

Traffic Management Act 2004, Part 6 Enforcement Policy



Contents

	Page
Introduction	1
Standard Contravention Codes (V6.5)	2
Statutory Grounds to Make Representations (Traffic Management Act 2004, Part 6).....	6
S1 The contravention did not occur:	6
S1.1 Where the motorist claims he/she was loading/unloading	6
S1.2 Where the motorist claims that a pay and display ticket machine was faulty	7
S1.3 Where the motorist claims that the restriction is not clearly signed or marked	8
S1.4 Where motorist was carrying out construction or demolition works etc. ..	9
S1.5 Where the motorist claims that PCN was not served (i.e. PCN not found attached to vehicle or handed to driver)	10
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	11
S1.7 Where the motorist claims that a valid authorisation to park, had been issued	12
S1.8 Where the motorist claims that a pay and display ticket was purchased and correctly displayed	13
S2 The penalty exceeded the relevant amount.....	14
S3 The Traffic Order was invalid.....	15
S4 The recipient was not the owner/keeper of the vehicle at the time of the contravention:	16
S4.1 Where the registered (as notified by the DVLA) keeper claims that the vehicle was disposed of before the contravention occurred	16
S4.2 Where the current registered keeper claims that the vehicle was purchased or acquired after the contravention occurred	17
S4.3 Where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention	18
S4.4 Where the motorist claims that they never owned the vehicle.....	19

S5	The vehicle had been taken without owner’s consent	20
S5.1	Where the current registered keeper claims that the vehicle had been stolen	20
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)....	21
S6	The recipient is a hire company and they have supplied the name of the hirer	22
S7	There has been procedural impropriety on the part of the Council.....	23
S8	That the Notice to Owner should not have been served.....	24
S9	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.....	25
S10	Any other information that the motorist/vehicle owner wants the Council to take into consideration	26
	Mitigating Circumstances	27
MC1	Where the motorist claims to have become unwell while driving.....	27
MC2	Where the motorist claims to be a doctor, nurse, health visitor attending a patient.....	28
MC3	Where the motorist stopped to use the toilet	29
MC4	Where the motorist stopped to collect (prescribed) medication from a chemist	30
MC5	Where the motorist was a patient visiting a doctor’s surgery.....	31
MC6	Where the motorist claims to have been recently bereaved.....	32
MC7	Where the motorist was delayed in returning to their vehicle and parking time purchased had expired	33
MC8	Where the motorist “fed” a meter or pay and 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.....	34
MC9	Where the motorist left the vehicle parked without a valid ticket on display to obtain change.....	35
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.....	36
MC11	Where the motorist claims to have been unaware of recent rise in tariff	37

MC12	Where the motorist had parked with one or more wheels outside of a marked parking bay in a car park	38
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.....	39
MC14	Where the motorist claims to have been unaware of the existence of a Controlled Parking Zone.....	40
MC15	Where the motorist was displaying an expired authorisation to park, i.e. dispensation, parking place suspension, season ticket, residents' permit, business permit or visitors permit	41
MC16	Where the motorist is parked in contravention of a waiting/parking prohibition whilst displaying a residents' visitor permit.	42
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.....	43
MC18	Where the motorist had parked incorrectly in a controlled bay on-street.....	44
MC19	Where the motorist assumed that they were entitled to "a period of grace" before the PCN was issued.....	45
MC20	Where the motorist claims they were attending a funeral.....	46
MC21	Where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings.....	47
MC22	Where the motorist claims that their vehicle had broken down.....	48
MC23	Where the motorist claims that they were attending an emergency or another vehicle that had broken down.....	49
MC24	Where the motorist claims to have put money into the wrong ticket machine ..	50
MC25	Where the vehicle in question was on police, fire brigade or ambulance duties .	51
MC26	Where the motorist claims to have been collecting or depositing monies at a bank.....	52
MC27	Where the motorist claims to have been unaware of a temporary parking restriction or special event restriction	53
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	54
MC29	Where the registered keeper liable for payment of the PCN is said to have died .	55

