Parking Management Policy

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**16.0**

# INTRODUCTION

Whitehaven Harbour Commissioners recognise the importance of meeting customer’s expectations of a high standard of service delivery. The management of all parking schemes is therefore one of WHC’s priorities. WHC car parks are as follows:

* Car Parks
* Multi-Storey Car Park – Long Stay and Permit Holder Car Park
* Quay Street North – Long Stay Car Park
* Quay Street South – Long Stay and Permit Holder Car Park
* Tangier Street – Long and Permit Holder Car Park
* Queens Dock – Long Stay and Permit Holder Car Park
* Duncan Square (WHC) Permit Holder Car Park
* Low George Street (WHC) Permit Holder Car Park
* West Strand (WML) Permit Holder Car Park
* Authorised Users Parking Areas
	+ Fish Hall Car Park
	+ North Harbour Wall
	+ Landing Quay
	+ Boat Yard Hard-standing
	+ Lime Tongue
	+ Sugar Tongue
* No Parking Areas
	+ Old Quay
	+ The Hub
	+ Harbour Strip
	+ Millennium Parade
	+ Bulwark Quay

As well as managing our own car parks and land around the harbour area, we also work on behalf of a number of other landowners, hereafter referred to as Other Landowners, these are as follows:

* Sainsbury
	+ - * Argos
* Buckingham Assured Properties Ltd
	+ - * Slipway Flats and Courtyard
* Castles and Coasts Housing Association
	+ - * Catherine Mill and Catherine Mews
* Home Group
	+ - * Birley Court
			* Church Street
			* Duke Street
			* Michael Street
			* New Street
			* Scotch Street
			* St James Court
			* Wellington Row
* Sandhills Court Estates
	+ - * Sandhills Court
* Pears House Estates Management
	+ - * Pears House
* Armstrong Richardson
	+ - * Millbry Hill
* Peacocks Stores
	+ - * New Street (rear of store)

## 1.1 Parking Management

Parking Management is a service provided to all users of WHC land and the land of Other Landowners. This Parking Management Policy is a WHC policy. For reasons of practicality, where ‘WHC’ is used throughout this policy document, it also includes other landowners whose car parks are managed by Whitehaven Harbour Commissioners.

## 1.2 Definition

For the purpose of this policy, **parking enforcement** is defined as any measure introduced by WHC to aid the management and identification of vehicles authorised to park on any land, in a designated bay or defined area (for parking) that it owns or manages by agreement including any measure to aid the management and identification of vehicles parked without authorisation or, in areas where parking is not permitted.

## 1.2.1 Residents

Are deemed to be individuals who hold a parking permit agreement with WHC or a tenancy or a lease jointly with Other Landowners, or who otherwise occupy a property on an estate where other landowners are the management agent and they deem them suitable to be able to park a vehicle on their land.

## 1.2.2 Vehicles

Include any motorised vehicle, requiring insurance and valid tax in order to be driven orridden lawfully. This includes cars, vans, motor cycles, scooters, commercial vehicles when loading and/or unloading, mini-buses and taxis when picking up or dropping off passengers. It does not include trailers or caravans.

## 1.2.3 Authorised persons

Are non-residents who have permission to park with the consent of the relevant Other Landowner who will advise WHC of this consent.

1.2.4 Parking schemes

These are managed areas of parking, gated or otherwise, where parking enforcement is undertaken by WHC parking enforcement staff and parking is based on contract law and all conditions of use are as displayed on signs throughout each of the parking areas.

# 2.0 AIMS & OBJECTIVES

## 2.1 Aims:

* To provide and administer a consistent, fair, efficient and effective parking management service.
* To ensure that all pay and display car parks are used correctly and in accordance with the Terms and Conditions as displayed in the car parks.
* To ensure that land around the harbour and its piers and tongues and land owned by Other Landowners is kept free of unauthorised vehicles at all times in accordance with the Terms and Conditions as displayed.
* To ensure that residents and authorised persons are able to park in Other Landowners parking areas without nuisance or disruption.
* To ensure that WHC parking management processes are compliant with any Codes of Practice and statutory requirements.
* To ensure that parking bays are provided for both general needs use, or disabled person or accessible parking bay use which is either pay and display or permit parking.

## 2.2 Objectives:

* To manage car parking on WHC land and the land of Other Landowners to ensure that car parking is available to users in accordance with the Terms and Conditions as displayed.
* To publish WHC’s Parking Management Policy.
* To provide support for vulnerable users through the permit application process.
* To work in partnership with companies providing specialist parking services who are registered with the International Parking Community.

