

# **LBBB Enforcement Policy Annex 1**

## **Cancellation Guidance**

## **CIVIL PARKING ENFORCEMENT**

### **Guidance for the enforcement and cancellation of Penalty Charge Notices**

**Information set out in this document provide guidance only**

**All appeals must be made on-line**

**<http://www.lbbd.gov.uk/TransportAndStreets/Parking/Pages/PCNchallenge.aspx>**

**or by writing to**

**Parking Services, PO Box 500, Town Hall, 1 Town Square, Barking IG11 7LU**

**Each case will be considered on its own merits,  
taking into account all of the evidence available and the  
exceptionality of the circumstances.**

These guidance notes will be subject to ongoing review

## INDEX

<b>INTRODUCTION</b>	<b>Page</b>
STANDARD CONTRAVENTION CODES & OBSERVATION TIMES	7
STATUTORY GROUNDS TO MAKE REPRESENTATIONS (of Traffic Management Act 2004)	11
<b>S1 The contravention did not occur:</b>	<b>12</b>
S1.1 where the motorist claims he/she was loading/unloading	12
S1.2 where the motorist claims that a pay & display ticket machine was faulty	12
S1.3 where the motorist claims that the restriction is not clearly signed or marked	12
S1.4 where motorist was carrying out construction or demolition works etc	12
S1.5 where the motorist claims the PCN was not served (i.e. PCN not found attached to vehicle or handed to driver)	13
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	13
S1.7 where the motorist claims that a valid authorization to park, had been issued	13
S1.8 where the motorist claims that a pay & display ticket was purchased and correctly displayed	13
<b>S2 The penalty exceeded the relevant amount</b>	<b>14</b>
<b>S3 The Traffic Order was invalid</b>	<b>14</b>
<b>S4 The motorist was not the owner/keeper of the vehicle at the time of the contravention</b>	<b>14</b>
S4.1 where the registered (as notified by the DVLA) keeper claims that the vehicle was disposed of before the contravention occurred	14
S4.2 where the current registered keeper claims that the vehicle was purchased or acquired after the contravention occurred	14
S4.3 where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention	15
S4.4 where the motorist claims that they never owned the vehicle	15
<b>S5 the vehicle had been taken without owner's consent.</b>	<b>15</b>
S5.1 where the current registered keeper claims that the vehicle had been stolen	15
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)	16
<b>S6 the owner is a hire company and they have supplied the name of the hirer</b>	<b>16</b>
<b>S7 Any other information that the motorist / vehicle owner wants the Council to take into consideration</b>	<b>16</b>

<b>MITIGATING CIRCUMSTANCES</b>	<b>17</b>
MC1 where the motorist claims to have become unwell while driving	17
MC2 where the motorist claims to be a doctor, nurse, health visitor attending a patient	17
MC3 where the motorist stopped to use the toilet	17
MC4 where the motorist stopped to collect (prescribed) medication from a chemist	17
MC5 where the motorist was a patient visiting a doctor's surgery	18
MC6 where the motorist claims to have been recently bereaved	18
MC7 where the motorist was delayed in returning to their vehicle and parking time purchased had expired	18
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	19
MC9 where the motorist left the vehicle parked without a valid ticket on display to obtain change	19
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	19
MC11 where the motorist claims to have been unaware of recent rise in tariff	19
MC12 where the motorist had parked with one or more wheels outside of a marked parking bay in a car park	20
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	20
MC14 where the motorist claims to have been unaware of the existence of a Controlled Parking Zone	20
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	21
MC16 where the motorist is parked in contravention of a waiting/parking prohibition whilst displaying a residents' visitor permit	21
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	21
MC18 where the motorist had parked incorrectly in a controlled bay on- street	21
MC19 where the motorist assumed that they were entitled to "a period of grace" before the PCN was issued	21
MC20 where the motorist claims they were attending a funeral	21
MC21 where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings	21
MC22 where the motorist claims that their vehicle had broken down	22
MC23 where the motorist claims that they were attending an emergency or another vehicle that had broken down	22
MC24 where the motorist claims to have put money into the wrong ticket machine	22