MC30	Where the vehicle driven by the motorist is diplomatically registered.....	56
MC31	Where the motorist received a Fixed Penalty Notice (FPN) from a police officer or traffic warden when parked in the same location.....	57
MC32	Where a Council officer or Member parked in contravention and claims to have been on Council business.....	58
MC33	Where the motorist stopped to drop off someone.....	59
MC34	Where motorist was unaware of the Overnight Waiting Ban/Commercial Vehicle waiting restriction.....	60
MC35	Where motorist states they were in police custody when PCN issued	61
MC36	Where motorist states they were visiting a friend or relative in urgent circumstances	62
MC37	Where motorist claims there was no legal place to park	63
MC38	Where motorist claims they were parked on private property (off the highway)....	64
MC39	Where motorist was delayed in returning to their vehicle parked in a limited waiting parking place.....	65
MC40	Where motorist had parked while asking directions/opening gates to private property	66
MC41	Where motorist stopped to answer mobile phone	67
MC42	Where motorist states that the details on the PCN are incorrect, e.g. location.	68
MC43	Where motorist states they were unaware of enforcement on Bank/Public holidays	69
MC44	Where motorist states that restriction was marked after the vehicle had been parked	70
MC45	Where motorist states that they hold a season ticket but had forgotten to display it.....	71
	Record of Amendments.....	72

Policies for the Enforcement and Cancellation of Penalty Charge Notices

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 under the Traffic Management Act 2004, Part 6.

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 and the Local Government Ombudsman.

What is important about these guidelines is that they 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:

- *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)

On-Street

Code	General suffix(es)	Description	Differential level	Notes
01	eoyz	Parked in a restricted street during prescribed hours	Higher	Suffixes y & z for bbh only
02	aejo	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	Higher	
04	cs	Parked in a meter bay when penalty time is indicated	Lower	
05	cpsuv	Parked after the expiry of paid for time	Lower	
06	cipv	Parked without clearly displaying a valid pay & display ticket or voucher	Lower	
07	cmprsv	Parked with payment made to extend the stay beyond initial time	Lower	'meter feeding'
08	c	Parked at an out-of-order meter during controlled hours	Lower	Electronic meters only
09	ps	Parked displaying multiple pay & display tickets where prohibited	Lower	Some boroughs only
10	p	Parked without clearly displaying two**** valid pay and display tickets when required	Lower	Some boroughs only
11	u	Parked without payment of the parking charge	Lower	
12	rstwxy	Parked in a residents' or shared use parking place or zone 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	bdhqstwxzy	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	bcdhmpsv	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher	
19	irswxyz	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		Parked in a loading gap marked by a yellow line	Higher	
21	bcdhjlmpqsv	Parked in a suspended bay or space or part of bay or space	Higher	
22	cflmnopsv	Re-parked in the same parking place or zone within one hour* of leaving	Lower	
23	bcdghjklprsv	Parked in a parking place or area not designated for that class of vehicle	Higher	
24	bcdhmpqsv	Not parked correctly within the markings of the bay or space	Lower	
25	jn	Parked in a loading place during restricted hours without loading	Higher	On-street loading bays
26	e	Parked in a special enforcement area more than 50 cm [†] from the edge of the carriageway and not within a designated parking place	Higher	
27	jo	Parked in a special enforcement area adjacent to a dropped footway	Higher	

Code	General suffix(es)	Description	Differential level	Notes
30	fnou	Parked for longer than permitted	Lower	
31	j	Entering and stopping in a box junction when prohibited	n/a	London only
32	jdtpw	Failing to drive in the direction shown by the arrow on a blue sign	n/a	Code specific suffixes apply. London only
33	jbcefgghikqrs	Using a route restricted to certain vehicles	n/a	Code specific suffixes apply. London only
34	j0	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	j	Failing to comply with a give way to oncoming vehicles sign	n/a	London only
40	n	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher	
41	j	Parked in a parking place designated for diplomatic vehicles	Higher	
42	j	Parked in a parking place designated for police vehicles	Higher	
45	n	Parked on a taxi rank	Higher	
46	jn	Stopped where prohibited (on a red route or clearway)	Higher	
47	jn	Stopped on a restricted bus stop or stand	Higher	
48	j	Stopped in a restricted area outside a school when prohibited	Higher	
49	j	Parked wholly or partly on a cycle track or lane	Higher	
50	jlru	Failing to comply with a sign indicating a prohibited turn	n/a	Code specific suffixes apply. London only
51	j	Failing to comply with a no entry sign	n/a	London only
52	jgmsvx	Failing to comply with a sign indicating a prohibition on certain types of vehicle	n/a	Code specific suffixes apply. London only
53	j	Failing to comply with a sign indicating a restriction on vehicles entering a pedestrian zone	n/a	London only
54	j	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	Non- overnight waiting restriction
57		Parked in contravention of a coach ban	Higher	Non- overnight waiting restriction
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	124cgj	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	Higher	Code specific suffixes apply.
62	124cgj	Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway	Higher	Code specific suffixes apply.

