

# SOUTH GLOUCESTERHIRE COUNCIL PARKING ENFORCEMENT POLICY

## Introduction

1. Illegal and inconsiderate parking affects everyone who uses the roads within South Gloucestershire. Enforcement is necessary to persuade motorists to comply with the regulations in force and achieve the Council's policy objectives. These are:
  - To improve traffic flow and relieve congestion;
  - To ensure safety for pedestrians, cyclists and vehicles;
  - To improve access to Businesses and our wider community;
  - To ensure a fair use of limited parking spaces;
  - To improve our environment;
  - To encourage, where appropriate, the use of alternative modes of transport.
2. To achieve these objectives the Council introduced decriminalised parking enforcement in July 2007.
3. Since then a number of new powers – including some which are discretionary – have been introduced by the Department for Transport. In addition, some custom and practice has developed locally. This is an appropriate time to review all these as part of a comprehensive parking enforcement policy.
4. A good enforcement policy will provide a framework to make sure that we work in an equitable, practical and consistent manner. This is consistent with current national best practice and compliance with the objectives of the Traffic Parking Tribunal and the Local Government Ombudsman.

## Discretionary Choices

### Technology

5. Conventional enforcement, using foot patrols, has proved time consuming and has impacted on our ability to give equal consideration to all Hot Spots in the District. Attempting to tackle these hot spots on foot can also place the Civil Enforcement Officers in confrontational and aggressive situations.
6. In addition this method of enforcement does not appear to be improving compliance across the District and Civil Enforcement Officers, particularly around schools, are often prevented from issuing a Penalty Charge Notice (PCN) by motorists who drive off. Officers are having to return on a frequent basis.
7. There is also increasing pressure on the resources of the Parking Enforcement Team as traffic increases and residents parking schemes come on board. It is appropriate to consider how the most can be made of the assets available. Technology has a significant role to play in helping deliver 'more for less'.

8. The Traffic Management Act 2008 gives parking authorities the power to enforce parking regulations by CCTV. One of the ways in which performance and efficiency can be improved whilst protecting staff is to consider how technology can help. The enforcement policy therefore will make a general statement that this will be considered on an ongoing basis and where appropriate and following full consultation new technologies will be introduced.
9. The Council will use a parking enforcement car in order to enforce parking restrictions, particularly in priority sites such as around schools.

#### Warning Notices

10. The Traffic Management Act 2004 provides a provision for the issuing of warning notices rather than a full Penalty Charge Notice. In general the Civil Enforcement Officers in South Gloucestershire Council have only issued Penalty Charge Notices for offences.
11. It is considered reasonable that in areas parking restrictions are changing such as new yellow lines, a residents parking scheme or a targeted enforcement focus that had previously not occurred, the Council will issue warning notices for a limited time period of two to four weeks, after which the issuing of Penalty Charge Notices will commence.

#### Grace Period

12. As a general rule a grace period will not be given to any vehicles overstaying permitted periods on single and double yellow lines. This lack of tolerance will also apply to vehicles spotted parking on restricted areas outside of schools. If drive-aways occur then Penalty Charge Notices will still be issued.

#### Enforcement of residents parking schemes

13. As the number of residents and consumers increase in South Gloucestershire so do the number of cars and the corresponding pressure on parking spaces and the network as a whole increases.
14. Linked to this there has been an increase in the number of applications for residents parking schemes, an increase in their numbers and a new policy needs to be introduced in order to manage the demand effectively.
15. Parking Services are responsible for enforcing administering and enforcing ~~any~~ new residents parking schemes introduced through policies determined by the Planning, Transportation and Strategic Environment Committee.

#### Enforcement of Dropped Kerbs and parking away from the kerb

16. On 01<sup>st</sup> June 2009 local authorities were given the power to enforce where vehicles are parked across dropped kerbs for driveways and where they are more than 50cm from the kerb (referred to as double parking).

17. In recent years concerns about poor and inconsiderate parking appears to be increasing and is likely to continue to do so as the population and number of cars in South Gloucestershire continues to increase.
18. The Council has adopted the power to enforce for dropped kerbs for driveways and parking away from the kerb, where there is a valid Traffic Regulation Order prohibiting these.

