

Gloucester City Council

DISCRETION POLICY

CIVIL PARKING ENFORCEMENT

Guidance policies for the enforcement and
cancellation of Penalty Charge Notices

POLICIES SET OUT IN THIS DOCUMENT PROVIDES
GUIDANCE ONLY.

EACH CASE MUST BE CONSIDERED ON ITS OWN MERITS,
TAKING INTO ACCOUNT ALL OF THE EVIDENCE AVAILABLE
AND THE EXCEPTIONALITY OF THE CIRCUMSTANCES.

REGENERATION

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INTRODUCTION

The policies 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 Parking and Traffic Adjudication Service (PATAS), Traffic Penalties Tribunal (TPT) and the Local Government Ombudsman.

What is important about these policies is that they represent a foundation upon which fairness, openness, transparency 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:

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 CONTRAVENTION CODES (V6.5)

Off-Street

70		Parked in a loading area during restricted hours without reasonable excuse	Higher	Off-street loading areas
73	u	Parked without payment of the parking charge	Lower	Off-street car parks
74	prs	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		Parked for longer than the maximum period permitted	Lower	Off-street car parks
81	o	Parked in a restricted area in a car park	Higher	Off-street car parks
82	puv	Parked after the expiry of paid for time	Lower	Off-street car parks
83		Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower	Off-street car parks
84		Parked with additional payment made to extend the stay beyond time first purchased	Lower	Off-street car parks
85	btrw	Parked in a permit bay without clearly displaying a valid permit	Higher	Off-street car parks
86	prs	Parked beyond the bay markings	Lower	Off-street car parks
87		Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher	Off-street car parks
89		Vehicle parked exceeds maximum weight or height or length permitted in the area	Higher	Off-street car parks
90	psv	Re-parked within one hour* of leaving a bay or space in a car park	Lower	Off-street car parks
91	cg	Parked in a car park or area not designated for that class of vehicle	Higher	Off-street car parks
92	o	Parked causing an obstruction	Higher	Off-street car parks
93		Parked in car park when closed	Lower	Off-street car parks
94	p	Parked in a pay & display car park without clearly displaying two**** valid pay and display tickets when required	Lower	Off-street car parks
95		Parked in a parking place for a purpose other than the designated purpose for the parking place	Lower	Off-street car parks
96	c	Parked with engine running where prohibited	Lower	Off-street car parks - this contravention may occur in certain coach bays.

* = Or other specified time

**** = or other number

Suffixes

General suffixes:-

- | | | | |
|--|------------------------------|-----------------------|-----------------------|
| a) temporary traffic order | b) business bay | c) coach parking bay | d) doctor's bay |
| e) double parked/obstruction | f) free parking bay | g) motor cycle bay | h) hospital bay |
| i) wrong type of voucher | j) camera enforcement | k) ambulance bay | l) loading place |
| m) parking meter | n) red route | o) blue badge holder | p) pay & display |
| q) market traders' bay | r) residents' bay | s) shared use bay | |
| t) voucher/P&D ticket used in permit bay | u) mobile phone parking | v) voucher | w) wrong parking zone |
| x) incorrect VRM | y) obscured/illegible permit | z) out of date permit | |
| 0) local buses / trams only | | | |

Footway parking only:-

- | | | |
|-------------------------|----------------------|--------------------------|
| 1) One wheel on footway | 2) Partly on footway | 4) All wheels on footway |
| c) on vehicle crossover | g) on grass verge | |

Moving traffic contraventions only:—

32 d) proceeding in the wrong direction p) passing to the wrong side of the sign t) turning in the wrong direction w) one way traffic

33 b) buses only c) buses and cycles only e) buses, cycles and taxis only f) buses and taxis only g) local buses only
h) local buses and cycles only i) local buses, cycles and taxis only k) local buses and taxis only q) tramcars and local buses only
r) tramcars only s) tramcars and buses only

