

Vehicle Parking Policy on the Village Turning Area

Introduction:

The turning area is a cobbled area in the centre of the village, with well-established flowerbeds, benches, a bus stop and shelter, war memorial, award plaques and a classic red phone box. This area provides a focal point within the village. It includes a right of way for the residents of Barley House Farm. The turning area is private land owned by Barley Parish Council – *Land Registry LAN 94253 2016*



Photograph 1: Barley Turning Area with Parking Hours Restriction Sign

Purpose of the Policy:

The purpose of the policy is to set out, and communicate Barley Parish Council's parking policy and procedures in relation to the vehicle turning area in the centre of the village.

Purpose of the Turning Area:

The primary purpose of the turning area is to provide a necessary off-road bus stop for the local bus service. The space also provides a turning area for larger vehicles such as Heavy Goods Vehicles, Refuse Wagon, Delivery Vehicles to local businesses, Library Vehicle, Farm Vehicles, etc.

Furthermore, the turning area is an attractive centre to the village, where the village can honour those who gave their lives in the 2 world wars with flowerbeds, a riverside view, a place to pause and reflect, experience the beauty of Barley and views to Pendle Hill.

Parking Policy on the Turning Area

Route to Parking Management: Parking Restrictions and Charges

The Council have engaged with Park with Ease (**PwE**), an accredited IPC car park management solutions company, to develop a system of parking management and charges.

The Council has erected two signs on the Turning area that explicitly indicate “No parking is permitted between 0800Hrs and 1800Hrs”.

The signs are clear and easily visible.

Any person who parks without authorisation is deemed to be in acceptance of the parking terms stated on the signs and any charges that can be imposed.

To enable PwE to progress parking charges on the Council’s land, the Council has granted PwE a “Licence to Occupy” the Turning Area giving them possession of the land for an agreed period of time. This licence enables PwE to have access to the DVLA register of vehicle owners.

Issuing of Parking Charge Notices

When a vehicle has parked on the Turning area in breach of the parking conditions then:

1. A Parish Councillor, or other authorised person, will photograph the vehicle and record its Registration Number using parking enforcement software then download the data to PwE.
2. PwE will issue a parking charge to the owner of the vehicle.

Summary of the Procedure to deal with Parking Offenders on the Turning Area

As the owners of this public space land the Parish Council has recourse, or use an agent to, **to** take civil action against parking offenders. To enable parking charges to be issued the Council has: -

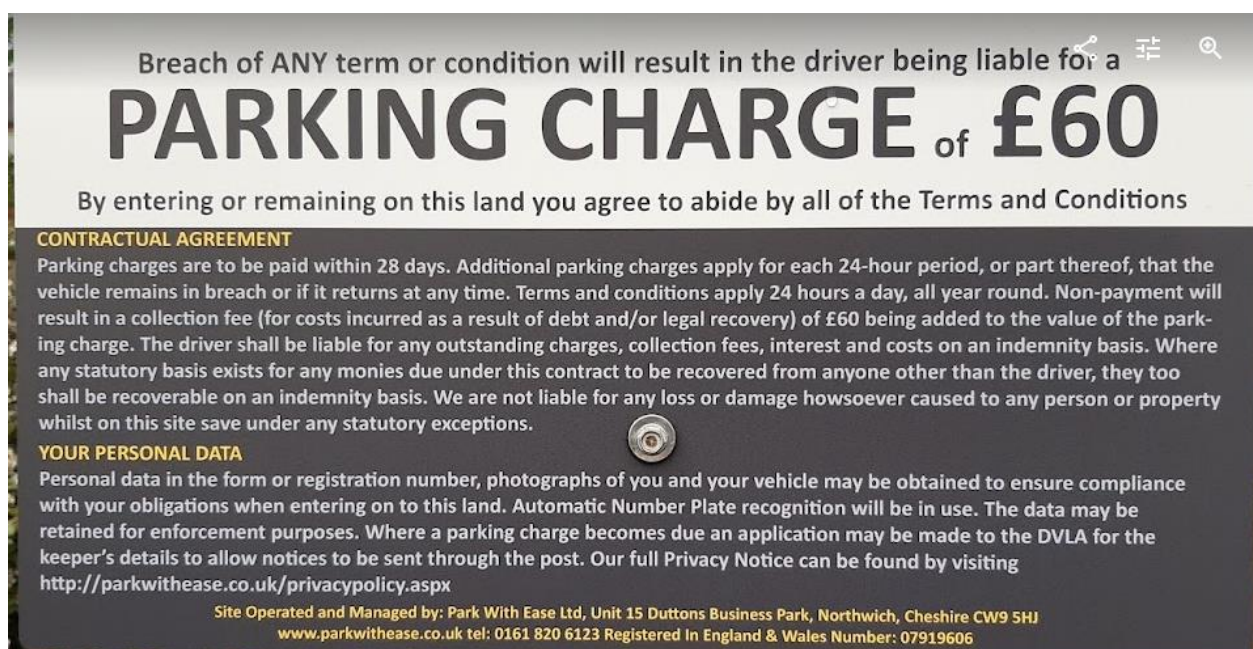
- Step 1: Engaged a commercial arrangement with a third-party accredited parking company (British Parking Association or International Parking Community), in order for them to provide the means of charging. The Council has issued a “Licence to Occupy” to the third party,*
- Step 2: Installed signage which inform all residents and visitors of the parking conditions which have been written in a manner that clearly states the parking conditions,*
- Step 3: Contacted all local businesses and village centre residents through a formal letter informing them of the new parking conditions and charging arrangements to ensure they are aware,*
- Step 4: The third-party company has provided software for members of the parish council to record any breaches of the parking conditions,*
- Step 5: Members of the parish council will have access to the parking management software to record breaches of parking conditions and then they will send the information on to PwE,*
- Step 6 Park with Ease will issue Parking Charge Notices and collect all payments.*

