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Dear Sir/Madam

Freedom of Information Request Reference No. 20200826005

I refer to your request of 25/08/2020

Subject: Freedom of Information request - Parking restriction exceptions Dear Dundee City Council,

In line with your responsibilities for enforcing street parking under the Road Traffic Act can you provide a list of exceptions or exemptions which you apply either to locations or vehicles with respect to your remit. I note recently cars parked illegally on double yellow lines which the parking attendants ignore despite no displayed reason in the vehicle for such inaction (such as a blue badge). I also note with regular occurrence certain vehicles parked in pay and display bays without any ticket being overlooked by parking attendants hence the request.

The answers to your question is listed below:

As well as the exemption extract listed below I would like to advise that Dundee City Council use virtual permits and virtual parking sessions which would not be visible to a passer by. Only a parking Attendant would have this information on their smart phone device. Dispensation is also entered on to the system for loading bays, yellow lines etc and this is why it looks like they are walking past vehicles.

Please see extract of exemptions below from **DUNDEE CITY COUNCIL (CENTRAL AREA, DUNDEE) (CONTROLLED PARKING ZONE) ORDER 2010 Amended to October 2018.**

Exemptions for Vehicles waiting in Parking Places

14. Notwithstanding the restriction imposed by Article 5 of this Order, any person may cause a vehicle to wait at any time anywhere in a parking place, other than a parking place or part of a parking place the use of which has been suspended, if:-

- (a) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
- (b) the vehicle is a vehicle used for fire brigade purposes or an ambulance or a vehicle in the service of the local authority or a vehicle in the service of a police force provided that the vehicle is being used in pursuance of statutory powers or duties;
- (c) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
- (d) the vehicle is waiting only for so long as may be reasonably necessary to enable it to be used:-
 - (i) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (ii) for the purpose of any road works, building operations, demolition or excavation or for the construction, maintenance, repair or removal of any sewer or of any main, pipe, cable or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus, traffic sign or ticket issuing machine within or adjacent to the parking place, or if the vehicle is waiting only for so long as is necessary to enable it to be used in connection with the posting or removing of advertising material in the form of posters on or from, or cleaning windows or chimneys in premises adjacent to the parking place in which the vehicle is waiting;
- (e) the vehicle, not being a passenger vehicle, is in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
- (f) the vehicle, not being a passenger vehicle, is waiting for the purpose of loading or unloading goods at premises adjacent to the parking place in which the vehicle is waiting and the vehicle does not wait for such purpose for more than thirty minutes or such period longer as a police constable in uniform or a parking attendant may authorise.
- (g) Nothing in the foregoing provisions of this Article shall be taken as authorising anything which would be a contravention of any Regulations made or having effect as if made under Section 25 of the Act.

Exemptions from Charges and Limitations as to Time

1. Subject to Article 5 of this Order –

- (1) If at any time when a vehicle is left during the metered parking hours in a parking place there are on all the ticket issuing machines relating to that parking place notices placed by any person authorised by the Council indicating that the ticket issuing machines are out of order, that vehicle shall be exempt from a charge provided that it is removed within the maximum length of stay indicated by the traffic sign and ticket issuing machine relating to that parking place after the first of the ticket issuing machines relating

to that parking place is rectified, as such time of rectification shall be authenticated by a person authorised by the Council; DECLARING that if the vehicle is not removed within the said period the charge shall be treated as having been incurred and paid at the time that the first of the ticket issuing machines relating to that parking place is rectified and all of the provisions of this part of the Order shall apply accordingly;

- (2) Any person may cause a vehicle to wait without payment in a parking space other than in a parking place the use of which or part of which has been suspended, for a maximum period of five minutes at any time;

- (3) The following vehicles left in a parking place during the metered parking hours shall be exempt from the payment of any charge or from the compliance of any limitation of time during which a vehicle may be left in a parking place to which this Order relates:-

(i) a vehicle issued to a disabled person by the Department of Health and Social Security in lieu of an invalid carriage;