50 r) no right turn l) no left turn u) no U turn

52 v) all vehicles except non-mechanically propelled ones being pushed m) motor vehicles x) motor vehicles except solo m/cycles
s) solo motorcycles g) goods vehicles exceeding max gross weight indicated

STATUTORY GROUNDS TO MAKE REPRESENTATIONS

Important note:

Although the following are the 9 Statutory Grounds to make representation, in accordance with a directive issued by the Local Government Ombudsman, full consideration will be given and account taken of all representations received, whether or not they are all fall within the description of “**Statutory Grounds**”. It is for this reason that a 10th Ground, encompassing any other information the motorist or owner/keeper would like the Council to consider, has been included.

- G1 The alleged contravention did not occur**
- G2 That the recipient:**
 - Never was the owner of the vehicle in question;**
 - Had ceased to be its owner before the date on which the alleged contravention occurred;**
 - Became its owner after the date;**
- G3 That the vehicle had been permitted to remain at rest in the place in question by a person who was in control of the vehicle without the consent of the owner**
- G4 That the recipient is a vehicle hire firm and;**
 - The vehicle in question was at the material time hired from that firm under a vehicle hiring agreement;**
 - The person hiring it had signed a statement of liability acknowledging his liability in respect of any PCN served in respect of any contravention involving the vehicle;**
- G5 That the penalty charge exceeded the amount applicable in the circumstances of the case**
- G6 That there has been a procedural impropriety on the part of the enforcement authority**
- G7 That the Order which is alleged to have been contravened in relation to the vehicle concerned is invalid**
- G8 In the case where a PCN was served by post on the basis that a CEO was prevented by some person from fixing it to the vehicle concerned or handing it to the owner or person in charge of the vehicle, that no CEO was so prevented**
- G9 That the NtO should not have been served because the penalty charge had already been paid in full or by the amount reduced by any discount set within the period set**
- G10 Any other information that the motorist / vehicle owner want the Council to take into consideration**

G1 The alleged contravention did not occur:

G1.1 Where the motorist claims that a parking pay & display machine was faulty

MAY ACCEPT REPRESENTATIONS

If service records confirm a fault or that the machine had been taken out of service at the time of the contravention.

If there is reasonable doubt because evidence 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.

MAY REJECT REPRESENTATIONS

If there was another ticket machine nearby that was working correctly at the time.

If there is no record of the machine being faulty or taken out of service.

If there is reasonable doubt because evidence confirms that other visitors had been able to purchase tickets during the relevant period.

G1.2 Where motorist claims that the restriction is not clearly signed or marked

MAY ACCEPT REPRESENTATIONS

If signs and/or markings are missing or unclear.

If signs and markings are inconsistent with each other and/or Traffic Order or legislation.

MAY REJECT REPRESENTATIONS

If site visit records or photographs establish that signs and/or markings are correct and consistent with each other and the Traffic Order.

G1.3 Where motorist was carrying out building works

MAY ACCEPT REPRESENTATIONS

If evidence confirms that the motorist was simply loading/unloading (see policy G1.1, above)

If valid waiver to park at the location in question had been issued and was on display in the vehicle.

If works are of a statutory nature or are exempted from restrictions by a Traffic Order or legislation

If it can be proven that works were an emergency,

MAY REJECT REPRESENTATIONS

In all other circumstances

G1.4 Where motorist claims that PCN was not served (i.e. PCN not found attached to vehicle or handed to driver)

MAY ACCEPT REPRESENTATIONS

If the Civil Enforcement Officer'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.

MAY REJECT REPRESENTATIONS

If the Civil Enforcement Officer's notes or photographs confirm that a PCN was correctly served, i.e. handed to the motorist or fixed to their vehicle.

If the Civil Enforcement Officer has issued a Regulation 10 PCN by Post.

G1.5 Where motorist claims that a valid authorisation to park, had been issued

MAY ACCEPT REPRESENTATIONS

If records show that the motorist holds a valid authorisation to park.