MC25	where the vehicle in question was on police, fire brigade or ambulance duties	22
MC26	where the motorist claims to have been collecting or depositing monies at a bank	22
MC27	where the motorist claims to have been unaware of a temporary parking restriction or special event restriction	23
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	23
MC29	where the registered keeper liable for payment of the PCN is said to have died	23
MC30	where the vehicle driven by the motorist is diplomatically registered	23
MC31	where the motorist received a Fixed Penalty Notice (FPN) from a police officer or traffic warden when parked in the same location	23
MC32	where a Council officer or Member parked in contravention and claims to have been on Council business	23
MC33	where the motorist stopped to drop off someone	24
MC34	where motorist was unaware of the Overnight Waiting Ban/Commercial Vehicle waiting restriction	24
MC35	where motorist states they were in police custody when PCN issued	24
MC36	where motorist states they were visiting a friend or relative in urgent circumstances	24
MC37	where motorist claims there was no legal place to park	24
MC38	where motorist claims they were parked on private property	24
MC39	where motorist was delayed in returning to their vehicle parked in a limited waiting parking place	24
MC40	where motorist had parked while asking directions / opening gates to private property	25
MC41	where motorist stopped to answer mobile phone	25
MC42	where motorist states that the details on the PCN are incorrect, e.g. location	25
MC43	where motorist states they were unaware of enforcement on Bank/Public holidays	25
MC44	where motorist states that restriction was marked after the vehicle had been parked	25
<b>Record of Amendments</b>		<b>26</b>

# POLICIES FOR THE ENFORCEMENT AND CANCELLATION OF PENALTY CHARGE NOTICES

## INTRODUCTION

The following policy guidance in respect of Decriminalized Parking Enforcement is intended to inform the public and provide guidance to council employees working in the enforcement of parking regulations.

This is consistent with current best practice and aims to provide clarity, consistency and transparency within the enforcement process and compliance with the aspirations of the National Parking Adjudication Service 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 recognized by the courts and, as a consequence, decisions made by councils must not be fettered by being unduly formulaic.

The policies address the following:

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

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

In 2007 the new system of differential penalties was introduced, whereby more serious contraventions received a higher penalty. At the time, these charges were made under the powers of the Road Traffic Act 1991, but in 2008 they were transferred in legislation to apply to parking contraventions under the Traffic Management Act 2004.

Higher level penalties apply to contraventions which are considered more serious, such as parking on yellow lines or where an obstruction is caused. Lower level penalties apply generally where parking is permitted but the regulations are contravened, such as overstaying on a pay and display bay.

The level of penalties for contravention of bus lane and minor moving traffic regulations is set.

The table below outlines the different levels by Higher, Lower or Set.

These guidance notes will be subject to ongoing review.

**STANDARD CONTRAVENTION CODES & OBSERVATION TIMES**  
*(Not all Contravention Codes are used in all Council areas)*

## On Street

Code	General suffix(es)	Description	Diff. level	Notes	Obs time
01	ajoyz	Parked in a restricted street during prescribed hours	Higher	Suffixes y & z for disabled badge holders only	5
02	ajo	Parked or loading / unloading in a restricted street where waiting and loading / unloading restrictions are in force	Higher		2
04	cs	Parked in a meter bay when penalty time is indicated	Lower		5
05	cpsuv1	Parked after the expiry of paid for time	Lower		5
06	cipv1	Parked without clearly displaying a valid pay & display ticket or voucher	Lower		5
07	cmprsv	Parked with payment made to extend the stay beyond initial time	Lower	'meter feeding'	0
08	c	Parked at an out-of-order meter during controlled hours	Lower	Electronic meters only	5
09	ps	Parked displaying multiple pay & display tickets where prohibited	Lower		5
10	p	Parked without clearly displaying two valid pay and display tickets when required	Lower	"two" may be varied to another number or "multiple".	5
11	gu	Parked without payment of the parking charge	Lower		5
12	rstuw	Parked in a residents' or shared use parking place or zone without either clearly displaying a valid permit or voucher or pay and display ticket issued for that place, or without payment of the parking charge	Higher		5
13	RESERVED FOR TfL USE (LOW EMISSION ZONE)		n/a		
14		Parked in an electric vehicles' charging place during restricted hours without charging	Higher		5
16	bdehqstwxz	Parked in a permit space or zone without clearly displaying a valid permit	Higher	Suffix "s" only for use where bay is completely non-resident	0
17	----- RESERVED FOR TfL USE (CONGESTION CHARGING) -----		n/a		
18	bcdefhmprsv	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher		0
19	irsuwxyz	Parked in a residents' or shared use parking place or zone either displaying an invalid permit or voucher or pay and display ticket, or after the expiry of paid for time	Lower		5
20	j	Parked in a part of a parking place	Higher		5