Code	General suffix(es)	Description	Differential level	Notes
63	c	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	Jo	Stopped on a pedestrian crossing or crossing area marked by zigzags	Higher	Pedestrian Crossings
		<ul style="list-style-type: none"> • = or other specified time • **** = or other number • † = or other specified distance 		

Police Use Only

Code	General suffix(es)	Description	Differential level	Notes
64		Police removal following an accident	n/a	Police use only
65		Police removal – illegally parked - red route	n/a	Police use only
66		Police removal – illegally parked - non red route	n/a	Police use only

Off-Street

Code	General suffix(es)	Description	Differential level	Notes
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

Code	General suffix(es)	Description	Differential level	Notes
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 (Traffic Management Act 2004, Part 6)

Important note:

Although the following are the nine 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 taken of all representations received, whether or not they 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.

May Accept Representations	May Reject Representations
S1 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> <ol style="list-style-type: none"> 1. 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. 2. Loading/unloading activity was adjacent to the premises concerned. 3. Loading/unloading activity was timely (includes checking goods and paperwork, but not delayed by unrelated activity. If in the course of business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc. 	<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>on ‘Goods Vehicles Only’ loading bays when vehicle is under 7.5 tonnes;</p> <p>in car parks: (except when depositing materials in recycling bins);</p> <p>If a valid pay and display ticket was not purchased first.</p>
Notes	

May Accept Representations	May Reject Representations
S1.2 Where the motorist claims that a pay and 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 the cash-box contents exceed the amount displayed on the audit ticket.</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 there is reasonable doubt because evidence confirms that other visitors had been able to purchase tickets during the relevant period.</p>
<p>Notes</p>	

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>
<p>Notes</p> <p>Essex County Council is the Highways Authority and is therefore responsible for the maintenance of lines and signs.</p>	

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).</p> <p>If a valid dispensation 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 (documentary evidence will be required).</p>	<p>In all other circumstances.</p>
<p>Notes</p>	

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 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.</p>	<p>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</p> <p>If the Civil Enforcement Officer has issued a Regulation 10 PCN by post.</p>
<p>Notes</p>	

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 Civil Enforcement Officer.</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>
Notes	

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>
<p>Notes</p>	

May Accept Representations	May Reject Representations
<p>S1.8 Where the motorist claims that a pay and display ticket was purchased and correctly displayed</p>	
<p>If the motorist produces a Pay and Display parking ticket that was valid at the time the Penalty Charge Notice was issued and the Civil Enforcement Officer's evidence confirms:</p> <ul style="list-style-type: none"> • A ticket was displayed 'face down' but the CEO has noted the serial number and it matches the details of the ticket produced. • A ticket was displayed but partially concealed so that relevant details (expiry time, date, etc) could not be seen and checked but the CEO has noted the serial number and it matches the details of the ticket produced. 	<ul style="list-style-type: none"> • If the motorist is unable to produce a ticket that was valid at the time the PCN was issued. • The Civil Enforcement Officer cannot confirm that either a face down ticket or partially concealed ticket was on display at the time. The PCN issued. • The serial number of the ticket could not be noted by the CEO or the ticket produced does not match the serial number printed on the back of the ticket seen by the CEO. • When evidence confirms that the ticket produced was not purchased by the motorist (obtained from another motorist, found in the car park, etc). • A PCN issued previously in similar circumstances was cancelled.
<p>Notes</p>	

May Accept Representations	May Reject Representations
S2 The penalty exceeded the relevant amount	
If the PCN and/or Notice to Owner showed the incorrect amount of penalty charge, i.e. the wrong penalty charge band.	If the PCN or Notice to Owner showed the correct amount of penalty charge.
Notes	

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>
<p>Notes</p>	

May Accept Representations	May Reject Representations
S4 The recipient 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> <p>If the DVLA confirm that the recipient of the NTO was the registered keeper at the time of the contravention.</p>
Notes	