MAY REJECT REPRESENTATIONS

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.

If the motorist did not park in accordance with the authorisation.

G1.6 Where the motorist claims that a pay & display ticket was purchased and displayed

MAY ACCEPT REPRESENTATIONS

If the motorist produces a Pay & Display parking ticket that was valid at the time the Penalty Charge Notice was issued and the Civil Enforcement Officer confirms that a face down ticket or a ticket that was displayed but concealed in some other way was seen and it is the first contravention of this kind.

MAY REJECT REPRESENTATIONS

If the motorist is unable to produce a valid pay & display ticket.

The Civil Enforcement Officer was unable to confirm that a face down ticket or a ticket that was displayed but concealed in some other way was seen.

The motorist has made a similar representation before and had a previous PCN cancelled, after giving them the benefit of the doubt; or

The Civil Enforcement Officer noted that the motorist obtained their ticket from another motorist in the car park; or

Where digits have been entered on the face of the ticket and do not match those of the motorist's vehicle registration, subject to some latitude being allowed for errors.

**G2 That the recipient:
Never was the owner of the vehicle in question;
Had ceased to be its owner before the date on which the alleged contravention occurred;
Became its owner after that date;**

G2.1 Never was the owner of the vehicle in question;

MAY ACCEPT REPRESENTATIONS

If the DVLA confirm that the motorist was not the registered keeper at the time of the contravention.

MAY REJECT REPRESENTATIONS

If the DVLA confirms that the motorist was the registered keeper of the vehicle at the time of the contravention.

If the previous registered keeper provides proof that the motorist bought the vehicle before the contravention, or the subsequent registered keeper provides proof that the motorist sold the vehicle after the contravention.

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 G4, below)

G2.2 Had ceased to be its owner before the date on which the alleged contravention occurred;

MAY ACCEPT REPRESENTATIONS

If the current registered keeper is able to provide proof that the vehicle was disposed of before the contravention, i.e. a bill of sale, registration documents, insurance documents or a letter from the DVLA; and/or

If the current registered keeper is able to provide the full name and address of the person to whom they disposed of the vehicle.

ACTION - send a new Notice to Owner to the person named by the current registered keeper

MAY REJECT REPRESENTATIONS

If the current registered keeper is unable to prove that they disposed of the vehicle before the contravention nor provide the name and address of the person to whom they disposed of the vehicle.

If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide

G2.3 Became its owner after that date;

MAY ACCEPT REPRESENTATIONS

If the current registered keeper is able to provide proof that the vehicle was purchased after the contravention, i.e. an invoice, registration documents, insurance documents or a letter from the DVLA; and/or

If the current registered keeper is able to provide the full name and address of the person from whom they purchased the vehicle.

MAY REJECT REPRESENTATIONS

If the current registered keeper is unable to prove that they purchased the vehicle after the contravention nor provide the name and address of the person from whom they bought the vehicle.

If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide.

G2.4 Where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention

MAY ACCEPT REPRESENTATIONS

Only when a hire agreement exists (see policy G4, below).

MAY REJECT REPRESENTATIONS

In all other circumstances because the registered keeper is always liable, including where the vehicle was left in the care of a garage.

G3 That the vehicle had been permitted to remain at rest in the place in question by a person who was in control of the vehicle without the consent of the owner

G3.1 Where the current registered keeper claims that the vehicle had been stolen

MAY ACCEPT REPRESENTATIONS

If the registered keeper provides a valid police crime report reference number.

MAY REJECT REPRESENTATIONS

If the current registered keeper is unable to provide any proof of theft.

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.

G3.2 Where the current registered keeper claims that the vehicle was driven by a third party (i.e. a friend, relative or estranged partner)

MAY ACCEPT REPRESENTATIONS

In no circumstance.

MAY REJECT REPRESENTATIONS

In all circumstances because the registered keeper is always liable, save for when a hire agreement exists (see policy G4, below).

