



**STRATFORD-ON-AVON DISTRICT COUNCIL  
PARKING ENFORCEMENT POLICY**

# **Civil Parking Enforcement**

## **Guidance policies for the off-street Enforcement and Cancellation of Penalty Charge Notices**

**Policies set out in this document are  
providing guidance only.**

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

# CONTENTS

1. Introduction
    - 1.1 Purpose of this Policy Document
    - 1.2 Background
    - 1.3 The Local Authority Perspective
    - 1.4 Warwickshire County Council responsibilities
    - 1.5 Stratford-on-Avon District Council responsibilities
    - 1.6 Local Authority Accountability
  2. Customer Charter
  3. Role of the Civil Enforcement Officer (Parking)
    - 3.1 Penalty Charge Notice issue
  4. Role of the Notice Processing Section
  5. Staff Training and Quality
  6. Penalty Charge processing cycle
    - 6.1 Penalty charge Payment
    - 6.2 Non-payment of a penalty charge
    - 6.3 Disputes against the issue of a Penalty Charge Notice
    - 6.4 Penalty Charges served by post
  7. Exemptions, Waivers and Dispensations
  8. Parking Restrictions explained
  9. Policies for Enforcement and Cancellation of Penalty Charges
    - 9.1 Standard Contravention Codes and Observation Times
    - 9.2 Statutory grounds upon which Representations may be made
    - 9.3 Mitigating circumstances upon which Representations may be made
    - 9.4 Acceptance or rejection of Representations
- 
- Appendix A: Differential Penalty Charges  
Appendix B: Useful Contacts  
Appendix C: Frequently Asked Questions  
Appendix D: Glossary of Terms

## **1. INTRODUCTION**

### **1.1 Purpose of this Policy Document**

The aim of this document is to describe the processes involved in carrying out off-street Civil Parking Enforcement within Stratford-Upon-Avon; the training of staff to ensure that a quality service is provided; and the rights of appeal for customers who wish to appeal against a Penalty Charge Notice. The links between Stratford-on-Avon District Council, Warwickshire County Council and external agencies which provide services and resources which include the Driver Vehicle Licensing Authority (DVLA), the Traffic Enforcement Centre (TEC), and the Traffic Penalty Tribunal (TPT), are also described.

The policies in this document are intended to inform the public and provide guidance to Council employees working in the enforcement of parking legislation.

The policies will be updated as necessary in response to changes in legislation and to reflect current best practice.

### **1.2 Background**

Prior to 1991, waiting or loading restrictions on roads were subject to regulations made under the Road Traffic Regulation Act 1984 (RTRA1984). Any driver who breached a regulation made using powers in the RTRA1984 was guilty of a criminal offence and subject to prosecution through the Magistrates Court by either the Police or, for a limited range of offences, by the Local Highways Authority. For the most part, the Police exercised their powers by means of the fixed penalty system, with traffic wardens carrying out the majority of enforcement activity. Local Authorities exercised their powers by means of the excess charge system, with parking attendants carrying out the enforcement.

By the mid 1980's it was becoming obvious that the police were unable to provide the resources required for effective parking enforcement, and many Highways Authorities, with the support of the Police, sought to obtain enforcement by other means. Initially this led to an increase in Local Authority parking attendants to carry out those functions that were within the powers of a local authority. These powers were however limited to dealing with some offences at parking places, such as meters and residents parking places, but did not extend to enforcement of yellow lines. The resultant enforcement provided by two different agencies caused confusion within the public sector. It also encouraged an increase in yellow line parking, where, due to Police resource constraints, the chances of getting a ticket were lower, compared to the Local Authority patrolled parking places.

In order to address the above inconsistencies and provide for more effective enforcement new legislation was introduced in 1991 in the form of Part II of the Road Traffic Act 1991 (RTA1991). Under this Act, the enforcement process became known as Decriminalised Parking Enforcement (DPE) which gave local authorities powers to adopt Permitted Parking Areas/Special Parking Areas (PPA/SPA) within which they can enforce most stationary parking restrictions, leaving the Police service to deal only with endorsable offences such as parking on a pedestrian crossing or causing obstruction. The endorsable offences remained criminal, whereas non endorsable offences become a civil contravention and the responsibility of the local authority.

