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# Highway Management

Traffic Management - parking services

## Enforcement Grace Period Policy 2022

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## Contents

Glossary .....	1
Grace Period Definition .....	1
1. Introduction .....	2
2. Grace Period.....	3
2.1. Observation.....	3
2.2. Appeals .....	3
3. Civil Enforcement.....	4
4. SMBC Car Parks .....	5
5. Policy Distribution .....	5
Version History .....	6

## Glossary

CEO	Civil Enforcement Officer
F&D	Free and Display
HHC	Hand Held Computer
P&D	Pay and Display
PCN	Penalty Charge Notice
PoF	Pay on Foot
RTRA	Road Traffic Regulation Act 1984
SMBC	Solihull Metropolitan Borough Council
TMA	Traffic Management Act 2004

## Grace Period Definition

***No penalty charge is payable for the contravention where the vehicle has been left beyond the permitted parking period for a period not exceeding 10 minutes.<sup>1</sup>***

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<sup>1</sup> <https://www.legislation.gov.uk/ukxi/2015/561/made>

## 1. Introduction

This policy sets out the parking enforcement grace period given to motorists when parked in designated parking spaces both on street and in off-street car parks. It does not apply to Marks & Spencer's pay on foot car park on Poplar Road, Solihull.

Designated off-street parking operates in 19 surface and multi-storey car parks throughout the borough. Car park locations and the type of payment for parking required is detailed in section 4 of this policy.

In October 2014 the Council introduced a cashless parking solution for customers in all P&D and F&D car parks. This provides an alternative means for customers to pay for parking instead of using cash or debit/credit cards.

A F&D paper parking ticket must be obtained from a ticket machine in all car parks that have an option to park without charge for a set period of time as indicated by the tariff boards.

However, if a customer wishes to park for longer than the free parking period permits, they must purchase the total amount of time required from the ticket machine or through the cashless parking provider.

In this instance the customer's free parking period is deducted from the total price, e.g., a 4-hour parking ticket with 3 hours free parking will only cost the equivalent of 1 hour.

The F&D only option is not available through the cashless parking solution provider.

The cashless payment solution means that customers have an alternative way of paying for their parking either by using a smart phone application (parking app) or calling the customer service provider's contact centre. The car park location number is displayed on the parking ticket machine and the tariff board.

## 2. Grace Period

A grace period applies to on-street and off-street parking places provided under traffic orders, whether the period of parking is paid for or free.

Grace periods only apply to designated parking places where a person is permitted to park. A road with a restriction (for example, single yellow line) or prohibition (such as a double yellow line) is not a 'designated' parking place either during or outside of the period of the restriction or prohibition.

### 2.1. Observation

It is accepted that there are occasions where a grace period should be applied while a customer is obtaining the required parking ticket.

A CEO will record the grace period as an observation in their HHC used for issuing PCNs. This will serve as proof that a grace period was given before issuing.

Where a P&D or F&D ticket is not on display, or the ticket on display has expired, a CEO will not issue a PCN instantly and will apply a 10-minute grace period as legally required. Only when the grace period has elapsed will a PCN be issued.

In both instances, the CEO will evidence this by photographing a copy of the expired parking ticket on display or the absence of a ticket.

### 2.2. Appeals

If a registered keeper considers a PCN has been issued incorrectly, they can appeal in writing<sup>2</sup> to Parking Services, or by using SBMC's online self-service portal.

Further advice on the legislation governing parking enforcement and what grounds a PCN can be challenged on, can be found at Patrol<sup>3</sup>.

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<sup>2</sup> Parking Enforcement, Solihull MBC, Council House, Solihull B91 9QT

<sup>3</sup> <https://www.patrol-uk.info/>

### 3. Civil Enforcement

SMBC has the responsibility as the Highway Authority for Solihull to manage the road network as defined by the TMA part 2 16<sup>4</sup>.

This means SMBC can implement parking places for the purpose of alleviating or preventing congestion by designating areas as parking places under the powers granted by the RTRA Part 4 section 32<sup>5</sup>.

Off-street car parking spaces are enforced by qualified CEOs. In the instance a vehicle is seen to be parked in contravention, a CEO has the authority to issue a PCN under the powers granted by the TMA Part 6<sup>6</sup>.