#### Pavement Parking

19. Since 2009 Councils responsible for decriminalised parking enforcement – including South Gloucestershire Council - have had the opportunity to implement powers to enforce for parking on pavements even where there are no other restrictions.
20. As a Civil Parking Authority we do have the power to ticket HGV's parking on a pavement. This does not require a TRO (up until recently the police were the only authority that could enforce HGV pavement parking) However there is no automatic authority to enforce other vehicles who park on pavements.
21. Authorities have not been able to pick and choose where pavement parking might be enforced and a blanket restriction was required. However the DfT have recently published guidance that introduces some flexibility:

'In most areas of England (outside London), any specific footway parking ban is applied locally and indicated by traffic signs. A local authority can make a traffic regulation order (TRO) to prohibit footway parking on a designated length of highway or over a wider area. This means the Council can target problem areas rather than applying a blanket ban.'

22. Whilst on the face of this the adoption of these powers may appear advantageous, there are a large number of roads where to enforce would cause considerably more problems e.g. narrow roads where passing would become difficult or new parking restrictions would be required and a flood of complaints and enquiries could arise.
23. In addition where the parking prevents the normal movement of pedestrians, specifically where it forces them to move on to the road in order to progress their journey. A space at least equivalent to that of a double buggy would normally expected to be left.
24. The Council has adopted the power to enforce for pavement parking where there is a valid Traffic Regulation Order prohibiting this.

#### Immobilisation or removal of vehicles

25. Parking authorities have the power to immobilise (clamp) or remove vehicles which repeatedly break parking restrictions; or where it has not been possible to collect payment for penalties, primarily because the keeper is not registered, or is not properly registered, with the DVLA.
26. The Council has adopted the power to remove vehicles in exceptional circumstances, in accord with the detailed policy adopted by the Communities Committee.

27. The decision on whether to immobilise or to remove a vehicle requires an exercise of judgement and will only be taken following specific authorisation by a senior member of. Vehicles should not be immobilised or removed by contractors unless a suitably trained CEO is present to confirm that the contravention falls within the guidelines.

#### Weight Restrictions in Car Parks

28. Many of the authority's car parks have a weight restriction included as part of the Traffic Regulation Order covering the car park. These limits will be regularly enforced after weight limits are reviewed and Traffic Regulation Orders are amended if necessary.

#### Incorrect Signs and Lines.

29. Parking regulations can only be enforced where underpinned by valid, up-to-date Traffic Regulation Orders and appropriate and legal traffic signs and road markings. A flawed or inadequately signed order may be unenforceable and can significantly damage both the aims of enforcement and the public perception of its management.
30. The Parking Enforcement Team do not patrol and enforce in areas where the signs and / or lines do not match the Traffic Regulation Order. In these instances any Penalty Charge Notices issued would be ultra vires, subject to appeal and the Council liable for repayment for all those issued.

#### Motorbikes

31. Where motorbikes are parked in marked car bays in car parks where there are dedicated motorbike spaces available then they will be issued with a PCN. Where there are no available motorbike spaces in a car park (either because they are not provided, or because all spaces provided are occupied), motorbike riders are permitted to use the spaces for cars.

#### Waivers

32. Present Council policies describe the process by which builders and tradesmen can obtain and use waivers when working in areas with limited parking access.

### **Inspection & Enforcement**

33. We aim to prioritise and direct our regulatory effort effectively, making use of information gathered in delivering the service and reviewing the requests for service received. We will give due consideration of the combined effect of the potential impact and likelihood of non-compliance – this approach enables us to focus our resources on the areas that need them most and to ensure that persistent offenders are identified quickly.
34. Issues affecting safety, particularly around vulnerable areas such as schools, will be a priority for rigorous enforcement action.
35. This targeting and approach will mean that some areas are patrolled on a more regular basis than others and some may only be visited on an occasional basis.

36. Police officers and PCSOs were allowed a certain amount of discretion when deciding to carry out enforcement whereas CEOs have to work within a stringent set of guidelines governed by the Traffic Management Act.

**UNDER NO CIRCUMSTANCE WILL A CIVIL ENFORCEMENT OFFICER VOID A PENALTY CHARGE NOTICE ONCE ISSUED**

37. More discretion will be allowed by the appeals staff who will consider a representation against a PCN taking into account the evidence provided by the motorist and the CEO as well as the guidance provided.

***Number of Civil Enforcement officers***

38. If additional Civil Enforcement Officers are needed to enforce new parking restrictions, or the expansion of restrictions to new areas (for example new bus stop restrictions or residents parking schemes) the cost of doing so would have to be covered by the income generated from the enforcement.