- G4 That the recipient is a vehicle hire firm:
The vehicle in question was at the material time hired from that firm under a vehicle hiring agreement;
The person hiring it had signed a statement of liability acknowledging his liability in respect of any PCN served in respect of any contravention involving the vehicle;**

MAY ACCEPT REPRESENTATIONS

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.

If the hire company are able to provide the full name and address of the person to whom they hired the vehicle.

ACTION - send a new Notice to Owner to the person named by the hire company.

MAY REJECT REPRESENTATIONS

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.

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.

If the vehicle was being used as a courtesy car without an agreement signed to accept responsibility for Penalty Charge Notices issued.

- G5 That the penalty charge exceeded the amount applicable in the circumstances of the case.**

MAY ACCEPT REPRESENTATIONS

If the PCN and/or Notice to Owner showed the incorrect amount of penalty charge, i.e. the wrong penalty charge band

MAY REJECT REPRESENTATIONS

If the PCN or Notice to Owner showed the correct amount of penalty charge

- G6 That there has been a procedural impropriety on the part of the enforcement authority**

MAY ACCEPT REPRESENTATIONS

If any requirements imposed by the TMA or the TMA Regulations in the relation to the imposition or recovery of a penalty charge has not been observed.

If any document has been served in advance of the time scale set out in the TMA regulations.

MAY REJECT REPRESENTATIONS

If all requirements imposed by the TMA or the TMA Regulations in the relation to the imposition or recovery of a penalty charge has been observed.

If all documents have been served in accordance with the time scale set out in the TMA regulations.

If the motorist merely considers the restrictions to be unfair.

G7 That the Order which is alleged to have been contravened in relation to the vehicle concerned is invalid

MAY ACCEPT REPRESENTATIONS

If the Traffic Order which prescribes the restrictions that the vehicle was parked in contravention of was either not constructed correctly, i.e. is ultra vires, or was not made correctly, i.e. not consulted on properly.

MAY REJECT REPRESENTATIONS

If the Traffic Order which prescribes the restrictions that the vehicle was parked in contravention of was constructed and made correctly.

If the motorist merely considers the restrictions to be unfair.

G8 In the case where a PCN was served by post on the basis that a CEO was prevented by some person from fixing it to the vehicle concerned or handing it to the owner or person in charge of the vehicle, that no CEO was so prevented

MAY ACCEPT REPRESENTATIONS

If the Civil Enforcement Officer's notes or photographs confirm that a PCN was correctly served, i.e. handed to the motorist or fixed to their vehicle.

If the Civil Enforcement Officer's pocket book and/or computer notes did not 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.

MAY REJECT REPRESENTATIONS

If the Civil Enforcement Officer'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.

G9 That the NtO should not have been served because the penalty charge had already been paid in full or by the amount reduced by any discount set within the period set

MAY ACCEPT REPRESENTATIONS

If the penalty charge amount had been paid in full.

If the penalty charge amount, reduced by any discount set within the period set, had been paid in full.

MAY REJECT REPRESENTATIONS

If the penalty charge amount had not been paid in full.

If the penalty charge amount, reduced by any discount set within the period set, had not been paid in full.

G10 Any other information that the motorist / vehicle owner want the Council to take into consideration

MAY ACCEPT REPRESENTATIONS

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.

MAY REJECT REPRESENTATIONS

MITIGATING CIRCUMSTANCES

MC1 Where the motorist claims to have become unwell while driving

MAY ACCEPT REPRESENTATIONS

If the motorist provides proof of a medical condition, temporary or permanent, that is consistent with the conditions described.

When the notes made by the Civil Enforcement Officer support the motorist's representations.

MAY REJECT REPRESENTATIONS

If the motorist cannot provide some proof of a medical condition, temporary or permanent, consistent with the conditions described.