The most common contraventions that occur in an on and off-street parking places that require enforcement are listed in the table below.

Code	Contravention Description	Level	Penalty	Discount
<b>On-street Contraventions</b>				
05	Parked after the expiry of paid for time	Lower	£50	£25
06	Parked without clearly displaying a valid pay & display ticket or voucher	Lower	£50	£25
07	Parked with payment made to extend the stay beyond initial time	Lower	£50	£25
11	Parked without payment of the parking charge	Lower	£50	£25
<b>Off-street Contraventions</b>				
80	Parked for longer than permitted	Lower	£50	£25
82	Parked after the expiry of paid for time	Lower	£50	£25
83	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower	£50	£25
84	Parked with payment made to extend the stay beyond initial time	Lower	£50	£25
86	Not parked correctly within the markings of a bay or space	Lower	£50	£25

A full list of contraventions that can be enforced in on and off-street parking places can be found on the PATROL website<sup>7</sup>.

Where a F&D ticket needs to be displayed, customers must obtain a physical ticket from the parking machines located adjacent to on-street parking places or within the car parks.

A physical P&D ticket can be purchased from a machine, but customers also have the option to pay for parking using the cashless solution.

Customers are required to ensure they have appropriate method of payment before parking.

<sup>3</sup><https://www.legislation.gov.uk/ukpga/2004/18/section/16>

<sup>4</sup><https://www.legislation.gov.uk/ukpga/1984/27/section/32>

<sup>5</sup><https://www.legislation.gov.uk/ukpga/2004/18/part/6>

<sup>7</sup> [Contravention Codes – PATROL \(patrol-uk.info\)](https://www.patrol-uk.info)

## 4. SMBC Car Parks

Hours of operation, capacity, and tariff details for all SMBC car parks can be found on the car park pages.

Car Park Name	Location	F&D	P&D	PoF
<b>Town Centre Car Parks</b>				
Brueton Park	1021 Warwick Rd, Solihull B91 3HG	√		
Church Hill	Church Hill Rd, Solihull B91 3QS		√	
Civic Suite*	Manor Square, Solihull B91 3PX		√	
Dominion Court	Herbert Rd, Solihull B91 3QE		√	
Lode Lane	Lode Ln, Solihull B91 3AB		√	
Malvern Park	New Rd, Solihull B91 3EA	√		
Marks & Spencer	Poplar Rd, Solihull B91 3AB			√
Mell Square	Mell Square, Warwick Rd, Solihull B91 3DT		√	
Monkspath Hall Road	Monkspath Hall Rd, Solihull B91 3DN		√	
Tudor Grange Leisure Centre	Blossomfield Rd, Solihull B91 3LS	√	√	
<b>Shirley Car Parks</b>				
Rear of Aldi	240-244 Stratford Rd, Shirley, Solihull B90 3AE	√	√	
Rear of Iceland	267-271 Stratford Rd, Shirley, Birmingham, Solihull B90 3AL	√	√	
Shirley Library (Church Road)	The Old Library, Church Road, Shirley, Solihull B90 2AX	√	√	
<b>Knowle Car Parks</b>				
Village Hall (left)	18 St Johns Cl, Knowle, Solihull B93 3GB	√	√	
Village Hall (right)		√	√	
Village Hall (rear)		√	√	
Greswolde Arms (rear)		√	√	
Natwest Bank (rear)		√	√	
Tesco (rear)		√	√	

\*Open to the public at weekends and on public holidays only

## 5. Policy Distribution

In accordance with Department for Transport Guidelines this policy will be available on SMBC web site on the strategy and policy page for traffic and transport.

This policy supersedes any previously agreed or advertised grace times.

## Version History

Revision date	Revision by	Summary of changes	Version
21/12/21	Steve Halsey	Creation of parking enforcement grace policy	0.1
29/12/21	Paul Tovey	Minor content revision and comments	0.2
07/01/22	Steve Halsey	Glossary, sections 2.2, 3 and 4 revisions	0.3
10/01/22	Steve Halsey	Table of contraventions amendment	0.4
03/02/22	Krissy Coley	Minor amendments	0.5
16/02/22	Steve Halsey	F&D description added	0.6
17/02/22	Paul Tovey	Reviewed and signed off	1.0



