

EASTLEIGH BOROUGH COUNCIL POLICIES FOR THE ENFORCEMENT AND CANCELLATION OF PENALTY CHARGE NOTICES (PCNs)

The policies set out in this document provide guidance only. Each case must be considered on its own merits, considering all the evidence available and the exceptionality of the circumstances.

Introduction:

Eastleigh Borough Council manages and enforces its own public car parks. Until 31st March 2023, the Council was also responsible for the enforcement of on-street parking restrictions in the Borough on behalf of Hampshire County Council, under an Agency agreement. However, from 1st April 2023, the enforcement of on-street parking restrictions reverted to the County Council.

The purpose of this document is to inform the public of the Council's policies and procedures for the enforcement of the off-street parking restrictions in force within the Borough. The emphasis is on transparency and on the provision of information for car park users.

The enforcement of parking restrictions can be a contentious issue and to provide the public with the confidence that the restrictions are properly and fairly enforced, the Council has approved this document to provide guidance to its Civil Enforcement Officers (CEOs) and parking enforcement administration team. It explains our procedures for handling appeals both on the statutory grounds and the exercise of discretion in the case of mitigating circumstances.

These policies aim to provide clarity, consistency and transparency within the enforcement process and compliance with the aspirations of the Traffic Penalty Tribunal and the Local Government Ombudsman.

These policies represent a foundation upon which fairness and discretion can be applied.

The policies address the following:

- Observation times for enforcement staff (Civil Enforcement Officers).
- The statutory grounds upon which formal representations may be made.
- Compelling reasons (mitigating circumstances).
- The acceptance or rejection of informal challenges, formal representations & formal appeals.

It is important to recognise that each case will be considered on its own merits with objectivity, fairness and reasonableness.

These policies will be subject to ongoing review and may be amended at any time.

Background:

On the 31 March 2008 Section 6 of the Traffic Management Act 2004 was introduced to provide a nationally recognised enforcement scheme for all Local Government Authorities to comply with.

This means:

- Instead of a Fixed Penalty Notice issued by the police, which could have included points on your license, a Penalty Charge Notice (PCN) is now issued by the Local Authority for parking contraventions as a debt under Civil Law.
- The owner/keeper of the vehicle is responsible for the debt even if they were not driving the vehicle at the time of the incident.
- The 'day in court' for those who want to appeal is replaced by an independent adjudication service.
- The Penalty Charge Notice is discounted by 50% if paid within 14 days. The charge increases by 50% if, after being served a Notice to Owner, either the owner/keeper's representations are rejected and they do not make payment within the allocated time period set out in the Notice of Rejection letter, or they do not successfully appeal to the Traffic Penalty Tribunal and do not pay the penalty at its full value.

The powers allow the Council to enforce on any land or road within the Borough as long as a Traffic Regulation Order or Parking Order has been created (there is a statutory process for doing this). In the case of private land, the Council must also have the agreement of the land owner or landlord and the Council must show it is in the public interest to enforce this land.

In April 2008 the new Legislation extended the scope of our enforcement:

- Contraventions were reclassified as Higher and Lower (i.e., more serious and less serious) and the previous £60 Penalty Charge Notice for all contraventions was replaced by £70 for Higher level contraventions and £50 for Lower level contraventions. Both of these new charges are still discounted by 50% if paid within 14 days from the date the notice is served.
- Additional contraventions were also introduced and include: double parking, parking adjacent to dropped kerbs, parking on zig-zags and crossings.
- The Legislation also allows Local Authorities to issue Penalty Charge Notices by post for vehicles that are driven away before the notice is secured to the vehicle or where the Civil Enforcement Officer is prevented from serving the notice at the time of the contravention.

There are four main categories of Legislation that cover parking enforcement:

- **Primary Legislation.** Section 6 of the Traffic Management Act 2004 made provision for civil enforcement of traffic contraventions in conjunction with the Road Traffic Act 1991 and the Road Traffic Regulation Act 1984.
- **Devolved Powers.** Statutory instrument 2004/2188 The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire) (Borough of Eastleigh) Order 2004 confirms the delegation of powers to Hampshire County Council and Eastleigh Borough Council by decriminalising parking enforcement within the Borough of Eastleigh.
- **Enforcement.** For parking penalty charge notices issued prior to 31st May 2022: The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulation 2007 govern the management and conduct of parking appeals in England and Wales (outside London). For parking penalty charge notices issued on or after 31st May 2022: The Civil Enforcement of

Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022 govern the management and conduct of parking appeals in England and Wales (outside London).

