



New Forest

DISTRICT COUNCIL

CIVIL PARKING ENFORCEMENT

Policy Guidelines for the Enforcement and Cancellation of Penalty Charge Notices

Policies set out in this document
provide guidance only.

Each case must be considered on its
own merits, taking into account the
exceptionality of the circumstances

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POLICIES FOR THE ENFORCEMENT AND CANCELLATION OF PENALTY CHARGE NOTICES

INTRODUCTION

The guidelines in this document are intended to inform the public and provide guidance to council employees working in the enforcement of parking regulations.

This is consistent with current best practice and aims to provide clarity, consistency and transparency within the enforcement process and compliance with the aspirations of the Traffic Penalty Tribunal Service and the Local Government Ombudsman.

These guidelines represent a foundation upon which fairness and discretion can be applied. The importance of flexibility in these matters has been recognised by the courts and, as a consequence, decisions made by councils must not be fettered by being unduly formulaic.

The policies address the following:

Observation times for enforcement staff
The statutory grounds upon which representations may be made
Mitigating circumstances
The acceptance or rejection of representations

It is important to recognise that each case will be considered on its own merits, matters of proportionality, objectivity, fairness and reasonableness should be paramount.

These policies will be subject to ongoing review.

Standard PCN Codes For Civil Enforcement
Codes Greyed out are not currently used in the district

On-Street

Code	Observation Times ☀ see foot note	Description	Differential Penalty level	Notes
01	5 minutes	Parked in a restricted street during prescribed hours	Higher	
02	none	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	Higher	
04		Parked in a meter bay when penalty time is indicated	Lower	
05		Parked after the expiry of paid for time	Lower	
06		Parked without clearly displaying a valid pay & display ticket or voucher	Lower	
07		Parked with payment made to extend the stay beyond initial time	Lower	'meter feeding'
08		Parked at an out-of-order meter during controlled hours	Lower	Electronic meters only
09		Parked displaying multiple pay & display tickets where prohibited	Lower	Some boroughs only
10		Parked without clearly displaying two**** valid pay and display tickets when required	Lower	Some boroughs only
11		Parked without payment of the parking charge	Lower	
12	5 min	Parked in a residents' or shared use parking place without clearly displaying either a permit or voucher or pay and display ticket issued for that place	Higher	
13		---- RESERVED FOR TfL USE (LOW EMISSION ZONE) ----	n/a	
14		Parked in an electric vehicles' charging place during restricted hours without charging	Higher	
16	none	Parked in a permit space without displaying a valid permit	Higher	Suffix "s" only for use where bay is completely non-resident
17		---- RESERVED FOR TfL USE (CONGESTION CHARGING) ---	n/a	
18		Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher	NFDC can use environmental regulations for this
19	none	Parked in a residents' or shared use parking place or zone displaying an invalid permit, an invalid voucher or an invalid pay & display ticket	Lower	
20	5 min	Parked in a loading gap marked by a yellow line	Higher	
21	none	Parked in a suspended bay/space or part of bay/space	Higher	
22	none	Re-parked in the same parking place or zone within one hour* of leaving	Lower	Subject to TRO regulation concerning returning
23	none	Parked in a parking place or area not designated for that class of vehicle	Higher	
24	none	Not parked correctly within the markings of the bay or space	Lower	
25	5 min	Parked in a loading place during restricted hours without loading	Higher	On-street loading bays
26	5 min	Vehicle parked more than 50 centimetres from the edge of the carriageway and not within a designated parking place	Higher	awaiting legal clarification from national bodies before enforcement action taken
27	5 min	Parked adjacent to a dropped footway	Higher	awaiting legal clarification from national bodies before enforcement action taken
30	5min	Parked for longer than permitted	Lower	