# 3.0 POLICY STATEMENT

WHC will introduce parking control and enforce this on all schemes:

* It owns or otherwise manages where parking restrictions are in place or are required and where there is limited or no parking on site.
* Where the location is deemed to be a no parking area.
* Where authorised parking facilities are misused.

# 4.0 RESIDENT SUPPORT

WHC recognise that some households have individual members with complex and long-term special needs due to chronic illness, or mobility problems. In such cases WHC will, following a decision by the Other Landowners giving consent, assist the household where possible with the parking needs for a supporting member of their household or an approved carer, subject to availability on site. Permits issued to carers will enable them to share the resident’s designated bay or allow access to general needs bay on the development for a fixed period, where applicable.

In addition to this, WHC will with the Other Landowners ensure that blue badge holding residents with specific mobility difficulties are offered parking bays most suitable to their needs, subject to availability. Where possible this includes wider bays, bays closer to their home or dropped kerbs. Where there are limited disabled bays, allocation will be undertaken on a first-come-first-served basis.

# 5.0 ELIGIBILITY, PRIORITY AND ALLOCATION

All Other Landowner residents and leaseholders are eligible to apply to their individual Other Landowner for a parking permit for a scheme on their estate managed by WHC.

Visitor parking will be provided by the individual Other Landowner, where possible and managed according to the terms and availability of each parking scheme.

WHC are not responsible for issue or management of parking permits for Other Landowners’ property unless this is agreed in writing between WHC and the Other Landowner.

# 6.0 DEVELOPING AND MAINTAINING PARKING SCHEMES

The maintenance and repair of the car parking areas will be the responsibility of the individual Other Landowners. This includes the painting of bays, renewal of signage and maintenance of any gates, security and fob access systems. WHC are not responsible for vehicles parked within the parking area or liable for any damage, theft or vandalism to vehicles.

# 7.0 APPLICATION AND PERMITS

## 7.1 WHC Parking Permits

Parking permits are available for the car parks listed as permit holder car parks in section 1, the application forms can be downloaded from [www.whitehavenhc.org.uk/parking](http://www.whitehavenhc.org.uk/parking) with the exception of West Strand Parking Area, and these can be obtained from Whitehaven Marina Limited (WML) but are restricted to berth holders only.

### 7.1.1 Required Documents

#### WHC permits

A completed application form is required along with the relevant payment or details of method of payment.

## 7.2 Other Landowner sites

Anyone eligible to apply should make an application directly to their relevant Other Landowner at one of their local offices. Payment and documentation will need to be provided at this stage.

#### Where parking control is in place the Other Landowner will issue residents with a permit and/or licence for parking their vehicle and provide guidelines stipulating the rules by which parking on their estate is to be managed. It is the permit holder’s responsibility to ensure that they receive and display their permit at all times and obtain a valid temporary permit during interim period of the application and issuance of the permit.

####  7.2.1 Other landowners

The Other Landowners will only give consent for roadworthy vehicles to park on its land, for which the appropriate road tax for the vehicle has been paid. The Other Landowners may provide WHC with a list of permits granted to the residents or other authorised persons.

### 7.2.2 Charges and costs

#### 7.2.2.1 WHC Permits

Lost permits or any change of details will incur an administration charge.

# 8.0 PARKING ENFORCEMENT CONTRAVENTIONS

Where parking contraventions occur, either by a paying or non-paying customer, a permit holder or non-permit holder, or any other users of WHC land or Other Landowners land WHC’s parking enforcement team have the right to issue a Parking Charge Notice, hereafter referred to as PCN.

This may be in the form of a PCN placed on the windscreen or delivered by the postal service if it was deemed dangerous or inappropriate to issue directly to the vehicle by the enforcement officer. This may be due to an aggressive driver, passenger or any other situation where the enforcement officer determined that it would be unwise to issue directly to the vehicle.

A postal PCN can also be issued to a vehicle when the driver has refused to accept the PCN and drives off before the officer is able to affix the notice to the vehicle.

The parking charge reduced fee of £40.00 will become payable once a notice has been issued. Failure to pay or appeal within 14 days of issue will result in the full charge of £70.00 being payable. This will increase further if a payment or an appeal has not been made within 28 days.

* For manually issued PCN’s, WHC will request the registered keeper details from the DVLA and a Notice to Keeper (NTK) will be sent to the registered keeper’s address within 56 days following the date of issue.
* For postal PCN’s, WHC will request the registered keeper details from the DVLA immediately and a Notice to Keeper will be sent to the registered keeper’s address within 14 days of issue.