Or

Where other evidence contradicts the motorists claims

MC2 Where the motorist claims to be a doctor, nurse, health visitor attending a patient

MAY ACCEPT REPRESENTATIONS

If the motorist concerned possesses a Medical Dispensation badge (BMA, HEBS) that the Council concerned recognises and approves and/or is exempt under the relevant Order.

Or

If the motorist produces evidence that they were responding to an urgent medical call and there was no nearby legal parking place.

MAY REJECT REPRESENTATIONS

If motorist was not attending a patient in urgent circumstances or if there were legal parking spaces nearby.

If motorist was parked outside their practice or other place of work for any reason other than to collect supplies for an urgent call.

If motorist was parked in an area which does not correspond with claims made in representations, i.e. far from patients property, say, in a car park

MC3 Where the motorist stopped to use the toilet

MAY ACCEPT REPRESENTATIONS

On production of medical evidence confirming a relevant medical condition and in support of the circumstances described in a representation.

MAY REJECT REPRESENTATIONS

In all other circumstances

MC4 Where the motorist was delayed in returning to their vehicle and parking time purchased had expired

MAY ACCEPT REPRESENTATIONS

If supported by appropriate evidence, the motorist's representations claims that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseen, unavoidable and exceptional.

If motorist's vehicle had broken down, subject to concurrence with policy MC25, below)

If the motorist was unable to drive, since parking the vehicle.

MAY REJECT REPRESENTATIONS

If the delay described by the motorist was entirely avoidable, i.e. queuing in a shop.

If the motorist simply underestimated the time needed and could have reasonably purchased more time, i.e. when conducting business, shopping or commuting.

If the motorist was unable to drive since parking due to excess alcohol in the body or had been detained and charged by the police.

MC5 Where the motorist "fed" a meter or pay & display machine by buying subsequent time to park in the same place or returned to the same place within a specified and prohibited time period

MAY ACCEPT REPRESENTATIONS

In no circumstances

MAY REJECT REPRESENTATIONS

If the motorist overstays initial period of time purchased or returns within a period of 'No return'

MC6 Where the motorist left the vehicle parked without a valid ticket on display to obtain change.

MAY ACCEPT REPRESENTATIONS

If the motorist had not left the car park, or on-street pay and display area, while obtaining change and a ticket was purchased.

MAY REJECT REPRESENTATIONS

If the Civil Enforcement Officer's notes indicate that the motorist returned to their vehicle, having completed their purpose for parking, while the PCN was being issued, i.e. carrying shopping, or had left vehicle in car park, or on-street pay and display area, while obtaining change

MC7 Where the motorist claims to have been unaware of charges or restriction in the car park relating to vehicle's class or weight.

MAY ACCEPT REPRESENTATIONS

If reference to restrictions on tariff board(s) are incorrect or missing.

MAY REJECT REPRESENTATIONS

In all other circumstances

MC8 Where the motorist claims to have been unaware of recent rise in tariff

MAY ACCEPT REPRESENTATIONS

If statutory notices were not erected in accordance with procedural regulations.

If revised tariff is not on tariff board(s)

MAY REJECT REPRESENTATIONS

If statutory notices were erected in accordance with procedural regulations and tariff board(s) were correct

MC9 Where the motorist had parked with one or more wheels outside of a marked bay in a car park

MAY ACCEPT REPRESENTATIONS

Only in the most exceptional of circumstances that were outside the motorists control and are supported by incontrovertible evidence.

Otherwise, in no circumstances.

MAY REJECT REPRESENTATIONS

When clear and incontrovertible supporting evidence (photographs/Sketch plan) is available.

MC10 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

MAY ACCEPT REPRESENTATIONS

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.

MAY REJECT REPRESENTATIONS

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.

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.

MC11 Where the motorist was displaying an expired authorisation to park, i.e. waiver, parking place suspension, season ticket, residents permit, business permit or visitors permit

MAY ACCEPT REPRESENTATIONS

If the renewal of the authorisation was delayed by the Council's administrative processes.