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>
<p>Notes</p>	

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	
Only when an approved, signed, formal hire agreement exists (see policy S6, below).	In all other circumstances because the registered keeper is always liable, including where the vehicle was left in the care of a garage.
Notes	

May Accept Representations	May Reject Representations
S4.4 Where the motorist claims that they never owned the vehicle	
<p>If the DVLA confirm the motorist was not the registered keeper at the time of the contravention.</p>	<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>
<p>Notes</p>	

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.	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.
Notes	

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 no circumstance.	In all circumstances because the registered keeper is always liable, save for when a hire agreement exists (see policy S6, below).
Notes	

May Accept Representations	May Reject Representations
<p>S6 The recipient is a hire company and they have supplied the name of the hirer</p>	
<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>
<p>Notes</p>	

May Accept Representations	May Reject Representations
S7 There has been procedural impropriety on the part of the Council	
<p>Only where there is clear evidence the Council has failed to observe any requirement imposed on it by the TMA 2004, e.g. service of any document before authorised to do so.</p>	<p>If the Council has fully complied with the legislation laid out in the TMA 2004.</p>
<p>Notes</p>	

May Accept Representations	May Reject Representations
S8 That the Notice to Owner should not have been served	
<p>If the Penalty Charge Notice has already been paid in full, or, by the amount of any discount allowed under the TMA 2004 regulations (i.e. 50% discount if paid within 14 days of the issue of the PCN. Proof of payment will be required.</p>	<p>If the motorist cannot show proof of payment i.e. receipt, copy of bank statement, credit card authorisation code, etc.</p>
<p>Notes</p>	

May Accept Representations	May Reject Representations
<p>S9 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.</p>	
<p>Unlikely, as the CEO's notes will confirm the incident. The decision to cancel the Penalty Charge Notice will only be made if the CEO has made an error or lines and signs are unclear.</p>	<p>If the CEO's computer notes and photographs (where taken) confirm that a contravention occurred and the CEO was prevented from serving the PCN before the vehicle drove away.</p>
<p>Notes</p>	

May Accept Representations	May Reject Representations
S10 Any other information that the motorist/vehicle owner wants the Council to take into consideration	
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.	
Notes	

Mitigating Circumstances

May Accept Representations	May Reject Representations
MC1 Where the motorist claims to have become unwell while driving	
<p>If the motorist provides proof of a medical condition, temporary or permanent, that is consistent with the conditions described.</p> <p>When the notes made by the Civil Enforcement Officer support the motorist's representations.</p>	<p>If the motorist cannot provide some proof of a medical condition, temporary or permanent, consistent with the conditions described.</p> <p>Or</p> <p>Where other evidence contradicts the motorist's claims.</p>
<p>Notes</p>	

May Accept Representations	May Reject Representations
MC2 Where the motorist claims to be a doctor, nurse, health visitor attending a patient	
<p>If the motorist concerned possesses a Medical Dispensation badge (BMA, HEBS) that the Council recognises and approves and/or is exempt under the relevant Order.</p> <p>Or</p> <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>
<p>Notes</p>	

May Accept Representations	May Reject Representations
MC3 Where the motorist stopped to use the toilet	
On production of medical evidence confirming a relevant medical condition and in support of the circumstances described. Civil Enforcement Officer's notes would probably corroborate evidence.	In all other circumstances.
Notes	

May Accept Representations	May Reject Representations
MC4 Where the motorist stopped to collect (prescribed) medication from a chemist	
Only in the most grave, urgent and exceptional of circumstances and the use of a 'legal' parking place would have caused an unacceptable delay. Evidence would be required.	In any lesser circumstances.
Notes	

May Accept Representations	May Reject Representations
MC5 Where the motorist was a patient visiting a doctor's surgery	
<p>If the motorist can provide a letter from a doctor to confirm that the visit was very urgent and that they were unable to walk from the nearest legal parking space and the surgery has no car park.</p>	<p>If the motorist was not the patient but only driving the vehicle carrying the patient.</p> <p>If the motorist was attending a pre-arranged, non-urgent appointment.</p> <p>If the motorist could reasonably have been expected to park legally elsewhere.</p> <p>When the Surgery has its own car park which could be made available to patients.</p>
<p>Notes</p>	