31		Entering and stopping in a box junction when prohibited	n/a	London only
32		Failing to drive in the direction shown by the arrow on a blue sign	n/a	Code specific suffixes apply. London only
33		Using a route restricted to certain vehicles	n/a	Code specific suffixes apply. London only
34		Being in a bus lane	n/a	
35		Parked in a disc parking place without clearly displaying a valid disc	Lower	
36		Parked in a disc parking place for longer than permitted	Lower	
37		Failing to comply with a give way to oncoming vehicles sign	n/a	London only
40	none	Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge .	Higher	
41		Parked in a parking place designated for diplomatic vehicles	Higher	
42		Parked in a parking place designated for police vehicles	Higher	
45	none	Parked on a taxi rank	Higher	
46	none	Stopped where prohibited (on a red route or clearway)	Higher	
47	none	Stopped on a restricted bus stop or stand	Higher	
48	none	Stopped in a restricted area outside a school	Higher	
49	none	Parked wholly or partly on a cycle track	Higher	Dependant on TRO
50		Failing to comply with a sign indicating a prohibited turn	n/a	Code specific suffixes apply. London only
51		Failing to comply with a no entry sign	n/a	London only
52		Failing to comply with a sign indicating a prohibition on certain types of vehicle	n/a	Code specific suffixes apply. London only
53		Failing to comply with a sign indicating a restriction on vehicles entering a pedestrian zone	n/a	London only
54		Failing to comply with a sign indicating a restriction on vehicles entering and waiting in a pedestrian zone	n/a	London only
55		A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban	Higher	
56		Parked in contravention of a commercial vehicle waiting restriction	Higher	
57		Parked in contravention of a coach ban	Higher	
58		Using a vehicle on a restricted street during prescribed hours without a valid permit	n/a	London Lorry Ban only
59		Using a vehicle on a restricted street during prescribed hours in breach of permit conditions	n/a	London Lorry Ban only
61		A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	Higher	Code specific TRO needed apply.
62		Parked with one or more wheels on any part of an urban road other than a carriageway (footway parking)	Higher	Code specific suffixes apply. TRO required
63		Parked with engine running where prohibited	Lower	This contravention occurs in certain coach bays
67		---- RESERVED FOR VEHICLE EMISSIONS ----	n/a	
68		---- RESERVED FOR VEHICLE EMISSIONS ----	n/a	
99	none	Stopped on a pedestrian crossing and/or crossing area marked by zigzags	Higher	Pedestrian Crossings

Off-Street

70		Parked in a loading area during restricted hours without reasonable excuse	Higher	Off-street loading areas
73		Parked without payment of the parking charge	Lower	Off-street car parks to be used if Mobile phone parking introduced.
74	none	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher	Off-street car parks
77		--- RESERVED FOR DVLA USE ---	n/a	
80	5 minutes	Parked for longer than the maximum period permitted	Lower	Off-street car parks
81	none	Parked in a restricted area in a car park	Higher	Off-street car parks
82	5 min	Parked after the expiry of paid for time	Lower	Off-street car parks
83	5 min	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower	National code added for NFDC clocks
84	none	Parked with additional payment made to extend the stay beyond time first purchased	Lower	Off-street car parks
85		Parked in a permit bay without clearly displaying a valid permit	Higher	Off-street car parks
86	none	Parked beyond the bay markings	Lower	Off-street car parks
87	none	Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge manner	Higher	Off-street car parks
89	none	Vehicle parked exceeds maximum weight and/ or height and/or length permitted in the area	Higher	Off-street car parks
90	none	Re-parked within one hour* of leaving a bay or space in a car park	Lower	Off-street car parks
91	none	Parked in a car park or area not designated for that class of vehicle	Higher	Off-street car parks
92	none	Parked causing an obstruction	Higher	Off-street car parks
93	none	Parked in car park when closed	Lower	Off-street car parks
94	5 min	Parked in a pay & display car park without clearly displaying two**** valid pay and display tickets when required	Lower	Off-street car parks
95	none	Parked in a parking place for a purpose other than the designated purpose for the parking place	Lower	Off-street car parks
96	none	Parked with engine running where prohibited	Lower	Off-street car parks - this contravention may occur in certain coach bays. National code set up for Lyndhurst

**** =or other number

*= or other specified time

☼ =An observation time is not a "Grace Period" ,for example if a Civil Enforcement Officer witness a driver contravening a no waiting regulation in order to use a cash machine a Penalty Charge Notice will be immediately issued.