If it can be established that other reasonably unforeseen circumstances delayed the renewal of an authorisation to park, e.g. sickness on the part of the applicant or a postal dispute/delays (supported by appropriate evidence).

In the case of season tickets and resident's /business parking permits only, if the authorisation had expired by less than 14 days

MAY REJECT REPRESENTATIONS

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.

MC12 Where the motorist assumed that they were entitled to "a period of grace" before the PCN was issued

MAY ACCEPT REPRESENTATIONS

In no circumstances.

MAY REJECT REPRESENTATIONS

In all circumstances.

MC13 Where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings

MAY ACCEPT REPRESENTATIONS

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.

MAY REJECT REPRESENTATIONS

If it can be established that such conditions did not cause lines and signs to be obscured as claimed.

If the Civil Enforcement Officer's notes/photographic evidence etc. directly contradict the motorist's version of events.

If any reasonable alternative indication of the restriction was available to the motorist.

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

MC14 Where the motorist claims that their vehicle had broken down

MAY ACCEPT REPRESENTATIONS

If the motorist is able to provide evidence of a breakdown, i.e. proof of vehicle recovery or a bill of sale for repair or parts.

MAY REJECT REPRESENTATIONS

If the motorist is unable to provide evidence of any kind that their vehicle had broken down.

If the cause of the vehicle “breaking down” was due to negligence on the part of the motorist, i.e. the vehicle had not been properly maintained, had run out of petrol or water or a similar reason.

If the Civil Enforcement Officer’s notes contradict the motorist’s version of events.

MC15 Where the motorist claims that they were attending an emergency or another vehicle that had broken down

MAY ACCEPT REPRESENTATIONS

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.

MAY REJECT REPRESENTATIONS

If the motorist is unable to provide evidence of any kind that they were attending an emergency or another vehicle which had broken down.

If the Civil Enforcement Officer’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.

MC16 Where the motorist claims to have put money into the wrong ticket machine

MAY ACCEPT REPRESENTATIONS

If it is agreed that the position of the ticket machine used by the motorist is likely to cause confusion.

MAY REJECT REPRESENTATIONS

If the ticket machine used by the motorist is positioned in such a place that confusion is not likely.

If the motorist has had representations accepted for a similar contravention previously.

MC17 Where the vehicle in question was on police, fire brigade or ambulance duties

MAY ACCEPT REPRESENTATIONS

If a senior officer of the service concerned, supports the representations and there is no reason to doubt that the vehicle was engaged on operational activities.

MAY REJECT REPRESENTATIONS

In all other circumstances

MC18 Where the motorist claims to have been unaware of a temporary parking restriction or special event restriction

MAY ACCEPT REPRESENTATIONS

If the motorist claims that there was no indication of the restriction, and the Civil Enforcement Officer's notes/photographs do not confirm that appropriate signing was in place.

If the process followed to make the temporary order was defective in some way.

MAY REJECT REPRESENTATIONS

If the Civil Enforcement Officer'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.

MC19 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

MAY ACCEPT REPRESENTATIONS

In no circumstances

MAY REJECT REPRESENTATIONS

On all occasions

MC20 Where the registered keeper liable for payment of the PCN is said to have died

MAY ACCEPT REPRESENTATIONS

Where the circumstances can be confirmed (by sensitive enquiry).

MAY REJECT REPRESENTATIONS

Only if there is a significant evidence to doubt the sincerity of the representations.

MC21 Where the vehicle driven by the motorist is diplomatically registered

MAY ACCEPT REPRESENTATIONS

In all circumstances. A Notice to Owner should never be sent to the keeper of a diplomatically registered vehicle.

All un-recovered penalty charges from keepers of diplomatically registered vehicles, the information concerning these debts should be passed on to the Foreign and Commonwealth Office.

[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...]

MAY REJECT REPRESENTATIONS

In no circumstances.

MC22 Where the motorist received a Fixed Penalty Notice (FPN) from a police officer or traffic warden when parked in the same location

MAY ACCEPT REPRESENTATIONS

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.