**Observation times and Penalty Charge Levels**

39. The Contraventions used by the Council on PCNs are the national set of offence codes set by the Department for Transport to provide consistency in enforcement across all local authorities. This list is amended by the Department for Transport from time to time with new codes added and existing ones removed or amended. The list of contravention codes currently used in South Gloucestershire are shown in the table below alongside the observation times.
40. Although the level of Penalty Charges is set by the Department for Transport, the Council does have some discretion over which of the two levels to charge for each offence. The DfT emphasises that the levels should reflect escalating severity of offence.

**ON-STREET**

Code	Observation Time	Contravention	Penalty Charge Level
01	2 minutes	Parked in a restricted street during prescribed hours.	Higher
02	None	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force.	Higher
05	None	Parked after the expiry of paid for time	Lower
06	0 minutes	Parked without clearly displaying a valid pay & display ticket or voucher	Lower
07	0 minutes	Parked with payment made to extend the stay beyond initial time	Lower
12	2 minutes	Parked in a residents' or shared use parking place without clearly displaying either a permit or voucher or pay and display ticket issued for that place	Higher
18	None	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher

Code	Observation Time	Contravention	Penalty Charge Level
19	None	Parked in a residents' or shared use parking place or zone displaying an invalid permit, an invalid voucher or an invalid pay-and-display ticket	Lower
21	None	Parked in a suspended bay/space or part of bay/space.	Higher
22	None	Re-parked in the same parking place within one hour of leaving.	Lower
23	None	Wrong class of vehicle	Lower
24	None	Not parked correctly within the markings of the bay or space	Lower
25	20 minutes	Parked in a loading place during restricted hours without loading.	Higher
26	None	Vehicle parked more than 50 cm from the edge of the carriageway and not within a designated parking place.	Higher
27	2 minutes	Parked adjacent to a dropped footway	Higher
30	2 minutes	Parked for longer than permitted	Lower
40	None	Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge.	Higher
42	None	Parked in parking place designated for police vehicles.	Higher
45	None	Parked on a taxi rank.	Higher
46	None	Stopped where prohibited (on a red route or clearway).	Higher
47	None	Stopped on a restricted bus stop or stand	Higher
48	None	Stopped in a restricted area outside a school	Higher
61	None	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	Higher
99	None	Stopped on a pedestrian crossing and/or crossing area marked by zig-zags.	Higher

### OFF-STREET (CAR PARKS)

Code	Observation Time	Contravention	Penalty Charge Level
70	2 minutes	Parked in a loading area during restricted hours without reasonable excuse	Higher
71	2 minutes	Parked in an electric vehicles' charging place during restricted hours without charging	Higher
73	2 minutes	Parked without payment of the parking charge.	Lower
74	None	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited.	Higher
80	10 minutes	Overstay in car park	Lower
81	None	Parked in a restricted area in a car park.	Higher
82	None	Parked after the expiry of paid for time	Lower
83	2 minutes	Parked in a car park without clearly displaying a valid pay & display ticket, voucher or parking clock	Lower
85	None	Parked in a permit bay without clearly displaying a valid permit.	Higher
86	None	Parked beyond the bay markings.	Lower
87	None	Parked in a disabled person's parking space	Higher

Code	Observation Time	Contravention	Penalty Charge Level
		without clearly displaying a valid disabled person's badge.	
91	None	Parked in a car park or area not designated for that class of vehicle.	Higher
92	None	Parked causing an obstruction.	Higher
93	None	Parked in a car park when closed.	Lower
94	2 minutes	Parked in a pay and display car park without clearly displaying two valid pay and display tickets when required.	Lower
96	None	Parked with engine running where prohibited.	Lower
<p>An 'instant' PCN may always be issued in circumstances where the CEO concerned has evidence, other than a period of observation, which supports the action of issuing the PCN without observing the vehicle for the minimum periods indicated.</p> <p>Visitors are not permitted time to obtain change away from the immediate area of the P&amp;D machine or car park. CEOs should observe queues at ticket machines and/or pedestrians who may be seeking change or returning to the vehicle in question, before issuing a PCN</p>			