STATUTORY GROUNDS TO MAKE REPRESENTATIONS
The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007

Important note:

Although the following are the Statutory Grounds to make representation following service of a Notice to Owner letter, in accordance with a directive issued by the Local Government Ombudsman, full consideration will be given and account take of all representations received, whether or not they fall within the description of “**Statutory Grounds**”.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S1 REPRESENTATION ON THE GROUNDS THAT THE CONTRAVENTION DID NOT OCCUR:	
S1.1 Where the motorist claims he/she was loading/unloading	
<p>On a waiting prohibition or in a controlled bay:</p> <p>If evidence is available or provided to show:</p> <p>Goods being delivered or collected were heavy, bulky, or numerous and it would be unreasonable to expect them to be carried from a 'legal' parking place.</p> <p>Loading/unloading activity was adjacent to the premises concerned.</p> <p>Loading/unloading activity was timely (includes checking goods and paperwork, but not delayed by unrelated activity).</p> <p>That the goods/amounts of money were of such high value that on security grounds it was necessary to park close to the delivery address.</p> <p>[Source – Traffic Orders, decided cases e.g. Jane Packer Flowers]</p>	<p>on school 'keep clear' zig zag markings;</p> <p>on bus stop clearways;</p> <p>on Taxi ranks</p> <p>on Police bays</p> <p>where loading is prohibited-:</p> <p>in car parks:_(except when depositing materials in recycling bins) If a valid pay & display ticket was not purchased first</p>
NOTES	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S1.2 where the motorist claims that a pay & display ticket machine was faulty	
<p>If service records confirm a fault or that the machine had been taken out of service at the time of the contravention.</p> <p>If there is reasonable doubt because evidence is not available to confirm that a machine was working at the time (test ticket) and there was not another ticket machine nearby which was operating correctly</p>	<p>If there was another ticket machine nearby that was working correctly at the time.</p> <p>If there is no record of the machine being faulty or taken out of service.</p> <p>If evidence confirms that other visitors had been able to purchase tickets during the relevant period</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S1.3 where the motorist claims that the restriction is not clearly signed or marked	
<p>If signs and/or markings are missing or unclear</p> <p>If signs and markings are inconsistent with each other and/or Traffic Order or legislation</p>	<p>If site visit records or photographs establish that signs and/or markings are correct and consistent with each other and the Traffic Regulation Order.</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S1.4 where motorist was carrying out construction or demolition works etc.	
<p>If evidence confirms that the motorist was simply loading/unloading (see policy S1.1, above) and this is permitted by the TRO</p> <p>If a valid waiver to park at the location in question had been issued and was on display in the vehicle.</p> <p>If works are of a statutory nature or are exempted from restrictions by a Traffic Order or legislation</p> <p>If it can be proven that works were an emergency,</p>	In all other circumstances
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S1.5 where the motorist claims that PCN was not served (i.e. PCN not found attached to vehicle or handed to driver)	
<p>If the CEO's pocket book and/or computer notes confirm that the vehicle drove away before a PCN could be served, i.e. PCN not handed to the driver or fixed to the vehicle.</p> <p>A PCN can be issued by post under Section XXX if a CEO has printed a PCN but been prevented from issuing it by the driver.</p>	If the CEO's notes or photographs confirm that a PCN was correctly served, i.e. handed to the motorist or fixed to their vehicle
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S1.6 where the motorist claims that their vehicle was not parked in the alleged location at the time and on the date the PCN was issued	
<p>Following consideration of all available evidence, paying particular attention to the make, model and colour of the vehicle:</p> <p>If the motorist provides a copy of their vehicle excise license (tax disc), which was valid at the time of the contravention, and the serial number of which differs from the number noted by the parking attendant.</p>	<p>If the motorist does not provide a copy of their tax disc, after being given a further opportunity to submit such a copy</p> <p>Or</p> <p>If the serial number on the copy tax disc provided by a motorist is identical to the serial number noted by the parking attendant.</p> <p>Or</p> <p>If there is no evidence or if the evidence presented does not support the claim or is inconclusive</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S1.7 where the motorist claims that a valid authorisation to park, had been issued	