In either event the registered keeper will have 28 days to respond and may do one of the following:

* Pay the full fee
* Appeal the issue of the notice
* Provide the driver’s details

Failure to do any of the above will result in either debt recovery and or litigation being implemented. This will also add further costs to the PCN.

Monitoring and patrolling will be consistent by our enforcement officers across all parking schemes.

## 8.1 Reasons for enforcement

* Failing to display a pay and display ticket which is visible to the enforcement officer, in or on the windscreen.
* Displaying an expired pay and display ticket (expired by over 10 minutes).
* Not displaying a valid parking permit or having a valid virtual “E” permit for the location in which the vehicle is parked.
* Not having a valid PayByPhone mobile phone transaction.
* Not parking wholly within the confines of a marked bay.
* Parking on yellow lines or hatched areas.
* Parked so as to cause an obstruction or inconvenience to others.
* Parking in unauthorised areas in No Parking areas.
* Parking in authorised parking areas without authorisation.
* Failure to display a valid Blue Badge in a Disabled Parking Bay

## 8.2 PARKING APPEALS PROCEDURE

Where a PCN has been issued to a vehicle, the appropriate charge will need to be paid directly to WHC. If a driver feels aggrieved and wrongly penalised by the enforcement, they may make an appeal directly to the WHC by following the ‘Challenges’ section on the PCN.

All challenges will be considered in a fair and consistent manner and will normally be responded to within 10 days of receipt. All rejected challenges will include the contact details of the Independent Appeals Scheme (IAS).

All challenges must be done online at <https://whitehavenhc.zatappeal.com> alternatively they can be made in writing to: Car Parking, Whitehaven Harbour Commissioners, 27 Lowther Street, Whitehaven, Cumbria, CA28 7DN, or by email to: parking@whitehavenhc.org.uk within 28 days of receipt of the notice. The appeal should detail the reasons why it is believed that the notice was not appropriately issued and include the full name and address of the appellant, the Parking Charge Number and or VRM and details as to whether they are the registered keeper or the driver. We can only accept an appeal from the registered keeper or the driver at the date of issue. Unfortunately, we are unable to accept any verbal challenges.

Failure to provide this information may mean that we are unable to log your appeal, however, where this is the case and you have provided an email or a mailing address we will email / write to you requesting further information.

In exceptional circumstances only, we may consider appeals outside of the 28 days - ie:

Appellant has been in hospital.

Family bereavement.

Appellant has been out of the country.

Proof to support the claim will be required.

Once the appeal has been received it will automatically be logged against the PCN Number, for emailed appeals, the email will be forwarded to the case file by way of the ZatAttach process and for written appeals, these will be scanned and uploaded into the system manually. Once scanned and uploaded, the written document will be securely disposed of by our selected secure shredding provider.

From the receipt of the appeal the charges will be held until a decision has been made. We will consider an appeal in conjunction with evidence gathered, including photographic evidence by our officers or evidence provided by the appellant and we will respond within 28 days. If we are unable to comply with this timescale due to a delay with gathering information from one of our third-party landowners, we will contact the appellant accordingly giving an estimated timescale for the conclusion of the appeal.

If an appeal is successful, we will close the case and no further enforcement will ensue. If we reject the appeal, we will give 14 days at which to pay the reduced fee provided that the appeal was made within 14 days of the date of issue. If the appeal was received outside of the 14 days, then the full fee will be payable. If we do reject an appeal, we will provide the contact details for the Independent Appeals Service where the appellant can make a further no-cost appeal within 21 days of the date of the rejection letter.

Once an appeal is rejected, we will upload the case details onto the IAS (Independent Appeals Service) website.

## 8.3 COMPLAINTS PROCESS

## To make a complaint about any of the services offered by Whitehaven Harbour Commissioners, please write or email giving your name and address and full details of your complaint to:Whitehaven Harbour Commissioners27 Lowther StreetWhitehavenCumbriaCA28 7DNor Email to: info@whitehavenhc.org.ukPlease Note: Complaints made by telephone will not be accepted.

#  8.3.1 Complaints Policy Statement

We at Whitehaven Harbour Commissioners believe that if a customer wishes to make a complaint or register a concern, they should find it easy to do so. Whitehaven Harbour Commissioners’ policy is to welcome complaints and look upon them as an opportunity to learn, adapt, improve and provide a better service. This policy is intended to ensure that complaints are dealt with properly and that all complaints or comments by customers are taken seriously.

The policy is not designed to apportion blame, to consider the possibility of negligence or to

provide compensation. It does NOT form part of our disciplinary policy.