1. an invalid carriage or other vehicle being used for the carriage of a disabled person which displays in the relevant position a disabled person's badge issued by a local authority in exercise of its powers under Section 21(1) of the Chronically Sick and Disabled Persons' Act 1970;
2. a vehicle being left by the driver thereof who is a general medical practitioner or a nurse/midwife, or a practising veterinary surgeon and on which is displayed a badge recognised by Dundee City Council, while visiting patients on professional calls or, in the case of a general medical practitioner or a practising veterinary surgeon near his surgery premises while they are being used by him for consulting purposes;

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1. a vehicle which is waiting only for so long as may be reasonably necessary to enable it to be used:-

1. for the purpose of facilitating the movement of traffic or promoting its safety;

2. for the purpose of any road works, building operations, demolition or excavation or for the construction, maintenance, repair or removal of any sewer or of any main, pipe, cable or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus, traffic sign or ticket issuing machine within or adjacent to the parking place or for the maintenance, improvement or reconstruction of the parking place, or if the vehicle is waiting only for so long as is necessary to enable it to be used in connection with the posting or removing of advertising material in the form of posters on or from, or cleaning windows or chimneys in premises adjacent to the parking place in which the vehicle is waiting;
- (4) A solo motor cycle may be left in a parking place specifically marked for the use thereof during the metered parking hours for a maximum period of 72 hours without payment of a charge;
- (5) If the vehicle is in the service of the Post Office and is waiting whilst postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle or, having been unloaded therefrom, are being delivered, or while postal packets are being collected from premises or posting boxes adjacent to the parking place in which the vehicle is waiting, or is in use in connection with the servicing of telephone kiosks adjacent to the parking place;
- (6) If the vehicle, being a passenger vehicle, is waiting for the purpose of delivering or collecting goods adjacent to the parking place in which the vehicle is waiting and the vehicle does not wait for such purpose for more than five minutes or for such longer period as a parking attendant may authorise;
- (7) Without prejudice to the generality of this Article, a vehicle to which this Article applies shall stand in a parking space in a parking place in accordance with the provisions of Article 8 of this Order.

PART V

EXEMPTIONS

From Waiting Prohibitions and Restrictions

Personal Access, Statutory Undertakings, Funerals

26. Nothing in Articles 28, 30 and 31 of this Order shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of road specified in Parts II, III, IV, V, VI and VII of the Schedule for so long as may be necessary:-

1. to enable a person to board or alight from the vehicle or to load thereon or unload therefrom his personal luggage;
2. to enable the vehicle if it cannot conveniently be used for such purpose in any other road to be used in connection with any building operation, demolition or excavation, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any of the lengths of road so specified, or the laying, erection, alteration or repair in or near to any of the said lengths of road so specified of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity or any telecommunication apparatus as defined in sub-paragraph 1(1) of Schedule 2 to the Telecommunications Act 1984;
3. to enable the vehicle to be used for Police, Fire Brigade or Ambulance purposes or to enable any vehicle in the service of the local authority to be used in pursuance of statutory powers and duties;
4. to enable a vehicle in the service of a funeral undertaker to be used in connection with a funeral;
5. to enable a vehicle being used by a Justice of the Peace whilst attending the District Court to wait in the length of road specified at Item 99(a)(ii) of Part II of the Schedule;

Doctors, Disabled Persons, Taxis, Accidents Etc

27. Nothing in Article 28 of this Order shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of road specified in Parts II, III, IV, V, VI or VII of the Schedule if the vehicle is:-

1. left by the driver thereof who is a general medical practitioner or a nurse/midwife, or a practising veterinary surgeon and on which is displayed in the relevant position a badge recognised by Dundee City Council, whilst visiting patients on professional calls or, in the case of a general practitioner or a practising veterinary surgeon near their surgery premises while they are being used for consulting purposes;
2. a disabled person's vehicle which is not causing an obstruction and which is displaying in the relevant position a disabled person's badge issued by any local authority in exercise of its powers under Section 21(1) of the Chronically Sick and Disabled Persons' Act 1970; PROVIDED that no disabled person's vehicle shall wait in any of the lengths of road specified in Part III, V or VIII of the Schedule at any time and in Part IV of the Schedule between the hours of 9.00 am and 6.00 pm and in Part IX of the Schedule during the peak hours;

3. a licensed taxi waiting upon a duly appointed stance for taxis;
4. waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident.