MAY REJECT REPRESENTATIONS

In all other circumstances

MC23 Where a Council officer or Member parked in contravention and claims to have been on Council business

MAY ACCEPT REPRESENTATIONS

If the officer was carrying out emergency or other statutory work.

MAY REJECT REPRESENTATIONS

If it can be established that the officer/Member could have reasonably parked elsewhere.

MC24 Where motorist was unaware of the Overnight Waiting Ban/Commercial Vehicle waiting restriction

MAY ACCEPT REPRESENTATIONS

If motorist was instructed / authorised to park in contravention of the restriction by the police.

MAY REJECT REPRESENTATIONS

In all other circumstances

MC25 Where motorist states they were in police custody when PCN issued

MAY ACCEPT REPRESENTATIONS

If proof (from the Police) has been provided that the police had instructed the motorist to leave the vehicle. 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.

MAY REJECT REPRESENTATIONS

If no proof provided. If vehicle could have been legally parked before arrest.

MC26 Where motorist states they were visiting a friend or relative in urgent circumstances

MAY ACCEPT REPRESENTATIONS

If due to an emergency the parking contravention could not be avoided due to the exceptional nature of the incident. If motorist has already received a PCN, which has been cancelled for the same reason

MAY REJECT REPRESENTATIONS

If the Civil Enforcement Officer's Pocket Book notes provides significant reason to doubt sincerity of representation

MC27 Where motorist claims there was no legal place to park

MAY ACCEPT REPRESENTATIONS

Only in the most exceptional of circumstances

MAY REJECT REPRESENTATIONS

In the absence of exceptional circumstances

MC28 Where motorist claims they were parked on private property

MAY ACCEPT REPRESENTATIONS

If land search maps confirm location is private property & not subject of the relevant Traffic Regulation Order. If there is insufficient evidence to establish location of vehicle

MAY REJECT REPRESENTATIONS

In all other circumstances

MC29 Where motorist was delayed in returning to their vehicle parked in a limited waiting parking place

MAY ACCEPT REPRESENTATIONS

If supported by appropriate evidence, the motorist's representations claim that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseen, unavoidable and exceptional. If motorist's vehicle had broken down, subject to concurrence with policy MC25, above).

MAY REJECT REPRESENTATIONS

If the motorist was unable to drive, since parking the vehicle. If the delay described by the motorist was not exceptional, i.e. queuing in a shop. If the motorist simply underestimated the time needed and could have reasonably purchased more time. If the motorist was unable to drive since parking due to excess alcohol in the body or had been were detained by the police for any reason, unless subsequently released without charge or proven innocent.

MC30 Where motorist had parked while asking directions / opening gates to private property

MAY ACCEPT REPRESENTATIONS

If evidence provided by the Civil Enforcement Officer does not contradict representations.

MAY REJECT REPRESENTATIONS

In all other circumstances

MC31 Where motorist stopped to answer mobile phone

MAY ACCEPT REPRESENTATIONS

In no circumstances

MAY REJECT REPRESENTATIONS

On all occasions

MC32 Where motorist states that the details on the PCN are incorrect, e.g. location

MAY ACCEPT REPRESENTATIONS

If there is reason to doubt that the PCN was issued correctly, taking into account evidence provided by the Civil Enforcement Officer.

MAY REJECT REPRESENTATIONS

If the Penalty Charge Notice was fully and correctly completed.

MC33 Where motorist states they were unaware of enforcement on Bank/Public holidays

MAY ACCEPT REPRESENTATIONS

In no circumstances

MAY REJECT REPRESENTATIONS

On all occasions

MC34 Where motorist states that restriction was marked after the vehicle had been parked

MAY ACCEPT REPRESENTATIONS

If records confirm that signing/lining/ placement of cones or suspension notices was likely to have taken place after the vehicle parked.

MAY REJECT REPRESENTATIONS

If there is evidence to show that markings were already in place at the time of parking.