- **Signs and Lines.** The Traffic Signs Regulations and General Directions set out how highway signs and lines should be laid out so that on-street parking restrictions are clear. These regulations do not apply to signage and lines in Off Street Car Parks, though the civil parking enforcement authority have a responsibility to ensure that car park signs and lines informing motorists about the parking rules can be clearly understood by car park users.

STANDARD OFF-STREET CONTRAVENTION CODES & OBSERVATION TIMES

Code	Description	PCN level	Observation period / comments
71	Parked in an electric vehicles' charging place during restricted hours without charging	Higher £70	10-minutes Is vehicle connected to charge point?
73	Parked without payment of the parking charge	Lower £50	10-minutes Check RingGo if necessary
74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of good when prohibited	Higher £70	Instant Good evidence must be obtained
78	Parked wholly or partly in a suspended bay or space	Higher £70	Instant
80	Parked for longer than permitted	Lower £50	10-minutes
81	Parked in a restricted area in an off-street car park or housing estate	Higher £70	Instant No exemptions given
82	Parked after the expiry of paid for time	Lower £50	10-minutes
83	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower £50	10-minutes Check RingGo if necessary
84	Parked with payment made to extend the stay beyond initial time	Lower £50	10-minutes
85	Parked without a valid virtual permit or clearly displaying a valid physical permit where required	Higher £70	10-minutes
86	Not parked correctly within the markings of a bay or space	Lower £50	Instant
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	Higher £70	Instant
89	Vehicle parked exceeds maximum weight or height or length permitted	Higher £70	Instant
90	Re-parked in the same car park within the prescribed time period after leaving	Lower £50	Instant
91	Parked in a car park or area not designated for that class of vehicle	Higher £70	Instant
93	Parking in car park when closed	Lower £50	Instant
96	Parked with engine running where prohibited	Lower £50	Instant

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(The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022)

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STATUTORY GROUNDS TO MAKE REPRESENTATIONS

Important note:

Although the following are the statutory grounds to make a representation, in accordance with a directive issued by the Local Government Ombudsman, full consideration will be given and account taken of all representations received, whether or not they fall within the description of "Statutory grounds". It is for this reason that an additional ground (compelling reasons), encompassing any other information the motorist or owner/keeper would like the Council to consider, has been included.

S1 the contravention did not occur.

S1.1 where the motorist claims they were loading/unloading.

May accept representations:

On a waiting restriction or prohibition or in a controlled bay such as a parking place, if evidence is available or provided to show:

1. Goods being delivered or collected were heavy, bulky, or numerous and it would be unreasonable to expect them to be carried from or to a "legal" parking place.
2. Loading/unloading activity was adjacent to the premises concerned.

3 Loading/unloading activity was timely (includes checking goods and paperwork, but not delayed by unrelated activity).

(Source – Traffic orders, decided cases e.g., Jane Packer Flowers)

If during business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc.

May reject representations:

On school yellow zigzag markings.

On bus stop clearways.

On taxi ranks.

On Police bays.

Where loading is prohibited e.g., kerb markings indicating a loading restriction; pedestrian crossing white zigzag markings etc.

In car parks (except when depositing materials in recycling bins).

If a valid pay & display ticket was not purchased first.

S1.2 where the motorist claims that a parking pay & display machine was faulty.

May accept representations:

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

If there is reasonable doubt because evidence 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.

May reject representations:

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

If there is no record of the machine being faulty or taken out of service or a cash audit error.

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

S1.3 where the motorist claims that the restriction is not clearly signed or marked.

May accept representations:

If signs and/or markings are missing or unclear.

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

May reject representations:

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

S1.4 where the motorist claims that the PCN was not served (i.e., PCN not found attached to vehicle or handed to the person who appears to be the driver, or received in the post).

May accept representations:

If the CEO's pocketbook and/or computer notes confirm that the vehicle drove away before a PCN could be served, i.e., PCN not handed to the person who appears to be the driver or fixed to the vehicle.

If the DVLA is unable to provide the details of the registered keeper within the 14 days service period.