Under DPE the Penalty Charge Notice (PCN) replaced Excess Charge Notices and Fixed Penalty Notices used to notify drivers that they have committed an offence and are required to pay a

Charge. A PCN has the status of an unpaid bill and, unless the driver takes action to challenge it, payment remains due. If payment is not made, the Council's recourse to County Court is to collect the debt, not to prove the offence.

By law, all London Boroughs were required to take on the new powers by 1 July 1994. Outside London local authorities have the choice whether or not they adopt the powers.

Warwickshire County Council is the Highway Authority for Warwickshire and is committed to the adoption of the new powers in partnership with the District and Borough Councils within the County. DPE has been operational in Stratford on Avon District since October 2004.

In 2013, Warwickshire County Council decided to outsource the on street parking to NSL, a private company who employ Civil Enforcement Officers to patrol and enforce the on street parking regulations.

### **1.2.1 Traffic Management Act 2004**

The Traffic Management Act came into force on 1st April 2008. Part II of the Road Traffic Act 1991 enabled local authorities to take over from the police service enforcement of parking regulations. As from 31 March 2008 these regulations were replaced by the parking provisions in Part 6 of the Traffic Management Act 2004 (TMA) which has replaced sections of the London Local Authorities Act 1996 and the London Local Authorities and Transport for London Act 2003, to provide a single framework in England for the civil enforcement of parking, bus lanes, some moving traffic offences and the London lorry ban.

All Local Authorities with DPE powers were required by law to adopt the provisions of the TMA from 31 March 2008.

Under the TMA, Decriminalised Parking Enforcement became known as Civil Parking Enforcement (CPE), and an existing Permitted Parking Area/Special Parking Area became a Civil Enforcement Area (CEA) with the addition of Special Enforcement Area (SEA) for some contraventions. Parking Attendants have a wider remit and became known as Civil Enforcement Officers (CEOs).

The main changes introduced under the TMA are as follows:

- To increase public confidence in parking by providing a system which can be seen to be balanced and fair to the motorist by publication of the Local Authorities' policies on enforcement.
- To improve public understanding of the way in which parking enforcement contributes to a better environment through reduction in congestion and improvements in road safety.
- To introduce differential penalty charge levels based on the Secretary of State's directive on the seriousness of the contravention.
- To extend the list of contraventions currently enforced within London to Local Authorities outside London. These include parking on zig-zag markings at a pedestrian crossing. To allow the serving of a penalty charge by post, in situations where the CEO is prevented from serving the notice by affixing to the vehicle or handing to the driver.
- To increase compliance with parking restrictions through clear, well designed, legal and enforceable traffic orders, signs and road markings; and the full use of the media to inform the public of changes in parking controls.
- To ensure that staff employed to carry out the enforcement processes are fully trained.
- To regularly appraise the effectiveness of the scheme in consultation with stakeholders, and take account of views expressed to ensure that parking policies still apply at the right place and time.

### **1.3 The Local Authorities' Perspective**

Contravening parking regulations and inconsiderate parking affects everyone who uses the roads within Warwickshire. Enforcement ensures that motorists comply with the regulations in force and achieve the benefits detailed below. To achieve this, Warwickshire County Council, in association with its enforcement authority partners Stratford on Avon District Council, Rugby Borough Council and Warwick District Council and Nuneaton and Bedworth Borough Council introduced Civil Parking Enforcement in each of these Districts/Boroughs.

This is in keeping with Warwickshire's Local Transport Plan 2010 which identifies the following benefits as resulting from introduction of Civil Parking Enforcement, and as from 31 March 2008, from TMA.

- Better turnover of on-street spaces arises from better enforcement. Drivers are less willing to overstay as the risk of getting a PCN increases. The increase in availability of parking spaces will benefit residents, local businesses, shoppers and visitors.
- Improved traffic flow. The increased availability of on-street parking spaces reduces congestion caused by drivers searching for on-street spaces. This in turn will lead to improving the local environment.
- Improved road safety through better enforcement of illegal parking on yellow lines, at road junctions, on narrow streets, and in designated loading bays.
- Improved accessibility for emergency services, public transport and utilities vehicles.
- Improved accessibility for people with disabilities who rely on the use of the car, through better enforcement of disabled parking spaces.
- Less parking on footways, making life easier for pedestrians and wheelchair users.