### Appealing against Penalty Charge Notices

41. The arrangements and processes for appealing against Penalty Charge Notices are laid out by the Department for Transport.
42. Section 11.21 of the Operational Guidance to Local Authorities on Parking Policy and Enforcement issued by the Department for Transport following the Traffic Management Act 2004 states **"Elected members may wish to review their parking representations policies, particularly in the area of discretion, to ensure consistency with published policies. However, elected members and unauthorised staff should not, under any circumstances, play a part in deciding the outcome of individual challenges or representations. This is to ensure that only fully trained staff make decisions on the facts presented. The authority's standing orders should be specific as to which officers have the authority to cancel PCNs. There should also be a clear audit trail of decisions taken with reasons for those decisions."** and the Council will strictly follow these rules.
43. Authorities have the option of allowing motorists to informally challenge the PCN before the official appeal stage. South Gloucestershire Council will provide this facility.
44. Authorities have the option of allowing motorists a discounted payment level if payment is made with 14 days. South Gloucestershire Council will provide this facility.

### Grounds To Make Representations Against Penalty Charge Notices

45. There are 9 Statutory grounds to make representations about receiving a Penalty Charge Notice for committing a Parking Contravention. In addition to this it is important to note that the Service will take account of the directive issued by the

Local Government Ombudsman that 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.

Reference	Description	
<b>G1</b>	<b>The contravention did not occur.</b>	
G1.1	Where the motorist claims he/she was loading/unloading.	
G1.2	Where the motorist claims he/she was loading/unloading.	
G1.3	Where motorist claims that the restriction is not clearly signed or marked.	
G1.4	Where motorist was carrying out building works.	
G1.5	Where motorist claims that PCN was not served (i.e. PCN not found attached to vehicle or handed to driver).	
G1.6	Where the motorist claims that their vehicle was not parked in the location at the time and on the date alleged on the PCN which was issued.	
G1.7	Where motorist claims that a valid authorisation to park, had been issued	
G1.8	Where the motorist claims that a pay and display ticket was purchased and displayed.	
<b>G2</b>	<b>The motorist was not the owner/keeper of the vehicle at the time of the contravention</b>	
G2.1	The motorist had ceased to be its owner before the date on which the alleged contravention occurred.	
G2.2	The motorist became its owner after the date on which the alleged contravention occurred.	
G2.3	The motorist never owned the vehicle. (If you have bought or sold the vehicle, you <b>must</b> give the new owner or former owners name and address if you have it. Please also provide the date of the transaction and any other details, and include copies of any documents such as an invoice or bill of sale)	
<b>G3</b>	<b>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.</b> (If your vehicle was stolen or taken without your consent please provide any supporting information that you may have, for example any crime reference or insurance claim reference).	
<b>G4</b>	<b>We are a vehicle hire firm and the vehicle was on hire under a hiring agreement and the hirer had signed a statement acknowledging liability for any PCN issued during the hiring period.</b> (The hiring agreement must be one which qualifies by containing prescribed particulars. You <b>must</b> supply the name and address of the hirer. Please also supply a copy of the signed agreement)	
<b>G5</b>	<b>The Penalty Charge exceeded the amount applicable in the circumstances of the case.</b> (If you think that you are being asked to pay more than is required by law. Please explain why.)	
<b>G6</b>	<b>There has been procedural impropriety by the enforcement Authority.</b> (If you believe that the Authority has failed to comply with any requirement imposed by the Traffic Management Act 2004, by the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 or by the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 Regulations.	

	Please set out the statutory requirement, time limit or other procedural step with which you believe that the Council has failed to comply.)	
<b>G7</b>	<b>The Order which is alleged to have been contravened in relation to the vehicle concerned is invalid.</b> (Please explain why you believe that the Order in question is invalid. Please note that this ground will not apply in respect of a provision in an Order to which Part VI of Schedule 9 to the Road Traffic Regulation Act 1984 applies.)	
<b>G8</b>	<b>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, but that no CEO was so prevented</b>	
<b>G9</b>	<b>That the Notice to Owner 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</b> (Please indicate the amount of payment made and when and how the payment was made and include a copy of any supporting documentary information such as a receipt or bank statement. N.B The discounted rate was 50% of the Penalty Charge and should have been paid not later than the last day of the period of 14 days beginning with the date which the PCN was served.)	
<b>G10</b>	<b>If there are any other reasons why you consider the Council should cancel the Penalty Charge Notice and refund any sum already paid.</b> (These reasons must be set out in full.)	