May reject representations:

If the CEO's notes or photographs confirm that a PCN was correctly served, i.e., handed to the person who appears to be the driver or fixed to their vehicle.

If there is proof that the PCN was served by post within the 14-day period.

NOTES

The Council may accept the discounted charge in some circumstances.

S1.5 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.

May accept representations:

Following consideration of all available evidence:

If the motorist provides evidence to support that it was not the same vehicle, i.e., photographs of vehicle and vehicle registration documents.

May reject representations:

If the motorist does not provide any documented evidence or if the evidence presented does not support the claim or is inconclusive.

NOTES

The Council may accept the discounted charge in some circumstances.

S1.6 where motorist claims that a valid authorisation to park has been issued.

May accept representations:

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

May reject representations:

If the motorist cannot provide a copy of the valid authorisation to park or if there is no record of any issue of the authorisation.

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

S1.7 where motorist claims that a pay & display ticket was purchased, and a paper ticket was displayed / had fallen off / was face down.

May accept representations:

If the motorist produces a pay & display parking ticket that was valid at the time the PCN was issued and / or the CEO confirms that a face down ticket or a ticket that was displayed but concealed in some way was seen and it is the first contravention of this kind.

Where the motorist claims to have paid to park using the Council's Cashless Parking Provider and provides proof.

Where the Council's Cashless Parking Provider payment systems were out of order and or unavailable and this is confirmed by them.

May reject representations:

If the motorist is unable to produce a valid pay & display ticket or proof of payment to park from the Cashless Parking Provider.

The CEO 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 the benefit of the doubt.

The CEO noted that the motorist obtained their ticket from another motorist in the car park.

Where digits have been entered / altered on the face of the ticket.

Where cashless parking has been paid at a different location.

Where cashless parking has been paid for with a different registration number.

Where cashless parking was purchased after the time of the contravention.

S1.8 where the motorist claims they were not double parked.

May accept representations:

If the vehicle is parked wholly within a designated parking place or any other part of the carriageway where parking is specifically authorised.

If the vehicle is used by the fire, ambulance or Police services (emergency services).

Vehicle is seen at first sight to be loading / unloading or proof of loading / unloading is subsequently provided.

If the vehicle is being used for waste collection, building works or road works.

If the vehicle was not causing a road safety hazard or obstruction to other road users or pedestrians.

If any part of the vehicle is within 50cm or 20" of the edge of the carriageway.

May reject representations:

If the motorist claims that there are no traffic signs.

If the motorist claims that they are a blue badge holder.

In all other circumstances.

NOTES

The provisions in the Traffic Management Act 2004 mean that an authority can enforce this prohibition without a local Traffic Regulation Order.

S1.9 where the motorist claims that they were not parked at a dropped footway or raised carriageway (kerb).

May accept representations:

If the vehicle is parked wholly within a designated parking place or any other part of the carriageway where parking is specifically authorised.

If the vehicle is used by the fire, ambulance or Police services (emergency services).

If loading / unloading is taking place.

If the vehicle is being used for waste collection, building works or road works.

If the vehicle was not causing a road safety hazard or obstruction to other road users or pedestrians.

May reject representations:

If a complaint has been received from the resident/owner of the property affected and the call has been correctly logged.

If the motorist claims that there are no traffic signs.

If the motorist claims that they are a blue badge holder.

In all other circumstances.

NOTES

The provisions in the Traffic Management Act 2004 mean that an authority can enforce this prohibition without a local Traffic Regulation Order.

A complaint is required from the occupier of the property affected before this contravention is enforced, the request therefore needs to be logged as required.

S2 the PCN exceeded the relevant amount.

May accept representations:

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

May reject representations:

If the PCN or Notice to Owner showed the correct amount of the PCN.

S3 the Traffic Regulation Order was invalid.

May accept representations:

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

May reject representations:

If the Traffic Regulation 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.

S4 the motorist was not the owner / keeper of the vehicle at the time of the contravention.

S4.1 where the current registered keeper claims that the vehicle was disposed of before the contravention occurred.

May accept representations:

If the current registered keeper can 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.

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

May reject representations:

If the current registered keeper is unable to prove that they neither disposed of the vehicle before the contravention nor provide the name and address of the person to whom they disposed of the vehicle.

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

S4.2 where the current registered keeper claims that the vehicle was purchased after the contravention occurred.