		marked by a yellow line where waiting is prohibited			
21	bcdefghjlm pqrsuv12	Parked wholly or partly in a suspended bay or space	Higher		0
22	cfjlmnopsv	Re-parked in the same parking place or zone within one hour after leaving	Lower	"one hour" may be varied to another time period or "the prescribed time period"	0
23	bcdefghjklp rsv123	Parked in a parking place or area not designated for that class of vehicle	Higher		0
24	bcdefhlmq rsv12	Not parked correctly within the markings of the bay or space	Lower		0
25	jn	Parked in a loading place during restricted hours without loading	Higher	On-street loading bays	5
26	j	Parked in a special enforcement area more than 50 cm from the edge of the carriageway and not within a designated parking place	Higher	"50 cm" may be varied to another distance in Scotland.	2
27	jo	Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway	Higher		0
28	jo	Parked in a special enforcement area on part of the carriageway raised to meet the level of a footway, cycle track or verge	Higher		0
30	fjlmnopsv	Parked for longer than permitted	Lower		5
31	j	Entering and stopping in a box junction when prohibited	set	London only	0
32	jdtw	Failing to drive in the direction shown by the arrow on a blue sign	set	Code-specific suffixes apply. London only	0
34	j0	Being in a bus lane	set		0
35		Parked in a disc parking place without clearly displaying a valid disc	Lower		5
37	j	Failing to give way to oncoming vehicles	set	London only	0
38	jlr	Failing to comply with a sign indicating that vehicular traffic must pass to the specified side of the sign	set	Code-specific suffixes apply. London only	0
40	n	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher		0
41	j	Parked in a parking place designated for diplomatic vehicles	Higher		0
42	j	Parked in a parking place designated for police vehicles	Higher		0
43	j	Stopped on a cycle docking station parking place	Higher		0
45	n	Parked on a taxi rank	Higher		0
46	jn	Stopped where prohibited (on a red route or clearway)	Higher		0
47	jn	Stopped on a restricted bus stop or stand	Higher		0
48	j	Stopped in a restricted area outside a school, a hospital or a fire, police or ambulance station when prohibited	Higher		0
49	j	Parked wholly or partly on a cycle track or lane	Higher		0
50	jlr	Performing a prohibited turn	set	Code-specific suffixes	0