46. The Mitigating Circumstances under G10 are as follows:

- MC1 Where the motorist claims to have become unwell while driving
- MC2 Where the motorist claims to be a doctor, nurse, health visitor attending a patient
- MC3 Where the motorist stopped to use the toilet
- MC4 Where the motorist stopped to collect (prescribed) medication from a chemist
- MC5 Where the motorist was a patient visiting a doctor's surgery
- MC6 Where the motorist claims to have been recently bereaved
- MC7 Where the motorist was delayed in returning to their vehicle and parking time purchased had expired
- MC8 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
- MC9 Where the motorist left the vehicle parked without a valid ticket on display to obtain change.
- MC10 Where the motorist claims to have been unaware of charges or restriction in the car park relating to vehicle's class or weight.
- MC11 Where the motorist claims to have been unaware of recent rise in tariff
- MC12 Where the motorist had parked with one or more wheels outside of a marked bay in a car park

- 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
- MC14 Where the motorist claims to have been unaware of the existence of a controlled parking zone
- MC15 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
- MC16 Where the motorist is parked in contravention of a waiting/parking prohibition whilst displaying a resident's visitor permit.
- MC17 Where the motorist is a new resident within a controlled parking zone and had parked in a resident's bay without displaying a valid residents permit.
- MC18 Where the motorist had parked incorrectly in a controlled bay on-street
- MC19 Where the motorist assumed that they were entitled to "a period of grace" before the PCN was issued
- MC20 Where the motorist claims they were attending a funeral
- MC21 Where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings
- MC22 Where the motorist claims that their vehicle had broken down
- MC23 Where the motorist claims that they were attending an emergency or another vehicle that had broken down
- MC24 Where the motorist claims to have put money into the wrong ticket machine
- MC25 Where the vehicle in question was on police, fire brigade or ambulance duties
- MC26 Where the motorist claims to have been collecting or depositing monies at a bank
- MC27 Where the motorist claims to have been unaware of a temporary parking restriction or special event restriction
- 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
- MC29 Where the registered keeper liable for payment of the PCN is said to have died
- MC30 Where the vehicle driven by the motorist is diplomatically registered
- MC31 Where the motorist received a Fixed Penalty Notice (FPN) from a police officer or traffic warden when parked in the same location
- MC32 Where a Council officer or Member parked in contravention and claims to have been on Council business
- MC33 Where the motorist stopped to drop off someone off
- MC34 Where motorist was unaware of the Overnight Waiting Ban/Commercial Vehicle waiting restriction
- MC35 Where motorist states they were in police custody when PCN issued

- MC36 Where motorist states they were visiting a friend or relative in urgent circumstances
- MC37 Where motorist claims there was no legal place to park
- MC38 Where motorist claims they were parked on private property
- MC39 Where motorist was delayed in returning to their vehicle parked in a limited waiting parking place
- MC40 Where motorist had parked while asking directions / opening gates to private property
- MC41 Where motorist stopped to answer mobile phone
- MC42 Where motorist states that the details on the PCN are incorrect e.g. location
- MC43 Where motorist states they were unaware of enforcement on Bank/Public holidays
- MC44 Where motorist states that restriction was marked after the vehicle had been parked

### **Acceptance or Rejection of Representations**

- 47. Each appeal against a Penalty Charge Notice will be considered on its own merits, matters of proportionality, objectivity, fairness and reasonableness should be paramount.
- 48. The following policies on which appeals would be accepted will be subject to ongoing review in the light of developing best practice, and of the decisions by the Traffic Penalty Tribunal .

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>Ground One (G1): The alleged contravention did not occur</b>	
<b>G1.1 Where the motorist claims he/she was loading/unloading</b>	
<p>On a waiting prohibition or in a controlled bay: If evidence is available or provided to show:</p> <ol style="list-style-type: none"> <li>1. Goods being delivered or collected were heavy, bulky, or numerous and it would be unreasonable to expect them to be carried from 'legal' parking place.</li> <li>2. Loading/unloading activity was adjacent to the premises concerned.</li> <li>3. Loading/unloading activity was timely (includes checking goods and paperwork), but not delayed by unrelated activity [Source – Traffic Orders, decided cases e.g. Jane Packer Flowers].</li> </ol> <p>If in the course of business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc.</p>	<p>On clearways; On school zig zag markings; On bus stop clearways; On Taxi ranks; On Police bays; Where loading is prohibited: In car parks: (except when depositing materials in recycling bins) If a valid pay &amp; display ticket was not purchased first if required at the location</p>
<b>G1.2 Where the motorist claims that a parking pay &amp; display machine was faulty</b>	
<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 not available to confirm that a machine was working at the time (test ticket) and there was not another ticket machine nearby which was operating correctly.</p>	<p>If there was another ticket machine nearby that was working correctly at the time.</p> <p>If there is no record of the machine being faulty or taken out of service.</p> <p>If there is reasonable doubt because evidence confirms that other visitors had been able to purchase tickets during the relevant period.</p>
<b>G1.3 Where motorist claims that the restriction is not clearly signed or marked</b>	
<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 Order.</p>