May Accept Representations	May Reject Representations
MC6 Where the motorist claims to have been recently bereaved	
If no evidence exists to the contrary, taking into account the sensitivity of this issue on first occasion.	Only if there is a significant reason to doubt the sincerity of representations, i.e. the Civil Enforcement Officer's notes indicating that the motorist was going about a normal day, say, shopping or working, or the bereavement considered to be a long time ago
Notes	

May Accept Representations	May Reject Representations
MC7 Where the motorist was delayed in returning to their vehicle and parking time purchased had expired	
<p>If supported by appropriate evidence, the motorist's claims that the delay returning to the vehicle was caused by circumstances that were entirely unforeseeable, unavoidable and exceptional.</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 (evidence required).</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>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.</p>
<p>Notes</p>	

May Accept Representations	May Reject Representations
MC8 Where the motorist “fed” a meter or pay and 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	
In no circumstances.	If the motorist overstays initial period of time purchased or returns within a period of 'No return'.
Notes	

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 motorist had not left the car park, or on-street pay and display area, while obtaining change, a ticket was purchased and the vehicle remained in the car park.</p> <p>Parking Attendants evidence confirms there was either no one in the car park who may have been obtaining or trying to obtain change, queuing for or purchasing a car park ticket from a machine or that any individuals seen who may have been doing so, having been allowed sufficient time to do so did not return to the vehicle under observation.</p>	<p>If the parking attendant's notes indicate that the motorist returned to the vehicle while the PCN was being issued:</p> <ul style="list-style-type: none"> • Having apparently completed the purpose which led to the vehicle being parked in the first place, i.e. carrying shopping etc. • Having obtained change outside the car park or away from the on-street pay and display area.
Notes	

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 relating to the parking charges payable, restriction or prohibitions in force applicable to a vehicle of that class or weight are incorrectly or inadequately signs or missing all together.	In all other circumstances.
Notes	

May Accept Representations	May Reject Representations
MC11 Where the motorist claims to have been unaware of recent rise in tariff	
<p>If statutory notices were not erected in accordance with procedural regulations.</p> <p>If revised tariff is not on tariff board(s).</p>	<p>If statutory notices were erected in accordance with procedural regulations and tariff board(s) were correct.</p>
<p>Notes</p>	

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	
<p>Only in the most exceptional of circumstances that were outside the motorists control and are supported by incontrovertible evidence.</p> <p>Otherwise,</p> <p>In no circumstances.</p>	<p>When clear and incontrovertible supporting evidence (photographs/Sketch plan) is available.</p> <p>If representations are made suggesting car park was empty or other motorists' parking caused the contravention.</p>
<p>Notes</p>	

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	
<p>If the blue badge holder's vehicle is tax-exempt and 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> <p>If the blue badge is shown to the Civil Enforcement Officer at the time of the contravention.</p>	<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>
Notes	

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.	In all other circumstances.
Notes	

May Accept Representations	May Reject Representations
MC15 Where the motorist was displaying an expired authorisation to park, i.e. dispensation, parking place suspension, season ticket, residents' permit, business permit or visitors permit	
<p>If the renewal of the authorisation was delayed by the Council's administrative processes.</p> <p>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).</p> <p>In the case of season tickets and residents/business parking permits only, if the authorisation had expired by less than 14 days.</p>	<p>In all other circumstances.</p> <p>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.</p>
Notes	

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.
Notes	

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	
In no circumstances.	On all occasions.
Notes	

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.
Notes	

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.
Notes	

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.
Notes	

May Accept Representations	May Reject Representations
MC21 Where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings	
<p>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>	<p>If it can be established that such conditions did not cause lines and signs to be obscured as claimed.</p> <p>If the Civil Enforcement Officer'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>
<p>Notes</p>	

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 the motorist is unable to provide satisfactory evidence of any kind that their vehicle had broken down.</p> <p>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.</p> <p>If the Civil Enforcement Officer’s notes contradict the motorist’s version of events.</p>
<p>Notes</p>	

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 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.</p>
<p>Notes</p>	

May Accept Representations	May Reject Representations
MC24 Where the motorist claims to have put money into the wrong ticket machine	
<p>If the position of the ticket machine used by the motorist is likely to cause confusion.</p>	<p>If the ticket machine used by the motorist is positioned in such a place that confusion is not likely.</p> <p>If the motorist has had representations accepted for a similar contravention in the same place, previously.</p>
<p>Notes</p>	