<p>If the motorist can produce a valid authorisation to park or records show that the motorist held a valid authorisation to park.</p>	<p>If the motorist cannot provide a copy of the valid authorisation to park or if there is no record of any issue of the authorisation</p> <p>If the motorist did not park in accordance with the authorisation</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S1.8 where the motorist claims that a pay & display ticket was purchased and correctly displayed	
<p>If the motorist produces a Pay & Display parking ticket that was valid at the time the Penalty Charge Notice was issued and the CEO's evidence confirms:</p> <p>A ticket was displayed 'face down'</p> <p>A ticket was displayed but partially concealed so that relevant details (expiry time, date, etc) could not be seen and checked</p> <p>The ticket serial number printed on the back of the 'face down' ticket matches the details of the ticket produced</p>	<p>If the motorist is unable to produce a ticket that was valid at the time the PCN was issued.</p> <p>The CEO cannot confirm that either a face down ticket or partially concealed ticket was on display at the time. The PCN issued.</p> <p>The serial number of the ticket produced does not match serial number printed on the back of the ticket seen by the parking attendant.</p> <p>A PCN issued previously in similar circumstances was cancelled.</p> <p>When evidence confirms that the ticket produced was not purchased by the motorist (obtained from another motorist, found in the car park, etc)</p>
<p><u>NOTES</u></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S1.8A where a motorist claims a clock was purchased and displayed correctly	
<p>A long stay clock could be seen in a long stay car park but incorrectly set.</p> <p>Long or short stay clock photographed as displayed in front windscreen but owner states it was correctly set but time could not be seen. First occasions only.</p> <p>PCN issued for no valid Ticket/Clock in long stay car park but proof of long stay clock purchase provided on occasion of first PCN only.</p>	<p>A motorist claims to have displayed a clock but there is no evidence to confirm this.</p> <p>The CEO can confirm that a clock was not displayed.</p> <p>That the evidence clearly shows that the time of arrival was not correctly shown or visible.</p> <p>A PCN issued previously in similar circumstances was cancelled.</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S2 The penalty exceeded the relevant amount	
<p>If the PCN and/or Notice to Owner showed the incorrect amount of penalty charge, i.e. the wrong penalty charge band</p>	<p>If the PCN or Notice to Owner showed the correct amount of penalty charge</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S3 The Traffic Order was invalid	
<p>If the Traffic Regulation Order prescribing the restrictions that the vehicle concerned contravened is defective in some way i.e. is ultra vires, was not made in accordance with relevant procedure or is inaccurate or incorrect in terms of detail.</p>	<p>If the relevant Traffic Regulation Order is sound and accurate in all respects</p> <p>If the motorist merely considers the restrictions to be unfair</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S4 The motorist was not the owner/keeper of the vehicle at the time of the contravention:	
S4.1 where the registered (as notified by the DVLA) keeper claims that the vehicle was disposed of before the contravention occurred	
<p>If the registered keeper is able to provide proof that the vehicle was disposed of before the contravention, i.e. a bill of sale, registration document, insurance documents or a letter from the DVLA; and/or</p> <p>If the registered keeper is able to provide the full name and address of the person to whom they disposed of the vehicle</p> <p>ACTION - send a new Notice to Owner to the person named by the registered keeper</p>	<p>If the registered keeper is unable to prove that the vehicle was disposed of before the contravention nor able to provide the name and address of the person to whom the vehicle was disposed</p> <p>If the person named by the registered keeper as the person to whom the vehicle was disposed, does not exist, cannot be traced or some other reason not considered to be bona fide</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S4.2 where the current registered keeper claims that the vehicle was purchased or acquired after the contravention occurred	