May accept representations:

If the current registered keeper can provide proof that the vehicle was purchased after the contravention, i.e., an invoice, registration document, insurance document or a letter from the DVLA.

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

May reject representations:

If the current registered keeper is unable to prove that they neither purchased the vehicle after the contravention nor provide the name and address of the person from whom they bought the vehicle.

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

S4.3 where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention.

May accept representations:

Only when a hire agreement exists (see policy [S6](#)).

May reject representations:

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

S4.4 where the motorist claims that they never owned the vehicle.

May accept representations:

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

May reject representations:

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

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

If the motorist is proven to have hired the vehicle for the day on which the contravention occurred and signed an agreement to take responsibility for PCN's incurred, subject to the time of hire (see policy [S6](#)).

S5 the vehicle had been taken without the owner's consent.

S5.1 where the current registered keeper claims that the vehicle had been stolen.

May accept representations:

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

May reject representations:

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

If the Police crime report reference number provided by the current registered keeper does not exist or it does not match the theft or date of the alleged theft.

S5.2 where the current registered keeper claims that the vehicle was driven by a third party (i.e., a friend, relative or estranged partner).

May accept representations:

In no circumstances.

May reject representations:

In all circumstances because the registered keeper is always liable, save for when a hire agreement exists (see policy [S6](#)).

NOTES

The Council may accept the discounted charge in some circumstances.

S6 the owner is a hire company and have supplied the name and address of the hirer.

May accept representations:

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

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

May reject representations:

If the hire company are unable to prove that they neither hired out the vehicle on the date of the contravention nor provide the name and address of the person to whom they hired the vehicle.

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

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

NOTES

The Council may accept the discounted charge in some circumstances if rejected on the grounds that an agreement was not signed.

S7 procedural impropriety on the Council's part.

May accept representations:

If the Council has served a statutory document in advance (or out of time) of the time scale(s) set out in the Traffic Management Act 2004 regulations.

If the registered keeper provides proof that the Council has not sent the document out by 1st class post and the franked date on the envelope does not match the date on the document.

If a Police-issued Fixed Penalty Notice (FPN), as defined by section 52 of the road Traffic Offenders Act 1988, has been given and is the subject of criminal proceedings (this is only likely to be the case on or near pedestrian crossings).

If the keeper claims that their name and / or address has been incorrectly spelt and the miss-spelling is severe and is radically different from the correct spelling.

If the motorist claims that the incorrect vehicle registration mark has been recorded and photographic evidence confirms this. If photographs are not available request copy of vehicle registration document from keeper.

If a motorist claims that the incorrect make of vehicle has been recorded on the PCN and photographic or DVLA evidence confirms this is the case.

If the motorist claims the CEO has recorded the vehicle at an incorrect location and photographic evidence confirms this is the case.

May reject representations:

Where the Council considers that all documents have been served in the correct time.

If the vehicle registration document shows that the vehicle registration mark has been incorrectly recorded or DVLA records confirm no trace of vehicle.

If vehicle registration document shows the vehicle's make is correct.

If the CEO's notes confirm correct location.

S8 that the Notice to Owner (NtO) (including a PCN sent by post) should not have been served because the PCN had already been paid in full or by the reduced amount of any discount set within the set period or, in respect of a PCN sent by post, if the enforcement officer was not prevented from serving the PCN by putting it on the vehicle or handing it to the driver.

May accept representations:

If evidence is provided (i.e., a receipt or copy of both sides of the cheque from the bank) to show that the payment was received and cashed by the Council.

If evidence is provided, in respect of a PCN sent by post, that the enforcement officer was not prevented from serving the PCN by putting it on the vehicle or handing it to the driver (or the person believed to be the driver).

May reject representations:

In all other circumstances.

NOTES

The Council may accept the discounted charge in some circumstances.

S9 Compelling Reasons (any other information that the motorist / vehicle owner wants the Council to take into consideration).

May accept representations:

The decision whether or not a PCN should be cancelled, will only be taken following very careful consideration taking into account all the evidence available.

COMPELLING REASONS

CR1 where the motorist claims to have become unwell whilst driving.

May accept representations:

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

When any notes made by the CEO support the motorist's representations.

May reject representations:

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

Where other evidence contradicts the motorist's claims.