				apply. London only	
51	j	Failing to comply with a no entry sign	set	London only	0
52	jpgmsvx	Failing to comply with a prohibition on certain types of vehicle	set	Code-specific suffixes apply. London only	0
53	j	Failing to comply with a restriction on vehicles entering a pedestrian zone	set	London only	0
54	j	Failing to comply with a restriction on vehicles entering and waiting in a pedestrian zone	set	London only	0
55		A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban	Higher		5
56		Parked in contravention of a commercial vehicle waiting restriction	Higher	Non- overnight waiting restriction	5
57		Parked in contravention of a bus ban	Higher	Non- overnight waiting restriction	5
58		Using a vehicle on a restricted street during prescribed hours without a valid permit n/a	set	London Lorry Control Scheme	0
59		Using a vehicle on a restricted street during prescribed hours in breach of permit conditions n/a	set	London Lorry Control Scheme	0
61	124cgj	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	Higher	Code-specific suffixes apply.	0
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.	0
63	c	Parked with engine running where prohibited	Lower	This contravention occurs in certain coach bays.	0
64	124	Parked in contravention of a notice prohibiting leaving vehicles on a grass verge, garden, lawn or green maintained by a local authority	set	Code-specific suffixes apply. For use in Essex only	0
65	124	Parked in contravention of a notice prohibiting leaving vehicles on land laid out as a public garden or used for the purpose of public recreation	set	Code-specific suffixes apply. For use in Essex only.	0
66	124cg	Parked on a verge, central reservation or footway comprised in an urban road	set	Code-specific suffixes apply. For use in Exeter only.	0
99	jo	Stopped on a pedestrian crossing or crossing area marked by zigzags	Higher	Pedestrian Crossings	0

## Off Street

Code	General suffix(es)	Description	Diff. level	Notes	Obs times
70		Parked in a loading area during restricted hours without reasonable excuse	Higher	Off-street loading areas	5
71		Parked in an electric vehicles' charging place during restricted hours without charging	Higher	Off-street car parks	5
73	u	Parked without payment of the parking charge	Lower	Off-street car parks	5
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	0
77	- - - RESERVED FOR DVLA USE - - -			n/a	
80	u	Parked for longer than the maximum period permitted	Lower	Off-street car parks	5
81	o	Parked in a restricted area in a car park	Higher	Off-street car parks	5
82	puv	Parked after the expiry of paid for time	Lower	Off-street car parks	5
83		Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower	Off-street car parks	5
84	u	Parked with payment made to extend the stay beyond initial time	Lower	Off-street car parks	0
85	btrw	Parked in a permit bay without clearly displaying a valid permit	Higher	Off-street car parks	0
86	prs	Not parked correctly within the markings of a bay or space	Lower	Off-street car parks	0
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	0
89		Vehicle parked exceeds maximum weight or height or length permitted in the area	Higher	Off-street car parks	0
90	psuv	Re-parked in the same car park within one hour after leaving	Lower	Off-street car parks. "one hour" may be varied to another time period or "the prescribed time period"	0
91	cg	Parked in a car park or area not designated for that class of vehicle	Higher	Off-street car parks	0
92	o	Parked causing an obstruction	Higher	Off-street car parks	0
93		Parked in car park when closed	Lower	Off-street car parks	0
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. "two" may be varied to another number or "multiple"	5
95		Parked in a parking place for a purpose other than the designated purpose for the parking place	Lower	Off-street car parks	0
96	c	Parked with engine running where prohibited	Lower	Off-street car parks - occurs in certain coach bays.	0

## STATUTORY GROUNDS TO MAKE REPRESENTATIONS (Traffic Management Act 2004)

### **Important note:**

Although the following are the six 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 for this reason that a 7<sup>TH</sup> ground, encompassing any other information the motorist or owner/keeper would like the Council to consider has been included.

The following information is the adaption by Barking and Dagenham Parking Services on the Statutory Grounds on which representations can be made.

## MAY ACCEPT REPRESENTATIONS

<b>S1: The contravention did not occur:</b>
<b>S1.1: Where the motorist claims he/she was loading/unloading</b>
<p><u>On a waiting prohibition or in a controlled bay:</u></p> <p>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 a '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)</li></ol> <p>[Source – Traffic Orders, decided cases</p> <p>If in the course of business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc.</p>
<b>S1.2: Where the motorist claims that a pay &amp; display ticket 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 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>
<b>S1.3: Where the 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><b>S1.4: Where motorist was carrying out construction or demolition works etc.</b></p>
<p>If evidence confirms that the motorist was simply loading/unloading (see policy S1.1, above)</p> <p>If a valid waiver to park at the location in question had been issued and was on display in the vehicle.</p> <p>If works are of a statutory nature or are exempted from restrictions by a Traffic Order or legislation</p> <p>If it can be proven that works were an emergency.</p>
<p><b>S1.5: Where the motorist claims that PCN was not served (i.e. PCN not found attached to vehicle or handed to driver)</b></p>
<p>If the Civil Enforcement Officer 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><b>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</b></p>
<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><b>S1.7: Where the motorist claims that a valid authorization to park, had been issued</b></p>
<p>If the motorist can produce a valid authorization to park or records show that the motorist held a valid authorization to park.</p>