<p>If the current registered keeper is able to provide proof that the vehicle was purchased or acquired after the contravention, i.e. an invoice, registration documents, insurance documents or a letter from the DVLA; and/or</p> <p>If the current registered keeper is able to provide the full name and address of the person from whom they purchased or acquired the vehicle</p>	<p>If the current registered keeper is unable to prove that they purchased or acquired the vehicle after the contravention nor provide the name and address of the person from whom they purchased or acquired the vehicle</p> <p>If the person named by the current registered keeper as the person to whom they purchased or acquired the vehicle, does not exist, cannot be traced or is for some other reason is not considered to be bona fide</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S4.3 where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention	
<p>Only when an approved, signed, formal hire agreement exists (see policy S6, below)</p>	<p>In all other circumstances because the registered keeper is always liable, including where the vehicle was left in the care of a garage</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S4.4 where the motorist claims that they never owned the vehicle	
If the DVLA confirm the motorist was not the registered keeper at the time of the contravention	<p>If the DVLA confirm the motorist was the registered keeper of the vehicle at the time of the contravention.</p> <p>If the previous registered keeper provides proof that the motorist purchased or acquired the vehicle before the contravention, or the subsequent registered keeper provides proof that the motorist sold or disposed of the vehicle after the contravention.</p> <p>If the motorist is proven to have hired the vehicle for the day on which the contravention occurred and signed an agreement to take responsibility for PCNs incurred, subject to the time of hire (see policy S6, below)</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S5 the vehicle had been taken without owner's consent	
S5.1 where the current registered keeper claims that the vehicle had been stolen	
If the registered keeper provides a valid police crime report reference number.	<p>If the current registered keeper is unable to provide any proof of theft.</p> <p>If the police crime report reference number provided by the current registered keeper does not exist or it does not match the theft or date of the theft alleged</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S5.2 where the current registered keeper claims that the vehicle was driven by a third party (i.e. a friend, relative, estranged partner etc)	
	In all circumstances because the registered keeper is always liable, save for when a hire agreement exists (see policy S6, below)
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S6 the owner is a hire company and they have supplied the name of the hirer	
<p>If the hire company are able to provide proof that the vehicle was hired at the time of the contravention, i.e. a signed agreement</p> <p>If the hire company are able to provide the full name and address of the person to whom they hired the vehicle</p> <p>ACTION - send a new Notice to Owner to the person named by the hire company</p>	<p>If the hire company are unable to prove that they hired out the vehicle on the date of the contravention nor provide the name and address of the person to whom they hired the vehicle</p> <p>If the person named by the hire company as the person to whom they hired the vehicle, without proof, either does not exist, cannot be traced or denies responsibility for the contravention</p> <p>If the vehicle was being as a courtesy car without an agreement signed to accept responsibility for Penalty Charge Notices issued.</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>S7 Where a motorist claims a “procedural impropriety”, failure of the Authority to observe any requirement imposed on it by the 2004 Road Traffic Act, The Civil Enforcement of Parking Contraventions (England) General Regulations or the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007</p>	
<p>Reasonable cause to believe that a PCN was not properly served.</p> <p>That an incorrect contravention code was used.</p> <p>Incorrect vehicle details were recorded.</p> <p>Incorrect location recorded.</p> <p>Observation times were not recorded.</p> <p>Failure to comply with Regulations.</p>	<p>That after investigation it is believed that the correct procedures were followed.</p> <p>That the procedural error was of a minor matter which did not materially affect the evidence and the Council feels it could successfully defend its position at appeal.</p>
<p><u>NOTES</u></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>S8 There are compelling reasons why in the particular circumstances of the case the Enforcement Authority should cancel the penalty charge and refund any sum paid. Any other information that the motorist / vehicle owner wants the Council to take into consideration</p>	
<p>The decision whether or not a Penalty Charge Notice should be cancelled, will only be taken following very careful consideration taking into account all of the evidence available</p>	<p>That after investigations there are no compelling or particular circumstances that merit the cancellation of the PCN.</p>
<p><u>NOTES</u></p>	