We at Whitehaven Harbour Commissioners believe that failure to listen to or acknowledge complaints will lead to an aggravation of problems, customer dissatisfaction and possible litigation. Whitehaven Harbour Commissioners supports the concept that most complaints, if dealt with early, openly and honestly, can be sorted out between just the complainant and Whitehaven Harbour Commissioners.

#  8.3.2 Aim

The aim of Whitehaven Harbour Commissioners is to ensure that its complaints procedure is properly and effectively implemented, and that complainants feel confident that their complaints and worries are listened to and acted upon promptly and fairly.

#  8.3.3 Goals

* Customers and their representatives are aware of how to complain, and that Whitehaven Harbour Commissioners provides easy to use opportunities for them to register their complaints
* Every written complaint is acknowledged within ten working days
* Investigations into written complaints are held within 28 days
* All complaints are responded to in writing by Whitehaven Harbour Commissioners
* Complaints are dealt with promptly, fairly and sensitively with due regard to the upset and worry that they can cause to both Whitehaven Harbour Commissioners and their customers.

## 8.4 COMPLAINTS PROCEDURE

## *Written Complaints*

* When a complaint is received in writing it should be passed on to the manager of the business service concerned, who should record it in the complaints book and send an acknowledgment letter within two working days. The service manager will be the person who deals with the complaint through the process.
* If necessary, further details should be obtained from the complainant. If the complaint is not made by the customer but on the customer’s behalf, then consent of the customer, preferably in writing, must be obtained from the customer.
* A copy of the complaints procedure will be given to the customer.
* If the complaint raises potentially serious matters, advice should be sought from a legal advisor. If legal action is taken at this stage any investigation by Whitehaven Harbour Commissioners under the complaint’s procedure should cease immediately.
* Immediately on receipt of the complaint Whitehaven Harbour Commissioners should launch an investigation and within 28 days should be in a position to provide a full explanation to the complainant, either in writing or by arranging a meeting with the individuals concerned.
* If the issues are too complex to complete the investigation within 28 days, the complainant should be informed of any delays.
* If a meeting is arranged the complainant should be advised that they may, if they wish, bring a friend or relative or a representative such as an advocate.
* At the meeting a detailed explanation of the results of the investigation should be given and also an apology if it is deemed appropriate (apologising for what has happened need not be an admission of liability).
* Such a meeting gives Whitehaven Harbour Commissioners the opportunity to show the complainant that the matter has been taken seriously and has been thoroughly investigated.
* After the meeting, or if the complainant does not want a meeting, a written account of the investigation should be sent to the complainant.
* The outcomes of the investigation and the meeting should be recorded on appropriate documentation and any shortcomings in Whitehaven Harbour Commissioners’ procedures should be identified and acted upon.
* Whitehaven Harbour Commissioners’ complaints procedure should be audited by the manager every six months.

## *Training*

All staff should be trained in dealing with, and responding to, complaints. Complaints policy training should be included in the induction training for all new staff and in-house training sessions on handling complaints should be conducted at least annually and all relevant staff should attend.

# 9.0 RESPONSIBILITIES

## 9.1 WHC Car Parks

All users shall park in accordance with the Terms and Conditions as displayed on the signs across the sites.

## 9.2 Other Landowners Car Parks

All users shall park in accordance with the Terms and Conditions as displayed on the signs across the sites.

# 10.0 LEGISLATION REGULATION & GUIDANCE

WHC will undertake all parking enforcement by complying with the IPC Code of Practice and the Protection of Freedoms Act 2014 and other relevant legislation.

# 11.0 RESOURCING & VALUE FOR MONEY

**Staffing:** Parking enforcement and administration will be managed entirely by WHC.

12.0 CONFIDENTIALITY

Under the Data Protection Act 1998 and the Human Rights Act 1998 and the General Data Protection Regulations May 2018, all personal and sensitive organisational information, however received, is treated as confidential.

Please refer to the WHC **Data Protection Policy** for further information.

# 13.0 EQUALITY & DIVERSITY

WHC operates in accordance with its **Equality and Diversity Policy**, the Human Rights Act 1998, The Disability Discrimination Act, and the Race Relations Act.

# 14.0 MONITORING & REPORTING

To ensure the continuing improvement in the parking services, WHC monitors:

* Complaints received regarding parking outcomes and lessons learnt from complaints
* The allocation of permits to individual locations will be monitored to ensure correct resources are allocated to this service.
* The number of Parking Officer PCN errors when issuing notices.

# 15.0 HEALTH & SAFETY

WHC’s Officers act in accordance with WHC’s **Health and Safety Policy** and **Lone Working Policy**, at all times when undertaking parking enforcement.