staff may consider the circumstances of each case and discretion may be exercised where appropriate, taking account of factors such as the nature of the restriction, road safety considerations, whether obstruction was caused, the duration of the stop, whether the vehicle was attended, and any supporting evidence provided.

This does not provide a general exemption from parking or traffic restrictions and vehicles must not be parked in a manner which causes danger, obstruction, or significant disruption to other road users.

The Council also operates permit schemes and other parking arrangements which may assist some carers and regular visitors, subject to eligibility criteria and applicable charges. Further information is available on the Council's website.

4.4.8 Exercise of discretion

The Council recognises that each case must be considered on its individual circumstances.

CEOs and back-office staff may exercise discretion where appropriate and proportionate, taking account of relevant legislation, statutory guidance, the available evidence, public safety, and the wider public interest.

The exercise of discretion does not create an entitlement to cancellation, and each case will be considered on its own merits.

4.4.9 Loading activity

Some loading activities may be exempt from the enforcement of parking restrictions, where loading restrictions are not in force, provided certain criteria are met. Each case is considered on its own merits, and all relevant circumstances are considered, taking into account the commonly used CHART principles:

- C – continuous: The motorist should not break off the activity of loading or unloading. However, this does not infer that activities such as completing paperwork or locating the goods in the premises are not part of the loading or unloading process.
- H - heavy goods: The goods that are being loaded or unloaded must be of a weight or bulk so that they cannot reasonably be transported without a vehicle and/or of a type that cannot easily be carried by one person in one trip.

In some circumstances several small or lightweight items delivered in the course of a trade or business may be considered as goods. Shopping may also be classed as goods.

The exemption does not normally apply while goods are being selected, ordered, prepared, or purchased. Activities such as entering a shop or premises to place an order, collect small items, or wait for food preparation are not normally considered loading or unloading for the purposes of parking enforcement.

- A – adjacent: The vehicle must be parked adjacent to where the loading activity is occurring. If the vehicle was parked in another street, more than 50 metres away, it would be difficult to argue that it was adjacent.
- R – reasonable: Unloading vast quantities of goods and taking all day to do it would not be considered reasonable. Where the loading or unloading is likely to take a long time and cause a lot of disruption, the Council should be notified in advance to enable arrangements to be made to accommodate it where possible. The vehicle does not have to be a goods vehicle, but it must be necessary for the activity and not merely convenient to use a vehicle.
- T – timely: The loading or unloading should be completed as quickly as possible.

CEOs may observe a vehicle for a period of time to establish whether loading or unloading activity is taking place. Observation periods are discretionary and may vary depending on the restriction, location, and circumstances observed.

A CEO may issue a Penalty Charge Notice where they reasonably believe a contravention has occurred, including where no loading or unloading activity has been observed.

The statutory grace period only applies in circumstances prescribed by legislation, such as where a vehicle has remained parked in a permitted parking place after the permitted parking period has expired. It does not generally apply to waiting restrictions such as yellow lines, loading restrictions, bus stops, taxi ranks, clearways, mandatory cycle lanes, or similar restrictions where parking is prohibited.

4.4.10 Disabled drivers and passengers

The Council recognises the importance of accessible parking and the role of the Blue Badge scheme in supporting disabled people who rely on access by vehicle.

A Blue Badge may only be displayed when the badge holder is travelling in the vehicle or is being picked up or dropped off by the vehicle. A badge must not be used by another person for their own benefit where the badge holder is not present.

Blue Badges and any required parking clock should be clearly displayed in accordance with the conditions of the scheme so that the relevant details can be inspected from outside the vehicle.

Where time limits apply to Blue Badge parking concessions, the parking clock must be correctly set to show the vehicle's arrival time.

The Council recognises Blue Badges and equivalent disabled parking permits issued outside the United Kingdom, provided they are valid in the country of issue and clearly displayed. Supporting documentation may be requested where appropriate.

Misuse of a Blue Badge may result in enforcement action, and, in some circumstances, badges may be reported to the issuing authority or relevant enforcement agencies for further investigation.

4.4.11 Private roads/land

A road is legally defined for the purposes of traffic regulation as *"any length of highway or other road to which the public has access"*.

Highways are regarded in common law as being land on which all members of the public have a right to pass and re-pass. Different types of highways may be used by different types of traffic. For example, highways which are footpaths provide a public right of passage on foot only.

Highways can be adopted or unadopted – the adoption status only determines who is responsible for maintaining it. Even if an area of highway is unadopted or privately owned, if it is still highway (i.e., all members of the public still have a right to pass over this section of land), then parking restrictions may still apply.

If a vehicle is parked on a section of road where a parking restriction applies, a PCN may be issued.

4.5 Moving traffic enforcement approach

Automatic Number Plate Recognition (ANPR) cameras and other approved camera technologies may be used to enforce moving traffic offences, bus lane restrictions, and other traffic restrictions (as permitted by legislation).