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>G1.4 Where motorist was carrying out building works</b>	
<p>If evidence confirms that the motorist was simply loading/unloading (see policy G1.1, above)</p> <p>If valid waiver to park at the location in question had been issued and was on display in the vehicle.</p> <p>If works are of a statutory nature or are exempted from restrictions by a Traffic Order or legislation</p> <p>If it can be proven that works were an emergency.</p>	<p>In all other circumstances</p>
<b>G1.5 Where motorist claims that PCN was not served (i.e. PCN not found attached to vehicle or handed to driver)</b>	
	<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 a duplicate PCN will be sent to the appellant. The 14 day discount period will be offered from the date of reissue of the PCN</p> <p>If the Civil Enforcement Officer has issued a Regulation 10 PCN by Post.</p>
<b>G1.6 Where the motorist claims that their vehicle was not parked in the location at the time and on the date alleged on the PCN which was issued</b>	
<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 Civil Enforcement Officer.</p> <p>Or</p> <p>If there is no evidence or if the evidence presented does not support the claim or is inconclusive.</p>

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>G1.7 Where motorist claims that a valid authorisation to park, had been issued</b>	
If records show that the motorist holds a valid authorisation to park.	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.
<b>G1.8 where the motorist claims that a pay &amp; display ticket was purchased and displayed</b>	
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.	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.
<b><u>Ground Two (G2):</u></b>	
<b>The motorist was not the owner/keeper of the vehicle at the time of the contravention</b>	
<b>G2.1 The recipient never owned the vehicle in question</b>	
If the DVLA confirm that the motorist was not the registered keeper at the time of the contravention.	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)

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>G2.2 The recipient had ceased to be its owner before the date on which the alleged contravention occurred;</b>	
<p>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</p> <p>If the current registered keeper is able to provide the full name and address of the person to whom they disposed of the vehicle.</p> <p><b>ACTION</b> - send a new Notice to Owner to the person named by the current registered keeper</p>	<p>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.</p> <p>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</p>
<b>G2.3 Became its owner after the date of the contravention;</b>	
<p>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</p> <p>If the current registered keeper is able to provide the full name and address of the person from whom they purchased the vehicle.</p>	<p>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.</p> <p>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.</p>
<b>G2.4 Where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention</b>	
<p>Only when a hire agreement exists (see policy G4, below).</p>	<p>In all other circumstances because the registered keeper is always liable, including where the vehicle was left in the care of a garage.</p>
<b>Ground Three (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</b>	
<b>G3.1 where the current registered keeper claims that the vehicle had been stolen</b>	
<p>If the registered keeper provides a valid police crime report reference number.</p>	<p>If the current registered keeper is unable to provide any proof of theft.</p> <p>If the police crime report reference number provided by the current registered keeper does not exist or it does not match the theft or date of the theft alleged.</p>

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>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)</b>	
In no circumstance.	In all circumstances because the registered keeper is always liable, save for when a hire agreement exists (see policy G4, below).
<b>Ground Four (G4): That the recipient is a vehicle hire firm and have supplied the name of the hirer</b>	
<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 used as a courtesy car without an agreement signed to accept responsibility for Penalty Charge Notices issued.</p>
<b>Ground Five (G5): That the penalty charge exceeded the amount applicable in the circumstances of the case</b>	
<p>If the PCN and/or Notice to Owner showed the incorrect amount of penalty charge, i.e. the wrong penalty charge band</p>	<p>If the PCN or Notice to Owner showed the correct amount of penalty charge</p>
<b>Ground Six (G6): That there has been a procedural impropriety on the part of the enforcement authority</b>	
<p>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.</p> <p>If any document has been served outside the time scales set out in the TMA regulations.</p>	<p>In all other circumstances</p>