CR2 where the motorist claims to be a doctor, nurse, or health visitor attending a patient.

May accept representations:

If the motorist concerned possesses a carer's permit that the Council recognises and approves and / or is exempt under the relevant order.

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

May reject representations:

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

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

If the motorist was parked in an area which does not correspond with claims made in representations, i.e., far from the patient's property.

CR3 where the motorist stopped to use the toilet.

May accept representations:

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

If any CEOs notes support the motorist's claim.

May reject representations:

In all other circumstances.

CR4 where the motorist stopped to collect prescribed medication from a chemist.

May accept representations:

Only in the most grave, urgent and exceptional of circumstances and the use of a "legal" parking place would have caused an unacceptable delay.

May reject representations:

In any lesser circumstances.

CR5 where the motorist was a patient visiting a Doctor or Dentist's surgery.

May accept representations:

If the motorist can provide a letter from a doctor to confirm that the visit was very urgent and that they were unable to park in any other legal parking space.

May reject representations:

If the motorist was not the patient but only driving the vehicle carrying the patient.

If the motorist was attending a pre-arranged, non-urgent appointment.

If the motorist could reasonably have been expected to be parked legally elsewhere.

CR6 where the motorist claims to have been recently bereaved.

May accept representations:

If no evidence exists to the contrary, consider the sensitivity of this issue on first occasion.

May reject representations:

Only if there is a significant reason to doubt the sincerity of representations, i.e., any CEOs 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.

CR7 where the motorist claims they were attending a funeral.

May accept representations:

If Council was notified to confirm that a funeral was taking place.

If not notified, then review the circumstances.

If no evidence exists to the contrary, consider the sensitivity of this issue.

May reject representations:

If there is significant reason to doubt the sincerity of representations, i.e., any CEOs notes indicating that the motorist was going about a normal day, say shopping or working.

CR8 where the motorist was delayed in returning to their vehicle and parking time purchased had expired.

May accept representations:

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

If any statutory grace period had not been applied by the CEO.

If motorist's vehicle had broken down subject to concurrence with policy reference CR20.

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

May reject representations:

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

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

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

CR9 where a motorist "fed" a pay & display machine by buying subsequent time to park in the same place or returned to the same place within a specified and prohibited time period.

May accept representations:

In no circumstances.

May reject representations:

Only if the motorist overstays initial period of time purchased or returns within a period of "No return".

CR10 where the motorist left the vehicle parked without a valid ticket on display to obtain change.

May accept representations:

If the motorist had returned to the car park after obtaining change and a ticket was purchased within 10-minutes of the PCN being issued.

May reject representations:

If any CEOs notes indicate that the motorist returned to their vehicle, having completed their purpose for parking, while the PCN was being issued, i.e., carrying shopping.

CR11 where the motorist claims to have been unaware of charges or restriction in the car park relating to vehicles class or weight.

May accept representations:

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

May reject representations:

In all other circumstances.

CR12 where the motorist claims to have been unaware of a tariff increase or misread a tariff.

May accept representations:

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

If tariff is not on tariff board(s).

May reject representations:

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

CR13 where the motorist had parked with one or more wheels outside of a marked bay in a car park.

May accept representations:

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

Review sympathetically if a disabled motorist and give warning on first occasion.

Otherwise – in no circumstances.

May reject representations:

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

CR14 where the motorist is a blue badge holder or transporting a blue badge holder and they did not have the blue badge and / or clock on display or this could not be read or had expired.

May accept representations:

If it can be established that this is the motorists first contravention of this type, and they can provide evidence that they are a valid blue badge holder or were transporting a valid blue badge holder.

If the badge had expired and a new valid badge has been **renewed within 30 days of the expiry date** of their previous badge and is produced to the Council by the badge holder.

If there is a subsequent PCN issued and there are compelling reasons due to mental or physical capabilities of the blue badge holder.

May reject representations:

If the motorist has previously had a PCN cancelled for the same contravention and has been warned to correctly display a valid badge / time clock in the future.

If the motorist was parked on a waiting restriction beyond any time limit permitted by the blue badge scheme, or on another restriction for which the blue badge does not provide an exemption.

CR15 where the motorist is parked in a disabled bay and claims that they were not aware it was a disabled bay.

May accept representations:

If it is established that the signing and marking is incorrect or non-existent.

May reject representations:

If signing and marking is correct.