May Accept Representations	May Reject Representations
MC25 Where the vehicle in question was on police, fire brigade or ambulance duties	
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.	In all other circumstances
Notes	

May Accept Representations	May Reject Representations
MC26 Where the motorist claims to have been collecting or depositing monies at a bank	
<p>If the procedure explained in the motorist's representations is consistent with the allowance for loading and unloading, see Policy S1.1, above</p> <p>Or</p> <p>If specific arrangements have been agreed.</p>	<p>In all other circumstances.</p>
<p>Notes</p>	

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 Civil Enforcement Officer'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 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.</p>
<p>Notes</p>	

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.
Notes	

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.
Notes	

May Accept Representations	May Reject Representations
MC30 Where the vehicle driven by the motorist is diplomatically registered	
<p>In all circumstances. A Notice to Owner should never be sent to the keeper of a diplomatically registered vehicle.</p> <p>ECC 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>	<p>In no circumstances.</p>
<p>Notes</p>	

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	
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.	In all other circumstances.
Notes	

May Accept Representations	May Reject Representations
MC32 Where a Council officer or Member parked in contravention and claims to have been on Council business	
If the officer was carrying out emergency or other statutory work and the vehicle could not have been reasonably parked elsewhere.	If it can be established that the officer/Member could have reasonably parked elsewhere.
Notes	

May Accept Representations	May Reject Representations
MC33 Where the motorist stopped to drop off someone	
<p>If the circumstances are seen by the Civil Enforcement Officer.</p> <p>If, in exceptional circumstances and subject to observations times, the motorist had to escort a passenger (child, elderly or disabled person) to home, or school.</p>	<p>If motorist was parked/stopped on school keep clear markings, pedestrian crossing, bus stop clearway.</p>
<p>Notes</p>	

May Accept Representations	May Reject Representations
MC34 Where motorist was unaware of the Overnight Waiting Ban/Commercial Vehicle waiting restriction	
If motorist was instructed/authorised to park in contravention of the restriction by the police.	In all other circumstances
Notes	

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. If vehicle could have been legally parked before arrest.</p>
<p>Notes</p>	

May Accept Representations	May Reject Representations
MC36 Where motorist states they were visiting a friend or relative in urgent circumstances	
<p>If due to an emergency the parking contravention could not be avoided due to the exceptional nature of the incident.</p>	<p>If motorist has already received a PCN, which has been cancelled for the same reason.</p> <p>If the Civil Enforcement Officer's notes provide significant reason to doubt sincerity of representation.</p>
<p>Notes</p>	

May Accept Representations	May Reject Representations
MC37 Where motorist claims there was no legal place to park	
Only in the most exceptional of circumstances.	In the absence of exceptional circumstances.
Notes	

May Accept Representations	May Reject Representations
MC38 Where motorist claims they were parked on private property (off the highway)	
<p>If land search maps confirm location is private property and not subject of the relevant Traffic Regulation Order.</p> <p>If there is insufficient evidence to establish location of vehicle.</p>	<p>Where vehicle is parked on grass verge and restrictions apply on adjacent highway. In all other circumstances.</p>
<p>Notes</p>	

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 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.</p> <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>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> <p>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.</p>
Notes	

May Accept Representations	May Reject Representations
MC40 Where motorist had parked while asking directions/opening gates to private property	
If evidence provided by the Civil Enforcement Officer does not contradict representations.	In all other circumstances.
Notes	

May Accept Representations	May Reject Representations
MC41 Where motorist stopped to answer mobile phone	
In no circumstances.	On all occasions.
Notes	

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 Civil Enforcement Officer.	If the Penalty Charge Notice was fully and correctly completed.
Notes	

May Accept Representations	May Reject Representations
MC43 Where motorist states they were unaware of enforcement on Bank/Public holidays	
In no circumstances.	On all occasions.
Notes	

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.
Notes	

May Accept Representations	May Reject Representations
MC45 Where motorist states that they hold a season ticket but had forgotten to display it	
<p>If only one registration number appears on the season ticket and there is no record of previous contraventions for non-display.</p>	<p>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.</p> <p>Where a previous PCN has been cancelled for a similar contravention.</p>
<p>Notes</p>	

Record of Amendments

Date	Section	Amendment	Notes