MITIGATING CIRCUMSTANCES

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC 1 where the motorist claims to have become unwell while driving	
<p>Consideration will be given if illness is stated and proof may be requested.</p> <p>When the notes made by the CEO support the motorist's representations.</p>	<p>Where other evidence contradicts the motorists claims</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC2 where the motorist claims to be a doctor, nurse, attending a patient	
<p>If the motorist produces evidence that they were responding to an urgent medical call and there was no nearby legal parking place.</p>	<p>If motorist was not attending a patient in urgent circumstances or if there was a legal parking space nearby.</p> <p>If motorist was parked outside their practice or other place of work for any reason other than to collect supplies for an urgent call.</p> <p>If motorist was parked in an area which does not correspond with the claim made, i.e. far from patients location, say, in a car park</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC7 where the motorist was delayed in returning to their vehicle and parking time purchased had expired	
<p>The motorist's claims that the delay returning to the vehicle was due to exceptional circumstances relating to an emergency situation. Supporting evidence may be required.</p> <p>If motorist's vehicle had broken down, subject to concurrence with policy MC25, below)</p> <p>If the motorist was rendered unable to drive, since parking the vehicle.</p>	<p>If the delay described by the motorist was entirely avoidable, i.e. queuing in a shop.</p> <p>If the motorist simply underestimated the time needed and could have reasonably purchased more time, i.e. when conducting business, shopping or commuting.</p> <p>The motorist has made similar representations before and had a previous PCN cancelled after giving them the benefit of the doubt.</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC9 where the motorist left the vehicle parked without a valid ticket on display to obtain change	
<p>If the CEO's notes indicate that the motorist returned to the vehicle while the PCN was being issued.</p>	<ul style="list-style-type: none"> In all cases provided observation times in accordance with guidelines.
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC10 where the motorist claims to have been unaware of the parking charges payable or restriction/prohibitions applicable to vehicles of a certain class or weight	
If signing is not in accordance with regulations or not considered fit for purpose.	In all other circumstances where signing is fit for purpose.
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC11 where the motorist claims to have been unaware of recent rise in tariff	
If statutory notices were not erected in accordance with procedural regulations. If revised tariff is not on tariff board(s)	If statutory notices were erected in accordance with procedural regulations and tariff board(s) were correct
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC12 where the motorist had parked with one or more wheels outside of a marked parking bay in a car park	
Only in the most exceptional of circumstances that were outside the motorists control and are supported by incontrovertible evidence.	When clear and incontrovertible supporting evidence (photographs/Sketch plan) is available
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC13 where the motorist is a Blue Badge holder/transporting a Blue Badge holder and they did not have their Blue Badge and/or clock on display or could not be read or had expired	
If it can be established that this is the motorist's first contravention of this type and they can provide evidence that they are a Blue badge holder or were transporting a Blue Badge holder.	<p>If the motorist has previously had a PCN cancelled for the same contravention and has been warned to display a valid badge /time clock, correctly in the future</p> <p>If the motorist was parked on a waiting restriction beyond the 3-hour time limit permitted by the Blue Badge Scheme, or on another restriction for which the Blue Badge does not provide an exemption.</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC14 where the motorist claims to have been unaware of the existence of a Controlled Parking Zone	
If it can be established that the signing and markings of the CPZ are at fault (missing and/or unclear) see policy S1.3, above	Where the signing is fit for purpose.
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC15 where the motorist was displaying an expired authorisation to park, i.e. clock waiver, parking place suspension, season ticket, residents' permit, business permit or visitors permit	
If the renewal of the authorisation was delayed by the Council's administrative processes	In all other circumstances In the event of more than one vehicle registration included on season ticket or permit, subsequent production of the season ticket will not necessarily cause automatic cancellation of the PCN as the season ticket may have been used on the other vehicle
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC16 where the motorist is parked in contravention of a waiting/parking prohibition whilst displaying a residents' visitor permit.	
In no circumstances	On all occasions
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC17 where the motorist is a new resident within a controlled parking zone and had parked in a residents' bay without displaying a valid residents' permit	
If the renewal of the authorisation was delayed by the Council's Administrative processes.	On all occasions
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC18 where the motorist had parked incorrectly in a controlled bay on-street	
If it can be established that the motorist was genuinely loading or unloading, subject to compliance with guidance provided in S1.1, above.	On all occasions.
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC19 where the motorist assumed that they were entitled to “a period of grace” before the PCN was issued	
In no circumstances.	In all circumstances.
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC20 where the motorist claims they were attending a funeral	
If no evidence exists to the contrary, taking into account the sensitivity of this issue.	Only if there is a significant reason to doubt the sincerity of the representations
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC21 where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings	
If it can be established that such conditions prevailed and it is likely that signs and markings were obscured as claimed and there was no alternative indication of the restriction.	<p>If it can be established that such conditions did not cause lines and signs to be obscured as claimed.</p> <p>If the CEO's notes photographic evidence etc. directly contradict the motorist's version of events.</p> <p>If any reasonable alternative indication of the restriction was available to the motorist.</p> <p>If the location of the contravention was unlikely to be subject to the natural conditions described by the motorist, i.e. it was under cover</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC22 where the motorist claims that their vehicle had broken down	