**S1.8: Where the motorist claims that a pay & display ticket was purchased and correctly displayed**

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 evidence confirms:

- **A ticket was displayed 'face down'**
- **A ticket was displayed but partially concealed so that relevant details (expiry time, date, etc) could not be seen and checked**
- **The ticket serial number printed on the back of the 'face down' ticket matches the details of the ticket produced**

**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

**S3: The Traffic Order was invalid**

If the Traffic Management Order prescribing the restrictions that the vehicle concerned contravened is defective in some way i.e. was not made in accordance with relevant procedure or is inaccurate or incorrect in terms of detail.

If the relevant Traffic Management Order is sound and accurate in all respects

If the motorist merely considers the restrictions to be unfair

**S4: The motorist was not the owner/keeper of the vehicle at the time of the contravention:**

**S4.1: Where the registered (as notified by the DVLA) keeper claims that the vehicle was disposed of before the contravention occurred**

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

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

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

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

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

**S4.2: Where the current registered keeper claims that the vehicle was purchased or acquired after the contravention occurred**

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

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

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

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

<b>S4.3: 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 an approved, signed, formal hire agreement exists (see policy S6, below)</p> <p>In all other circumstances because the registered keeper is always liable, including where the vehicle was left in the care of a garage</p>
<b>S4.4: Where the motorist claims that they never owned the vehicle</b>
<p>If the DVLA confirm the motorist was not the registered keeper <b><u>at the time of the contravention</u></b></p> <p>If the DVLA confirm the motorist was the registered keeper of the vehicle <b><u>at the time of the contravention.</u></b></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>
<b>S5: The vehicle had been taken without owner's consent</b>
<b>S5.1: 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>
<b>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)</b>
<p>In no circumstance</p>



**S6: The owner is a hire company and they have supplied the name of the hirer**

If the hire company are able to provide proof that the vehicle was hired at the time of the contravention, i.e. a signed agreement

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

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

If the hire company are unable to prove that they hired out the vehicle on the date of the contravention nor provide the name and address of the person to whom they hired the vehicle

If the person named by the hire company as the person to whom they hired the vehicle, without proof, either does not exist, cannot be traced or denies responsibility for the contravention

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

**S7: 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.

## MITIGATING CIRCUMSTANCES

<b>MC1: Where the motorist claims to have become unwell while driving</b>
<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 motorists claims</p>
<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 recognizes 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 alternative parking place.</p> <p>If motorist was not attending a patient in urgent circumstances or if there was an alternative 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>
<b>MC3: Where the motorist stopped to use the toilet</b>
<p>On production of medical evidence confirming a relevant medical condition and in support of the circumstances described.</p> <p>In all other circumstances</p>

<p><b>MC4: Where the motorist stopped to collect (prescribed) medication from a chemist</b></p>
<p>Only in the most grave, urgent and exceptional of circumstances and the use of a 'alternative' parking place would have caused an unacceptable delay.</p> <p>In any lesser circumstances.</p>
<p><b>MC5: Where the motorist was a patient visiting a doctor's surgery</b></p>
<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 alternative 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 park at an alternative location.</p>
<p><b>MC6: Where the motorist claims to have been recently bereaved</b></p>
<p>If no evidence exists to the contrary, 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>

**MC7: Where the motorist was delayed in returning to their vehicle and parking time purchased had expired**

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.

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

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

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

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

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

**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**

In no circumstances

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

**MC9: Where the motorist left the vehicle parked without a valid ticket on display to obtain change**

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

Civil Enforcement Office 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

If the Civil Enforcement Officer notes indicate that the motorist returned to the vehicle while the PCN was being issued:

- 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.