When ANPR enforcement for moving traffic is introduced at a new location, or where restrictions are substantially changed at an existing location, the Council will normally issue warning notices (instead of PCNs) for the first contravention for the first 6 months, in accordance with statutory guidance issued by the Department for Transport. Further

contraventions by the same vehicle at the same location during the first 6 months may result in the issue of a PCN.

In general, when enforcing moving traffic contraventions, directional traffic signs only apply once the sign has been passed. The direction is only active in the area behind the sign. These are referred to as 'positive' instruction signs.

Other moving traffic restrictions may be indicated by road markings, traffic signals, or other prescribed traffic signs.

Enforcement footage should show the sign and the vehicle passing it. However, it is not necessary for the footage to show the front of the sign. The evidence required may vary depending on the type of restriction being enforced.

4.6 Use of CCTV and ANPR

The Council can issue parking, bus lane, bus gate, and moving traffic PCNs for contraventions detected using CCTV and associated recording equipment which meets the requirements for an approved device under relevant legislation.

Parking restrictions which may be enforced using approved devices include:

- In a bus lane where waiting and loading restrictions apply;
- In bus stop clearway or bus stand clearway;
- On 'keep clear' zig-zag markings outside schools;
- On a red route;
- In a mandatory cycle lane, which has waiting or loading restrictions.

Recorded footage and images are reviewed before a PCN is issued to confirm that a contravention has appeared to have occurred and the vehicle details are correct. Where reasonably practical, vehicles that are known to be exempt or authorised are filtered out prior to enforcement action being taken.

PCNs issued using approved devices are generally served by post after the keeper details have been obtained from the DVLA.

4.7 Penalty charges

PCNs range from £50 to £70, depending on the type of contravention. The penalty levels are set nationally.

In accordance with statutory guidance, first-time moving traffic offences detected at newly enforced locations may receive a warning during the initial six-month rollout of new enforcement powers.

4.8 Appeals and Representations

Recipients of PCNs may dispute them through the Council's statutory process.

An informal challenge may be made to the Council before a Notice to Owner is issued.

Following the issue of a Notice to Owner, the recipient or owner may make formal representations to the Council. Representations are considered in line with relevant legislation, statutory guidance, and local policy.

Claims that a CEO has made an error whilst issuing a PCN will be considered as part of the Council's challenge or representation process and a written response will be provided.

Where a challenge or representation is received within the applicable discount period, the Council will normally place the case on hold and suspend further enforcement action whilst challenge or representation is being considered. If the challenge or representation is rejected, the discounted payment period will normally be re-offered for a further period as set out in the response correspondence.

If formal representations are rejected, the Council will issue a Notice of Rejection (NoR). The recipient may then appeal to the Traffic Penalty Tribunal within the period specified in the Notice of Rejection.

Any allegation of misconduct, inappropriate behaviour, or rudeness involving a member of the Council's enforcement team will be investigated in accordance with the Council's relevant internal procedures and codes of conduct. Concerns relating to the conduct or behaviour of enforcement staff will be considered separately from the enforcement process and do not automatically invalidate a PCN.

4.9 Clamping and removal

The Council has powers to immobilise (clamp), relocate or remove vehicles parked in contravention of parking restrictions, in addition to the issue of a PCN.

The Council would generally only immobilise incorrectly parked vehicles when a fourth PCN is issued to a vehicle for which three PCNs have already been issued in the

previous 6 months, and those PCNs haven't been paid, or cancelled following a successful challenge. If a vehicle has been clamped for at least 24 hours, or it is causing an obstruction, it may be removed.

The Council would generally only consider immobilising incorrectly parked vehicles where repeated contraventions have occurred and previous PCNs remain unpaid or outstanding.

Removal without clamping can happen when vehicles are parked:

- causing a major obstruction to traffic or a danger to pedestrians or other road users;
- on a bus stop, taxi rank or clearway where stopping is prohibited;
- in a specially designated reserved parking place (for doctors or Blue Badge holders);
- in a suspended parking place;
- in a loading bay or loading gap;
- where waiting and loading restrictions are in place (including temporary restrictions); or
- when a road is closed.

Vehicles parked in contravention of temporary restrictions associated with events, emergency works, or safety requirements within the city centre may be particularly likely to be relocated or removed where necessary to maintain access, safety, or the operation of the event.

When considering whether a vehicle should be immobilised or removed, the Council will act in accordance with the *“Statutory guidance for local authorities in England on civil enforcement of parking contraventions”*.

The Council may also investigate and remove abandoned vehicles, in line with existing legislation and national guidance.

5 Use of revenue surplus

Income from on-street parking charges and penalty charges must be used in accordance with Section 55 of the Road Traffic Regulation Act 1984. Any surplus income generated from enforcement must be applied towards purposes permitted by the legislation

including transport services, infrastructure, and highway/transport improvements and/or environmental improvements.

6 Review and Monitoring

This policy will be reviewed annually to ensure alignment with:

- Council policies and strategies;
- National legislation and guidance; and]
- Feedback from stakeholders.