CR16 where the motorist was displaying or using an expired authorisation to park, i.e., waiver, parking dispensation, season ticket, or any other authorised permit. This includes digital permits.

May accept representations:

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

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

If a delay in the permit renewal was caused by the Council's administrative processes or a postal dispute/delay.

If the Council's digital permit provider was unable to complete a digital permit transaction for any reason (supported by evidence from the digital permit provider).

If any statutory grace period had not been applied by the CEO.

May reject representations:

In all other circumstances.

CR17 where the motorist assumed that they had a "period of grace" before the PCN was issued.

May accept representations:

If the CEO has not allowed the appropriate observation periods as agreed by the Council, see **NOTES** below.

In no other circumstances.

May reject representations:

In all other circumstances.

NOTES

Off-street car parks: 10-minute observation where no valid ticket displayed or after expiry of time paid for.

PCNs are issued instantly for all other contraventions.

CR18 where the motorist claims to have lost their vehicle keys.

May accept representations:

If the motorist can provide evidence of losing keys or new key purchase.

If CEO's notes confirm that motorist lost keys.

May reject representations:

If no evidence can be provided.

CR19 where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings.

May accept representations:

If it can be established that such conditions prevailed, and it is likely that signs and markings were obscured as claimed and there was no alternative indication of the restriction.

May reject representations:

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

If the CEO's notes and photographic evidence etc directly contradict the motorist's version of events.

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.

CR20 where the motorist claims that their vehicle had broken down.

May accept representations:

If the motorist can provide evidence of a breakdown, i.e., proof of vehicle recovery or a bill of sale for repair or parts in relation to the location where the PCN has been issued.

If CEO's notes confirm that vehicle had broken down.

May reject representations:

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

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

If the CEO’s notes contradict the motorist’s version of events.

CR21 where the motorist claims that they were attending an emergency, or another vehicle had broken down.

May accept representations:

If the motorist can provide reasonable proof of the emergency, i.e., a credible report or an accident or incident, or that they were attending to another vehicle that had broken down.

May reject representations:

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

If the CEO’s notes contradict the motorist’s version of events, i.e., the motorist was not seen attending an emergency or another vehicle which was broken down.

CR22 where the motorist claims to have put money into the wrong ticket machine.

May accept representations:

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

May reject representations:

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

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

CR23 where the vehicle in question was on police, fire brigade or ambulance duties.

May accept representations:

If a senior officer of the service concerned (e.g., Police rank of Inspector or above) provides supporting evidence and there is no reason to doubt that the vehicle was engaged on operational activities.

May reject representations:

In all other circumstances.

CR24 where the vehicle in question was on an emergency call out for gas, electricity, water etc.

May accept representations:

If the motorist can provide evidence of the emergency call out.

In no other circumstances.

May reject representations:

If the motorist is unable to provide evidence of any kind.

CR25 where the motorist claims to have been collecting or depositing monies at a bank.

May accept representations:

If the procedure explained in the motorists' representations is consistent with the allowance for loading and unloading, see Policy [S1.1](#).

If specific arrangements have been agreed.

May reject representations:

In all other circumstances.

CR26 where the motorist claims to have been unaware of a temporary parking restriction or special event restriction.

May accept representations:

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

If the process followed to make any Temporary Order was defective in some way.

May reject representations:

If the CEO's notes / photographs confirm that the vehicle was parked in an area restricted by a Temporary Order or Notice, and that appropriate signing was in place and clearly visible.

CR27 where the registered keeper liable for payment of the PCN is expected to be absent for a long period of time, e.g., living abroad or in prison.

May accept representations:

In no circumstances.

May reject representations:

On all occasions.

CR28 where the registered keeper liable for the payment of the PCN is said to have died.

May accept representations:

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

May reject representations:

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

CR29 where a Council Officer or Councillor parked in contravention and claims to have been on Council business.

May accept representations:

If a valid permit/ticket is provided covering the time of the contravention and this is the first occasion of the contravention.

If the driver was carrying out emergency or other significantly important statutory work.

May reject representations:

If the Officer/Councillor is unable to provide a valid permit / ticket for the date / time of the contravention.

If the motorist has already received a PCN which has been cancelled for the same reason.

If it can be established that the Officer/Councillor could have reasonably parked elsewhere.