Sundays

28. Nothing in Article 28 of this Order shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of road specified in Parts IV, VI or VII of the Schedule on a Sunday.

Goods Delivery and Collection

29. Save as provided herein nothing in Articles 28, 30 and 31 of this Order shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of road specified in Parts II, III, IV, VI and VII of the Schedule to enable the vehicle to be used for the purpose of delivering goods from premises adjoining these lengths of road: PROVIDED (1) that this Article shall not apply to any of the lengths of road specified in Part VIII of the Schedule, (2) that no person shall cause or permit any vehicle to wait between the hours of 8am and 6pm in any of the lengths of roads specified in Part V of the Schedule, (3) that no person shall cause or permit any vehicle to wait at any time during the peak hours in terms of this Article in any of the lengths of road specified in Part IX of the Schedule, and (4) that a vehicle engaged in delivering or collecting goods shall not wait in any of the said lengths of road for a period of more than thirty minutes at the same place.

36. Nothing in Article 28 of this Order shall prevent any person from causing or permitting a vehicle to wait in any length of road referred to in that Article if the vehicle is in the service of the Post Office and is being used for the purpose of delivering postal packets to or collecting postal packets from premises or post office letter boxes situated on or adjacent to any of the said lengths of road.

Furniture Removal

37. Nothing in Articles 28, 30 and 31 of this Order shall apply so as to restrict the loading or unloading of a vehicle in a length of road specified in Parts II, III, IV, VI and VII of the Schedule while the vehicle is in actual use in connection with the removal of furniture for so long as may be necessary to conduct such removal from one office or dwelling house to another or from any premises to a depository or to such premises from a depository; PROVIDED that no person shall, except upon the direction of or with the permission of a police constable in uniform, cause or permit a vehicle to wait at any time in terms of this Article (1) in any of the lengths of road specified in Part VIII of the Schedule, or (2) in any of the lengths of road specified in Part IX of the Schedule during the peak hours or (3) in any of the lengths of road specified in Part V of the Schedule between the hours of 8am and 6pm.

Public Service Bus

1. Notwithstanding the prohibitions and restrictions elsewhere provided in this Order, the driver of a public service bus may cause or permit that bus to wait in any length of road specified in the Schedule or Schedules to this Order at a bus stop indicated by a road marking complying with either diagram 1025.1, 1025.3 or 1025.4 shown in the Traffic Signs Regulations and General Directions 2002 and a sign complying with diagram 970 and relative supplementary plate all in terms of the said Regulations and General Directions 2002 for a maximum period of 5 minutes, or 10 minutes or 15 minutes as specified on the said sign and relative supplementary plate; And for the purpose of this Article "public service bus" means a public service vehicle being used in provision of a local service within the meaning of the Transport Act 1985.

39. Notwithstanding the prohibition and restrictions elsewhere provided in this Order, a cycle may be caused or permitted to wait in any length of road specified in the Schedule to this Order at a cycle rack indicated by a sign complying with diagram 968.1 of the Traffic Signs Regulations and General Directions 2002.

Your Right to Appeal

If you are unhappy with this reply you may require the Council to review its actions and decisions in relation to your request.

The requirement for review must:-

- be in writing or other permanent form (please address it to me);
- state your name and give an address for correspondence;
- specify the original request for information and the matter which gives rise to your dissatisfaction; and
- be made within 40 working days of the date of this response, although the Council may, if it considers it appropriate to do so, consider requirements for review after that time has passed.

Your requirement for review will be dealt with by the Chief Executive. He will reply to you in writing promptly and in any event within 20 working days. He may:-

- confirm my decision with or without modification;
- substitute a different decision for my decision;

and will give you his reasons for so doing. If you are unhappy with the Chief Executive's decision you may then appeal to the Scottish Information Commissioner. You must submit your appeal to the Scottish Information Commissioner within six months of receiving the Chief Executive's decision.

Further details on the Scottish Information Commissioner's appeal procedure can be found using the direct link www.itspublicknowledge.info/Appeal or email enquiries@itspublicknowledge.info or telephone (01334) 464610 or write to Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Yours faithfully

Kenneth McKaig

Legal Manager