<p>If the motorist is able to provide satisfactory evidence of a breakdown, i.e. proof of vehicle recovery or a bill of sale for repair or parts</p> <p>If CEO's notes confirm that the vehicle had broken down.</p>	<p>If the motorist is unable to provide satisfactory evidence of any kind that their vehicle had broken down</p> <p>If the CEO's notes contradict the motorist's version of events</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC23 where the motorist claims that they were attending an emergency or another vehicle that had broken down	
<p>If the motorist is able to provide reasonable proof of the emergency, i.e. a credible report of an accident or incident, or that they were attending to another vehicle that had broken down.</p>	<p>If the motorist is unable to provide evidence of any kind that they were attending an emergency or another vehicle which had broken down</p> <p>If the CEO's notes contradict the motorist's version of events, i.e. the motorist was not seen attending an emergency or another vehicle which was broken down</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC25 where the vehicle in question was on police, fire brigade or ambulance duties	
If an officer of the service concerned, supports the representations and there is no reason to doubt that the vehicle was engaged on operational activities.	In all other circumstances
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC26 where the motorist claims to have been collecting or depositing monies at a bank	
If the procedure explained in the motorist's representations is consistent with the allowance for loading and unloading, see Policy S1.1, above or If specific arrangements have been agreed	In all other circumstances
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC27 where the motorist claims to have been unaware of a temporary parking restriction or special event restriction	
<p>If the motorist claims that there was no indication of the restriction, and the CEO's notes/photographs do not confirm that appropriate signing was in place.</p> <p>If the process followed to make the temporary order was defective in some way</p>	<p>If the CEO's notes/photographs confirm that the vehicle was parked in an area restricted by the Temporary Order or Notice, and that appropriate signing was in place and clearly visible.</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC28 where the registered keeper liable for payment of the PCN is expected to be absent for a long period of time, e.g. is living abroad or is in prison	
In no circumstances	On all occasions
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC29 where the registered keeper liable for payment of the PCN is said to have died	
Where the circumstances can be confirmed (by sensitive enquiry).	Only if there is a significant evidence to doubt the sincerity of the representations.
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC30 where the vehicle driven by the motorist is diplomatically registered	
<p>A Notice to Owner should never be sent to the keeper of a diplomatically registered vehicle</p> <p>KCC should be informed of all penalty charges that are not paid by keepers of diplomatically registered vehicles. They will pass information concerning these debts on to the Foreign and Commonwealth Office</p> <p>[Source – Secretary of State’s Traffic Management and Parking Guidance, Vienna Convention on Diplomatic Relations, Diplomatic Privileges Act 1964 and Government Report on Review of Vienna Convention...]</p>	In no circumstances
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC31 where the motorist received a Fixed Penalty Notice (FPN) from a police officer or traffic warden when parked in the same location	
<p>To prevent 'double jeopardy', if confirmation provided by the police that proceedings for a criminal offence in connection with the same parking/waiting incident have been instituted.</p> <p>An FPN issued under criminal law takes precedence over a PCN if issued for the same offence/contravention.</p>	<p>In all other circumstances</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC33 where the motorist stopped to drop off someone	
<p>If the circumstances are seen by the CEO.</p>	<p>If motorist was parked/stopped on school keep clear markings, pedestrian crossing, bus stop clearway, taxi rank, where loading is prohibited.</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC35 where motorist states they were in police custody when PCN issued	
<p>If proof (from the Police) has been provided that the police had instructed the motorist to leave the vehicle.</p> <p>If the time of arrest (proof required from the Police) provides confirmation that motorist was legally parked and was unable to move vehicle before the restriction started</p>	<p>If no proof provided</p> <p>If vehicle could have been legally parked before arrest</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC37 where motorist claims there was no legal place to park	
<p>Only in the most exceptional of circumstances normally relating to an emergency Health issue.</p>	<p>In the absence of exceptional circumstances</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC 38 where motorist claims they were parked on private property	
<p>If land search maps confirm location is private property & not subject of the relevant Traffic Regulation Order.</p> <p>If there is insufficient evidence to establish location of vehicle</p>	<p>Where evidence shows that the vehicle was parked in an area subject to the relevant TRO.</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC39 where motorist was delayed in returning to their vehicle parked in a limited waiting parking place	
<p>If motorist's vehicle had broken down, subject to concurrence with policy MC25, above).</p> <p>If the motorist was unable to drive, since parking the vehicle.</p> <p>The motorist claims that the delay returning was due to exceptional circumstances relating to an emergency situation. Supporting evidence may be required.</p>	<p>If the delay described by the motorist was not exceptional, i.e. queuing in a shop.</p> <p>If the motorist simply underestimated the time needed and could have reasonably purchased more time.</p>
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC41 where motorist stopped to answer mobile phone	
In no circumstances	On all occasions
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC42 where motorist states that the details on the PCN are incorrect, e.g. location	
If there is reason to doubt that the PCN was issued correctly, taking into account evidence provided by the CEO.	If the Penalty Charge Notice was fully and correctly completed.
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC43 where motorist states they were unaware of enforcement on Bank/Public holidays	
If signage is not in accordance with regulations.	If signage is in accordance with regulations.
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC44 where motorist states that restriction was marked after the vehicle had been parked	
If records confirm that signing/lining/ placement of cones or suspension notices was likely to have taken place after the vehicle parked.	If there is evidence to show that markings were already in place at the time of parking.
<u>NOTES</u>	

