

loading/unloading code of practice

A guide for delivery staff, civil enforcement officers
and parking and enforcement officials in England
and Wales



FREIGHT TRANSPORT ASSOCIATION

Brewery Logistics Group



section I Introduction

► Aims and objectives

The aim of this code of practice is to bring together stakeholders to work collectively to improve the competitiveness of UK business.

The objective of this code of practice is to promote best practice amongst business, traffic authorities and parking enforcement contractors to find positive and effective solutions where loading/unloading is an ongoing problem.

► Background

Delivery and servicing is vital to the UK's economy. With limited road space and competing demands, ensuring appropriate loading/unloading arrangements are available is very challenging. The situation can be exacerbated when there is incorrect enforcement, when drivers ignore the rules and when communication between traffic authorities and delivery companies is inconsistent.

In order to address this increasingly critical concern the major business and industry groups/organisations that represent the interests of thousands of businesses which either receive or make deliveries of goods and services in London came together in early 2005 to try and address the problems with deliveries, loading/unloading and to promote best practice.

On jointly re-examining the issue it became apparent that there were a whole range of concerns that needed to be resolved – strategic, administrative, organisational and system related. At the same time there were pockets of progress and various initiatives underway to improve the delivery and servicing situation on the ground. The chosen way forward was to undertake a co-ordinated partnership approach, involving all the key stakeholders – businesses, traffic authorities, London Councils and parking enforcement contractors.

In 2008, part 6 of the Traffic Management Act 2004 was implemented. This somewhat harmonised the previously differing rules in London and the rest of England and Wales. Since then, more and more local authorities outside London have been granted Civil Parking Enforcement powers. As such, this document is no longer London-specific but has taken on a national focus.

There has been a conscious effort to involve representatives of each of the stakeholders in developing this code of practice. The aim is to establish this as an authoritative document that will be useful for all those involved, resulting in a much improved situation on the ground.

This shared document sets out commonly agreed principles to improve communication and make the system work as best as it can. It is in everyone's interest to save time and resources by reducing the number of Penalty Charge Notices (PCNs) issued that relate to deliveries that are undertaken in compliance with regulations and are subsequently overturned on appeal with the supply of suitable evidence.

► How to use this document

This document should be incorporated into training programmes and used as a reference guide for all those involved in delivery and servicing, parking enforcement and traffic management, to ensure the widest possible dissemination of best practice.

► How is enforcement carried out?

Traffic authorities can enforce parking and certain traffic regulations either by using civil enforcement officers who patrol the streets who can issue PCNs or via CCTV cameras (see section 5). There are two other circumstances where a PCN may be served by post. Either where the civil enforcement officer has been prevented from serving the PCN by obstruction or threats of violence or where the PCN has started to be issued but the vehicle has been driven off before it has been placed on the windscreen.

► What is loading/unloading?

The rules for loading and unloading differ from those for other parking activities. Traffic orders that restrict or prohibit waiting in a street may exempt the loading or unloading of goods. Some authorities designate kerbspace just for loading.

Loading or unloading must be continuous while the vehicle is parked in restricted areas. It includes taking goods to where the recipient may reasonably require them in the premises, waiting for them to be checked, getting delivery or collection documents signed and returning to the vehicle. Delivery staff are expected to secure their vehicle when they are

not with it and a vehicle can legitimately be locked during some of these stages. Once the delivery process is complete, however, the driver must move the vehicle even if it is within the maximum period allowed for loading or unloading.

► Observation periods

The purpose of an observation period is for a civil enforcement officer to observe any evidence of loading/unloading activity at a vehicle in an area where parking is restricted, but loading/ unloading is allowed. The length of the observation period, depends on the traffic authority, the type of contravention and often on the vehicle type. It should be noted that observation periods are discretionary on the part of the traffic authority, but authorities should publish their observation periods and ensure their civil enforcement officers follow them.

Neighbouring authorities covering a continuous urban area should set the same observation

periods, as drivers may not know exactly where one local authority area ends and another starts.

There are two types of observation: casual and continuous. For casual observation, the standard procedure is for the civil enforcement officer to note vehicle details when they first see a possible contravention taking place and to return a short while later or at intervals to see whether there is any sign of loading or unloading. If not, the civil enforcement officer will issue a PCN.

For continuous observation, the standard procedure is for the civil enforcement officer to note the vehicle details when they first see a possible contravention taking place and stay next to or near the vehicle, keeping it in sight at all times, for a set period (usually at least five minutes) to see if there is any sign of loading or unloading. If not, the civil enforcement officer will issue a PCN.