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>Ground Seven (G7): That the Order which is alleged to have been contravened in relation to the vehicle concerned is invalid</b>	
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.	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.
<b>Ground Eight (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</b>	
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.	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.
<b>Ground Nine (G9): That the Notice to Owner 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</b>	
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.	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.
<b>Ground Ten (G10): Any other information that the motorist / vehicle owner want the Council to take into consideration</b> (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.)	
<b>MC1 Where the motorist claims to have become unwell while driving</b>	
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.	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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC2 Where the motorist claims to be a doctor, nurse, health visitor attending a patient</b>	
<p>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.</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 were legal parking spaces 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 claims made in representations, i.e. far from patients property, say, in a car park.</p>
<b>MC3 Where the motorist stopped to use the toilet</b>	
<p>On production of medical evidence confirming a relevant medical condition for the date in question and in support of the circumstances described in a representation.</p>	<p>In all other circumstances</p>
<b>MC4 Where the motorist stopped to collect (prescribed) medication from a chemist</b>	
<p>Only in the most grave, urgent and exceptional of circumstances and the use of a 'legal' parking place would have caused an unacceptable delay.</p>	<p>In any lesser circumstances.</p>
<b>MC5 Where the motorist was a patient visiting a doctor's surgery</b>	
<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.</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 parked legally elsewhere</p>
<b>MC6 Where the motorist claims to have been recently bereaved</b>	
<p>On the submission of evidence taking into account the sensitivity of this issue on first occasion.</p>	<p>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</p>

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC7 Where the motorist was delayed in returning to their vehicle and parking time purchased had expired</b>	
<p>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.</p> <p>If motorist's vehicle had broken down, subject to concurrence with policy MC25, below)</p> <p>If the motorist was unable to drive, since parking the vehicle.</p>	<p>If the delay described by the motorist was entirely avoidable, i.e. queuing in a shop.</p> <p>If the motorist simply underestimated the time needed and could have reasonably purchased more time, i.e. when conducting business, shopping or commuting.</p> <p>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>
<b>MC8 Where the motorist "fed" a meter or pay &amp; 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</b>	
In no circumstances	If the motorist overstays initial period of time purchased or returns within a period of 'No return'
<b>MC9 Where the motorist left the vehicle parked without a valid ticket on display to obtain change.</b>	
If the motorist had not left the car park, or on-street pay and display area, while obtaining change and a ticket was purchased.	<p>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,</p> <p>i.e. carrying shopping, or had left vehicle in car park, or on-street pay and display area, while obtaining change</p>
<b>MC10 Where the motorist claims to have been unaware of charges or restriction in the car park relating to vehicle's class or weight.</b>	
If reference to restrictions on tariff board(s) are incorrect or missing.	In all other circumstances
<b>MC11 Where the motorist claims to have been unaware of recent rise in tariff</b>	
<p>If statutory notices were not erected in accordance with procedural regulations.</p> <p>If revised tariff is not on tariff board(s)</p>	If statutory notices were erected in accordance with procedural regulations and tariff board(s) were correct

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC12 Where the motorist had parked with one or more wheels outside of a marked bay in a car park</b>	
Only in the most exceptional of circumstances that were outside the motorists control and are supported by incontrovertible evidence. Otherwise, in no circumstances.	When clear and incontrovertible supporting evidence (photographs/Sketch plan) is available.
<b>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</b>	
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.	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.
<b>MC14 Where the motorist claims to have been unaware of the existence of a controlled parking zone</b>	
If it can be established that the signing and marking of the CPZ is at fault, see policy G1.3, above.	In all other circumstances.
<b>MC15 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</b>	
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	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.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC16 Where the motorist is parked in contravention of a waiting/parking prohibition whilst displaying a resident's visitor permit.</b>	
In no circumstances	On all occasions
<b>MC17 where the motorist is a new resident within a controlled parking zone and had parked in a resident's bay without displaying a valid residents permit</b>	
In no circumstances	On all occasions
<b>MC18 Where the motorist had parked incorrectly in a controlled bay on-street</b>	
If it can be established that the motorist was genuinely loading or unloading, subject to compliance with policy G1.1, above.	On all occasions.
<b>MC19 Where the motorist assumed that they were entitled to "a period of grace" before the PCN was issued</b>	
In no circumstances.	In all circumstances.
<b>MC20 Where the motorist claims they were attending a funeral</b>	
On the submission of evidence taking into account the sensitivity of this issue on first occasion.  If prior consent had been gained through the Police or Parking Services	Only if there is a significant reason to doubt the sincerity of the representations.
<b>MC21 Where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings</b>	
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.	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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC22 Where the motorist claims that their vehicle had broken down</b>	
<p>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 for the date and time in question.</p>	<p>If the motorist is unable to provide 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>
<b>MC23 Where the motorist claims that they were attending an emergency or another vehicle that had broken down</b>	
<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 for the date and time in question.</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>
<b>MC24 Where the motorist claims to have put money into the wrong ticket machine</b>	
<p>If it is agreed that the position of the ticket machine used by the motorist is likely to cause confusion.</p> <p>ACTION – Remedial action to be taken to prevent this happening to other motorists</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 previously.</p>
<b>MC25 Where the vehicle in question was on police, fire brigade or ambulance duties</b>	
<p>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.</p>	<p>In all other circumstances</p>