**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

**MC11: Where the motorist claims to have been unaware of recent rise in tariff**

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

If revised tariff is not on tariff board(s)

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

<p><b>MC12: Where the motorist had parked with one or more wheels outside of a marked parking bay in a car park</b></p>
<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><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></p>
<p>If it can be established that this is the motorist's first contravention of this type and they can provide evidence that they are a Blue badge holder or were transporting a Blue Badge holder.</p> <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>
<p><b>MC14: Where the motorist claims to have been unaware of the existence of a Controlled Parking Zone</b></p>
<p>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</p> <p>In all other circumstances</p>

<p><b>MC15: where the motorist was displaying an expired authorization to park, i.e. waiver, parking place suspension, season ticket, residents' permit, business permit or visitors permit</b></p>
<p>If the renewal of the authorization 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 authorization 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 authorization had expired by less than 14 days</p>
<p><b>MC16: Where the motorist is parked in contravention of a waiting/parking prohibition whilst displaying a residents' visitor permit.</b></p>
<p>In no circumstances</p>
<p><b>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</b></p>
<p>In no circumstances</p>
<p><b>MC18: Where the motorist had parked incorrectly in a controlled bay on-street</b></p>
<p>If it can be established that the motorist was genuinely loading or unloading, subject to compliance with guidance provided in S1.1, above.</p>
<p><b>MC19: Where the motorist assumed that they were entitled to "a period of grace" before the PCN was issued</b></p>
<p>In no circumstances.</p>

<b>MC20: Where the motorist claims they were attending a funeral</b>
<b>MC21: Where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings</b>
<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 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>
<b>MC22: Where the motorist claims that their vehicle had broken down</b>
<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>
<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.</p>
<b>MC24: Where the motorist claims to have put money into the wrong ticket machine</b>
<p>If the position of the ticket machine used by the motorist is likely to cause confusion.</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><b>MC26: Where the motorist claims to have been collecting or depositing monies at a bank</b></p>
<p>If the procedure explained in the motorist’s representations is consistent with the allowance for loading and unloading, see Policy S1.1, above or If specific arrangements have been agreed.</p>
<p><b>MC27: Where the motorist claims to have been unaware of a temporary parking restriction or special event restriction</b></p>
<p>If the motorist claims that there was no indication of the restriction, and the Civil Enforcement Officer notes/photographs do not confirm that appropriate signing was in place.  If the process followed to make the temporary order was defective in some way.</p>
<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></p>
<p>In no circumstances</p>
<p><b>MC29: Where the registered keeper liable for payment of the PCN is said to have died</b></p>
<p>Where the circumstances can be confirmed (by sensitive enquiry).</p>
<p><b>MC30: Where the vehicle driven by the motorist is diplomatically registered</b></p>
<p>In all circumstances. <b><u>A Notice to Owner should never be sent to the keeper of a diplomatically registered vehicle</u></b></p> <p>The Parking Manager 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>

<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.
<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 and the vehicle could not have been reasonably parked elsewhere.
<b>MC33: Where the motorist stopped to drop off someone</b>
If the circumstances are seen by the Civil Enforcement Officer  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.
<b>MC34: Where motorist was unaware of the Overnight Waiting Ban/Commercial Vehicle waiting restriction</b>
If motorist was instructed / authorized to park in contravention of the restriction by the police.
<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
<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.

<b>MC37: Where motorist claims there was no alternative parking place to park</b>
Only in the most exceptional of 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 management order.  If there is insufficient evidence to establish location of vehicle
<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.
<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.
<b>MC41: Where motorist stopped to answer mobile phone</b>
In no circumstances
<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.
<b>MC43: Where motorist states they were unaware of enforcement on Bank/Public holidays</b>
In no circumstances

**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.

<b>Record of Amendments</b>	
<b>Date Author</b>	<b>Reason for amendment</b>