An observation period is not a grace period. A grace period is a period of time where a contravention is taking place but the authority chooses not to enforce.



section 2 Guidance for companies and delivery staff

► Introduction

It is important to acknowledge that many urban roads are overcrowded. Inevitably this means that the situation for delivery and servicing may not be perfect. Loading/unloading regulations should be observed, but if you have particular deliveries that you are unable to make within the regulations, then discuss this with the relevant traffic authority to see if a solution can be found.

► Principles

1 Training to be given to all delivery staff about the rules of loading and unloading

- Every driver to be issued with a copy of this code of practice
- Utilise training materials such as videos and drivers' cards
- Drivers to have a driver's card or similar in every vehicle

(A list of training materials is included in section 6.)

2 Conform to parking regulations as far as is reasonably practicable

- Ascertain delivery restrictions at customer premises in advance of delivery where possible and plan route accordingly
- If restrictions are in place, endeavour to adhere to restrictions or pursue alternatives (with the local authority and/or customers)
- Ensure load planners are familiar with all parking restrictions
- Always check signposts for parking restrictions
- If a civil enforcement officer cannot be seen in the vicinity of the vehicle, do not assume that parking regulations are not being enforced. Traffic authorities are increasingly utilising CCTV as a method of enforcement. See section 5, Closed Circuit Television (CCTV).

3 Understand and respect the civil enforcement officer's situation. They have an important role in ensuring that rules are complied with and that congested road space is used as effectively as possible

- Always show respect to civil enforcement officers
- Do not engage in confrontation
- Accept PCNs, ascertaining that the details are correct. If not, do not take the issue up with the officer. Make a note of the discrepancy and report back to your transport office on your return. If you drive off or the civil enforcement officer feels threatened, the PCN can be sent by post which will make the administration of payment or an appeal more difficult for your company

4 Always ensure that loading/unloading is taking place. A definition of loading/unloading is provided in section 1

- Ensure that the delivery or pick up notice is signed, dated and timed by the customer
- Personal and legally required breaks must be taken in accordance with parking regulations and drivers' hours rules

5 Debrief delivery staff who receive a PCN when they return to depot

- Discuss PCN report forms at daily debrief
- Review and assess reasons for contravention and record information

6 Interview and re-train any driver who consistently receives valid PCNs

- Ensure recorded information is used to address drivers who consistently receive a disproportionate number of valid PCNs
- Ensure that there is an ongoing review process in place

7 Discuss delivery issues with traffic authorities, customers and local residents to resolve problems

- Speak to customer to see if delivery arrangements (location and/or time) can be altered
- If unable to resolve at customer level, engage in discussion with traffic authorities to find solutions, eg obtain a dispensation

section 3 Guidance for civil enforcement officers

► Introduction

Delivery staff have a difficult job to do. They are often under pressure to make deliveries in awkward spaces within short timescales. Parking restrictions also vary between different traffic authorities. Delivery staff may therefore be genuinely unfamiliar with the restrictions to which they are trying to comply. Clear communication between delivery staff and civil enforcement officers is therefore very important to make a difficult situation as workable as possible.

► Principles

- 1 Ensure you are familiar with local parking and loading restrictions
 - Take note of road signs and associated lines

- 2 Use procedures and training materials adopted by your authority
 - Your local authority's parking protocol
 - Civil enforcement officer's handbook
 - This code of practice
- 3 Understand and respect delivery staff's situation
 - Respect that drivers have a job to do
 - Do not engage in confrontation
- 4 Where an infringement seems likely to occur try to communicate this to the driver
- 5 Record start and end times of all observation periods
- 6 Do not issue a PCN during the observation period if loading/unloading is clearly taking place legitimately
 - Be familiar with your authority's procedures for loading/unloading and how the observation period is used
 - Remember that loading/unloading is not just the physical element, but also involves checking the goods and paperwork completion
 - Remember that the vehicle may be locked up whilst the delivery is being completed
- 7 Where possible clearly communicate to the driver what the infringement is at point of PCN issue
 - Ensure PCNs are always placed on the front of the vehicle, or handed to the driver; except in cases where this is not possible because the vehicle was driven away before you could finish issuing it
 - If the vehicle is about to be driven away before you finish issuing a PCN, explain to the driver that it will be served by post instead
- 8 Ensure the PCN is always placed in a visible position on the front of the vehicle and take a photo of the vehicle showing the PCN and the contravention



section 4 Guidance for traffic authorities

► Introduction

Parking restrictions vary between different traffic authorities. This makes it difficult for delivery staff who may be genuinely unfamiliar with the restrictions to which they should seek to comply. Communicating openly with delivery companies is a very helpful approach. It should help to reduce the number of times that restrictions are contravened, identify areas which cause particular problems and enable solutions to be jointly developed.