Policy of the Parish Council

- All members of the Parish Council, and any other designated persons, are authorised to use the parking software to record breaches of parking conditions and send to PwE,
- Loading and unloading is permitted on the Turning Area provided it is evident that persons are in attendance of the vehicle. Councillors recording breaches are under no obligation to spend time looking for owners of vehicles that are not attended.
- Parking charge tickets are NOT being appended to vehicles by the Council.
- There are no concessions for any vehicles including blue badge holders,
- Temporary parking concessions can be granted by the Council at the Council's sole discretion on request, in advance, to the Council Chairman, Vice Chair or the Clerk,
- Once vehicle parking has been recorded and downloaded to Park with Ease it will solely be a matter for PwE to issue parking charges and to take such enforcement as the Company deems necessary. The Parish Council has no further involvement.
- The Parish Council have given an obligation to PwE not to enter into discussions with the recipient of any parking charge nor to interfere with the collection and enforcement of such charge
- The parking management software will be held at a location agreed by the Council.
- The parking charge is £60.



P1: Image of Signage on Car Park



P2: Image of Parking Conditions at bottom of Parking Signage

Appendix 1 – The Legal Position:

- 1. The parish council has a legal right to stop parking on private land. The right to enforce this is in the trespassing legislation,**
- 2. Unofficial parking on the Turning Area is an offence under the law of contract, therefore this is a contractual, civil matter and not a criminal one,**
- 3. The Council must provide well informed signage. This means that when someone parks on the turning area they are “considered to have accepted the parking terms and sanctions if there is adequate signage”. (<https://www.theaa.com/driving-advice/legal/parking-tickets-private-land>). Providing the conditions are reasonable and clearly indicated on signage, any breach can be dealt with.**
- 4. As of 2012 clamping became illegal, therefore the only way to prevent illegal parking on private property is to implement a notice policy.**

Parking Charge Notices can be issued to vehicles parked on private land if conditions for use of a private car park have not been met or the vehicle is parked on private land where no parking is allowed. They are however not “fines” or “penalties” which cannot be imposed. Private parking companies basically place “invoices” on a vehicle or send them to the Registered Keeper.

Appendix 2 – Avoiding & Dealing with Abuse or Conflict

With no parking charge tickets issued and Councillors not dressed as parking enforcement officers, the PCN process can be carried out with Councillors being relatively inconspicuous. If engaging with a driver it is important to listen, respond without emotion and be professional and inform there is an appeals process to follow with PwE.