Parking enforcement should contribute to the authority's transport objectives. A good enforcement regime is one that uses quality based standards that the public understands, and which are enforced fairly, accurately and expeditiously. This is consistent with current national best practice and the policies described aim to provide clarity, consistency and transparency within the enforcement process, and compliance with the objectives of the Traffic Penalty Tribunal and the Local Government Ombudsman. Each of the above Authorities fully support the underlying principles contained within TMA, and are working toward a common approach towards parking enforcement across the County.

It is a common misconception that schemes such as Civil Parking Enforcement are a means of making money for the local authority, and that Civil Enforcement Officers work to targets. This is not true. The scheme aims to be self financing. Stratford-on-Avon District Council's Civil Enforcement Officers do not work to targets and any surplus revenue has to be used for transport and environmental improvement purposes, thus making our roads safer and more suitable for everyone.

### **1.4 Warwickshire County Council (WCC) Responsibilities**

WCC is responsible for:

- Making the Traffic Regulation Orders (TRO's) which are the legal basis for the parking restrictions in force throughout the county.
- The level and times of operation of on-street charges. The rules for on-street permits allocation.
- Maintenance of signs and road markings relating to on-street parking restrictions.
- Enforcing the parking regulations on-street.
- Dealing with disputes to the issue of a PCN for on-street parking.
- Managing the resident parking schemes.
- Employing the staff required to carry out the enforcement processes for on-street parking.

## **1.5 Stratford-on-Avon District Council Responsibilities**

Stratford-on-Avon District Council is responsible for:

- Developing and applying the Stratford-on-Avon District Council (Off-Street Parking Places) Order 2016. The levels and times of operation of charges within those off-street car parks managed by the District/Borough.
- The rules for off-street season ticket allocation.
- The signage and surface markings relating to off-street car parks.
- Enforcing the parking regulations off street.
- Dealing with disputes to the issue of a PCN Off-Street parking.
- Employing the staff required to carry out the enforcement processes for Off-Street parking.

## **1.6 Local Authority Accountability**

Reporting is an important part of accountability. The transparency given by regular and consistent reporting helps the public to understand and accept Civil Parking Enforcement. Monitoring also provides the authority with management information for performance evaluation identifying where improvements may be needed. It also provides a framework for performance comparisons between Councils.

Annual statistics are also required by the Government about the number and speed of payments of PCN's and by the Traffic Penalty Tribunal on the number of PCNs issued.

The following reports will be produced for publication within the public domain and submission to the Government.

### Financial

- Total income and expenditure on the off-street parking account.
- Breakdown of income by source (i.e. parking charges and penalty charges)

### Statistical

- Number of higher level PCNs issued.
- Number of lower level PCNs issued.
- Number of PCNs paid.
- Number of PCNs paid within 14 days.
- Number of PCNs against which a challenge or representation has been made.
- Number of PCNs cancelled (i.e. where a challenge or representation is successful).
- Number of PCNs written off.

## **2. CUSTOMER CHARTER**

Stratford-on-Avon District Council is committed to offering an excellent service to its customers. We endeavor to be consistent and firm but fair with regard to parking enforcement. We are committed to being:

### **Helpful**

- Our Civil Enforcement Officers will advise where and how to park safely and within the restrictions, when approached by a member of the public.
- All our staff will address customers with respect and courtesy at all times and expect to be treated by them in the same way.

## **Firm**

- Our Civil Enforcement Officers will take consistent enforcement action and encourage considerate parking.
- We will pursue parking ticket evaders to recover debt owed to the Council.
- We will work with the police to protect our Civil Enforcement Officers against abuse and violence as well as to prevent crime and anti-social behavior.