► Principles

- 1 Standard training should be given to all civil enforcement officers about the needs of delivery vehicles
 - Use training materials
 - Every civil enforcement officer should be issued with a copy of this code of practice
 - Ensure officers are familiar with local traffic restrictions and the signs and lines relating to them
 - Give regular refresher training to civil enforcement officers
- 2 Interview and re-train any civil enforcement officer who consistently issues large numbers of PCNs that are overturned on appeal
 - Ensure that information on overturned PCNs is recorded and used to assess each civil enforcement officer's performance
- 3 Ensure civil enforcement officers' incentives are only linked to quality-related Key Performance Indicators (KPIs) and not to the number of PCNs issued
- 4 PCNs issued where loading/unloading is not apparent should be cancelled at the earliest possible opportunity where suitable evidence is supplied
- 5 Show transparency in measuring and reporting on PCN quality, cancellation rates, appeal process results and make this information public in annual parking reports in accordance with the operational guidance provided for under Part 6 of the Traffic Management Act 2004
- 6 Use technology (such as hand-held computers) to limit opportunities for civil enforcement officers to make mistakes when issuing a PCN
- 7 Publicise temporary changes in advance
 - Ensure changes in accordance with the requirements of statutory regulations are communicated via the authority's website
- 8 Supply and regularly maintain clear signage and road markings, with all positioning in accordance with statutory requirements
- 9 Work with deliverers, local businesses and residents to identify and address problems with loading/unloading hotspots
 - Establish regular dialogue with deliverers (for example through Freight Quality Partnerships)
 - Regularly review the environment
- 10 Work with other traffic authorities to develop best practice
 - Work towards a consistent approach to observation periods
 - Work towards setting a standard approach to appeals processes, such as standard response times and customer service standards
 - Informal representations should be considered as it is in the interests of the authority and the vehicle owner to resolve any dispute at the earliest possible stage. If a representation is received within the discount period and subsequently rejected, the traffic authority should re-offer the discount for a further 14 days
- 11 Work towards modifying software and operational practices so that commercial vehicle PCNs can be identified. This will assist in identifying issues relating to deliveries to facilitate management of hotspots
- 12 If you use CCTV in PCN enforcement, further details are provided in section 5, Closed Circuit Television (CCTV)

section 5 Closed Circuit Television (CCTV)

► Introduction

Traffic authorities across the UK are increasingly using closed circuit television (CCTV) to enforce parking and traffic regulations. It may take a variety of forms including fixed camera installations, mobile WiFi camera points and mobile vehicle units.

It is important therefore that companies make their drivers aware that enforcement action may still be taking place by camera, even if there are no civil enforcement officers visible on the street.

Regulations under Part 6 of the Traffic Management Act 2004 allow traffic authorities to use CCTV as a method of civil parking enforcement. London Councils has issued a code of practice regarding the use of CCTV for parking and traffic enforcement and guidelines are also issued by the Information Commissioner on the use of CCTV in general.

► Principles

1 Camera operators should be trained in the relevant legislation. They should also undertake CCTV training

- 2 Camera operators should have maps to show the relevant signs for the area they are enforcing, as the street signs are not always facing the camera
- 3 Camera operators should enforce only where road, kerb and any other markings are clearly visible in the footage taken
- 4 Camera operators should work in line with an enforcement protocol/code of practice that sets out how parking and traffic regulations are managed
- 5 Enforcing authorities must use CCTV enforcement in line with relevant legislation, including the Data Protection Act 1998 and TMA 2004
- 6 Camera operators should only focus closely on vehicles or individuals where there is a need to do so, ie to determine if loading and unloading is taking place before issuing a PCN
- 7 Companies should ensure that their drivers are briefed on CCTV enforcement as part of their training in order to reduce the risk of receiving a PCN



section 6 Continuous improvement

A partnership approach should lead to real improvements in delivery and servicing and encourage a culture of rolling out best practice for all parties.

To assist this:

- new technology should be sought and rolled out when systems are upgraded. In particular it is recommended that traffic authorities move towards using digital photos and hand-held computers to support contraventions

In order for this code of practice to help deliver real improvements on the ground, as best practice develops, the document must be reviewed and updated on a regular basis to ensure it is still relevant and helpful.

A stakeholder group has been established to monitor and review the code of practice.

Useful documents

A number of valuable pieces of training and advisory material have been developed by individual stakeholder groups recently and we encourage anyone who signs up to the code of practice to familiarise themselves with this information, and where required make use of it with staff and management.

PCN Management Pack

available for FTA members
(Includes driver's card of parking regulations,
PCN report form for driver de-brief,
compliance guide)
www.fta.co.uk/information/pcns

Keep it Moving DVD

available from Mike Bracey, Brewery Logistics Group
(Best practice advice)
£35
Tel: 01202 893613

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