DISCRETIONARY POWERS GIVEN TO CIVIL ENFORCEMENT OFFICERS

TOPIC	ISSUE	DISCRETION
Blue Badges	Out of date by less than a month.	Do Not Issue PCN
Expired P & D Ticket	Driver returns within 5 minutes of expiry time on P & D Ticket.	Do Not Issue PCN
Funerals	Where details are known.	Stay away from area
Funerals	Where details are known.	Do No Issue PCN
No Permit or Ticket	Driver returns within 5 minutes with Valid Permit or Ticket.	Do Not Issue PCN
No Permit or Ticket	Driver with vehicle is asked to purchase ticket or leave and does so.	Do Not Issue PCN
Out of Order P&D Machines	All machines in location (Car Park or Street).	Do Not Issue PCN
Overstays	Vehicles overstaying by prior agreement and displaying a valid P&D ticket.	Do Not Issue PCN
Undertakers	Preparing vehicle for a funeral.	Do Not Issue PCN
Verbal Dispensation	Vehicle being used in conjunction with work, where regular trips to vehicle, for parts etc, is required and the work is not expected to be of more 120 minutes duration from when first seen.	Do Not Issue PCN. Advise office for dissemination to other CEO's
Verbal Dispensation	In "emergency" situations where the Council Offices are closed and the driver is therefore unable to obtain temporary dispensation.	Do No Issue PCN. Advise office for dissemination to other CEO's.
Off Street Car Park picking up of Infant/Primary School Children	Where a car is parked for a short period (max 15 min) to pick up young children from school if no other alternative.	Exercise longer observation period of 15 minutes.