CR30 where the motorist stopped to drop off / pick up someone.

May accept representations:

If the circumstances are seen by the CEO.

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.

May reject representations:

If motorist was parked causing an obstruction or in a restricted area of the car park.

CR31 where the motorist states they were in police custody when the PCN was issued.

May accept representations:

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

If the time of arrest (proof required from the police) provides confirmation that the motorist was legally parked and was unable to move the vehicle before the restriction started.

May reject representations:

If no proof provided.

If vehicle could have been legally parked before arrest.

CR32 where the motorist claims that they were visiting a friend or relative in urgent circumstances.

May accept representations:

If due to an emergency the parking contravention could not be avoided due to the exceptional nature of the incident.

May reject representations:

If motorist has already received a PCN, which has been cancelled for the same reason.

If the CEO's pocketbook notes provide sufficient reason to doubt sincerity of representation.

CR33 where the motorist claims there was no legal place to park.

May accept representations:

Only in the most exceptional of circumstances.

May reject representations:

In the absence of exceptional circumstances.

CR34 where the motorist claims they were parked on private property.

May accept representations:

If land search maps confirm location is private property and not subject to any relevant Traffic Regulation Order / Parking Order.

If there is sufficient evidence to establish location of vehicle.

May reject representations:

In all other circumstances.

CR35 where the motorist had parked whilst asking directions.

May accept representations:

If evidence provided by the CEO does not contradict representations.

May reject representations:

In all other circumstances.

CR36 where the motorist stopped to answer mobile phone.

May accept representations:

In no circumstances.

May reject representations:

On all occasions.

CR37 where the motorist claims they were unaware of enforcement on Sundays / Bank / Public holidays.

May accept representations:

Check signs are in place to confirm enforcement at these times.

In no other circumstances.

May reject representations:

On all other occasions.

CR38 where the motorist was carrying out building works or works of a statutory nature.

May accept representations:

If evidence confirms that the motorist was simply loading / unloading (see policy [S1.1](#) on page 7).

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

If works are of a statutory nature or are exempted from restrictions by a Traffic Regulation Order or primary legislation e.g., Utility Companies.

If it can be proven that works were an emergency.

May reject representations:

In all other circumstances.

CR39 where a motorcycle was not parked in a motorcycle bay and/or was not displaying or using a relevant permit / pay & display ticket where required.

May accept representations:

Where there is **no** motorcycle bay in the car park and this is the first contravention.

Where there is a motorcycle bay in the car park and the signs and markings are unclear.

Where a motorcycle is parked in a regular car bay and no pay & display ticket was displayed / purchased and this is a first contravention.

May reject representations:

In all other circumstances.

CR40 where motorist was parked on wrong level of car park for tariff paid.

May accept representations:

If the signing is not in place.

May reject representations:

In all other circumstances.

CR41 where the motorist has changed position of their car in a car park from long stay to short stay.

May accept representations:

If there are significant mitigating circumstances.

May reject representations:

In no other circumstances.

CR42 where the vehicle driven by the motorist is foreign or diplomatically registered.

If a PCN is issued to a vehicle displaying a foreign registration plate it should automatically be recognised by the processing system as the registration number will not be in DVLA format.

Consideration should be given to cancellation of the PCN but, should payment be made then it should be accepted in the normal way. Equally all correspondence and representations should be dealt with in the normal way. In these cases, the case may be passed to a registered collection agent.

If a PCN is issued to a UK registered vehicle, which has been borrowed or driven by a foreign resident, the PCN should be enforced against the registered owner(s) as they remain liable for it.

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

The Council should be informed of any PCNs recovered from keepers of diplomatically registered vehicles. They will pass information on concerning these debts on to the Foreign and Commonwealth Office.

CR43 where no change was given (Pay on Foot car parks only).

May accept representations:

Refund money if service records confirm a fault with the machine at the time or there is a cash audit error.

May reject representations:

If there was no record of the machine being faulty.

CR44 where the motorist claims to have paid by Cashless Parking Provider (e.g., RingGo).

May accept representations:

Review each case on its own merits considering the time parking was purchased or location of vehicle or vehicle registration mark and issue of any previous PCNs for same reason.

May reject representations:

Review each case on its own merits considering the time parking was purchased or location of vehicle or vehicle registration mark and the issue of any previous PCNs for the same reason.