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC26 Where the motorist claims to have been collecting or depositing monies at a bank</b>	
<p>If the procedure explained in the motorist's representations is consistent with the allowance for loading and unloading, see Policy G1.1, above.</p> <p>Or</p> <p>If specific arrangements have been agreed with Parking Services.</p>	In all other circumstances
<b>MC27 Where the motorist claims to have been unaware of a temporary parking restriction or special event restriction</b>	
<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>
<b>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</b>	
In no circumstances.	On all occasions
<b>MC29 Where the registered keeper liable for payment of the PCN is said to have died</b>	
Where the circumstances can be confirmed (by sensitive enquiry).	Only if there is a significant evidence to doubt the sincerity of the representations.
<b>MC30 Where the vehicle driven by the motorist is diplomatically registered</b>	
<p>In all circumstances. A Notice to Owner should never be sent to the keeper of a diplomatically registered vehicle.</p> <p>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.</p> <p>[Source – Secretary of State's Traffic Management and Parking Guidance, Vienna Convention on Diplomatic Relations, Diplomatic Privileges Act 1964 and Government Report on Review of Vienna Convention...]</p>	In no circumstances
<b>MC31 Where the motorist received a Fixed Penalty Notice (FPN) from a police officer or traffic warden when parked in the same location</b>	
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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC32 where a Council officer or Member parked in contravention and claims to have been on Council business</b>	
If the officer was carrying out emergency or other statutory work.	If it can be established that the officer/Member could have reasonably parked elsewhere.
<b>MC33 where the motorist stopped to drop off someone</b>	
<p>If the circumstances are seen by the Civil Enforcement Officer.</p> <p>If, in exceptional circumstances and subject to observation times, the motorist had to escort a passenger (child, elderly or disabled person) to home, or school.</p>	If motorist was parked/stopped on school keep clear markings, pedestrian crossing, cycle lane, clearway, or bus stop clearway
<b>MC34 where motorist was unaware of the Overnight Waiting Ban/Commercial Vehicle waiting restriction</b>	
If motorist was instructed / authorised to park in contravention of the restriction by the police.	In all other circumstances
<b>MC35 where motorist states they were in police custody when PCN issued</b>	
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.	If no proof provided. If vehicle could have been legally parked before arrest.
<b>MC36 where motorist states they were visiting a friend or relative in urgent circumstances</b>	
If due to an emergency the parking contravention could not be avoided due to the exceptional nature of the incident.	<p>If the Civil Enforcement Officer's Pocket Book notes provides significant reason to doubt sincerity of representation</p> <p>If motorist has already received a PCN, which has been cancelled for the same reason.</p>
<b>MC37 where motorist claims there was no legal place to park</b>	
Under no circumstances	In no circumstances
<b>MC38 where motorist claims they were parked on private property</b>	
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	In all other circumstances

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC39 where motorist was delayed in returning to their vehicle parked in a limited waiting parking place</b>	
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).	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.
<b>MC40 where motorist had parked while asking directions / opening gates to private property</b>	
If evidence provided by the Civil Enforcement Officer does not contradict representations.	In all other circumstances
<b>MC41 where motorist stopped to answer mobile phone</b>	
In no circumstances	On all occasions
<b>MC42 where motorist states that the details on the PCN are incorrect, e.g. location</b>	
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.
<b>MC43 where motorist states they were unaware of enforcement on Bank/Public holidays</b>	
In no circumstances	On all occasions
<b>MC44 where motorist states that restriction was marked after the vehicle had been parked</b>	
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.