## **Fair**

- We will seek to improve how we communicate parking rules to motorists
- We will aim to take photographs in evidence of all parking contraventions to ensure clarity in any dispute over the issue of a PCN.
- We will aim to monitor and replace any incorrect signs or lines on the road or in our car parks to avoid causing confusion to drivers.

## **Excellent**

- We will fully investigate and consider all correspondence regarding PCNs.
- We will reply clearly and provide full information as to how and why we have reached a decision not to cancel a PCN.
- We will aim to reply to all correspondence within 28 working days of receipt.
- We will aim to improve on-line services to make interaction with the service user easier.
- We will consult regularly with our stakeholders.
- We will operate the service in a transparent manner.
- We will promote safe and considerate parking through the provision of information on our websites and through the media.

### **3. THE ROLE OF THE CIVIL ENFORCEMENT OFFICER (PARKING)**

Stratford-on Avon District Council's Civil Enforcement Officers (CEOs) play a key role in the enforcement of off-street parking within Stratford-upon-Avon. They represent the public image of the Council, and for many motorists will be the first and only point of contact with the Parking Service. Their role comprises a number of duties such as issues directly related to enforcement, but also to be receptive to members of the public with queries relating to parking. Functioning at the "sharp end" of the enforcement process they are ideally placed to check and report any deficiencies in the infrastructure.

Their duties are to:

- Ensure off-street parking regulations are observed and enforced in a fair, accurate and consistent manner. Issue PCNs where vehicles are parked in contravention of the relevant restrictions as detailed in section 3.1.
- Act as an ambassador for Stratford on Avon District Council.
- Inspect car parks including Pay and Display and Pay on Foot machines to ensure they are fully functional.
- Check and report defective Off-Street traffic signs and road markings. The CEO should ensure that signs are clearly visible so that the motorist is aware as to what restrictions are in force and if charges apply to that parking place.
- Report suspected abandoned vehicles.
- Inform the police of suspicious activity.
- Put in place and remove notices about the suspension of parking places.

Civil Enforcement Officers are required by law to wear a uniform. The navy blue uniforms provided are in accordance with national guidance and, are easily distinguishable from police officer's uniforms and those uniforms worn by Warwickshire County Council / NSL On-Street CEOs working in Stratford-upon-Avon. Epaulettes are worn which identify the wearer as a Civil Enforcement Officer for parking and the name of the enforcing authority. A unique CEO Number is also included to identify each CEO (for security reasons CEOs are instructed not to give their names to enquiring motorists). Personal radios, Body Cams and mobile phones maybe carried for the purposes of personal safety.

### **3.1 Advice given by CEOs to assist motorists in avoiding a Penalty Charge Notice**

CEOs are able and should give the following advice to motorists as applicable:

- Always display badges, permits and valid pay and display tickets clearly. A Civil Enforcement Officer must be able to read the details.
- Look for and read the instructions on signs and road markings and follow them. Be aware that temporary signs are just as valid as permanent ones.
- Do not park in a space reserved for motorcycles, blue badge holders, residents only permit holders or spaces reserved for any other specific group unless you are a member of the appropriate group.
- Make sure your entire vehicle is parked wholly within any marked bays.
- Make sure you pay for sufficient time you need in a pay & display car park, and make sure you get back to your car before the purchased time runs out.
- If a pay and display machine is not working, either go to the next nearest machine in the street or car park, or park somewhere else.
- If you need to park On-Street for longer than the permitted time use a car park.

**Vehicles found to be parked in contravention of the parking regulations in place should expect to receive a Penalty Charge Notice.**

### **3.2 Penalty Charge Notice Issue**

Before a PCN is issued the CEO must consider if the PCN can be enforced. This will include:

- Checking that all road and surface markings, signs and plates in the area of the alleged contravention are clear and visible.
- Within a charged for parking place, checking that Pay and Display machine(s) within the vicinity are fully operational.
- Checking for visible evidence of the vehicle having broken down.
- Checking for any special permits, for example: disabled blue badges, resident permits, season tickets etc. that would grant the motorist exemption from the restrictions in place.

Once the CEO believes that the motorist is in contravention of the parking restrictions in force for the parking place, a PCN may be issued. PCNs are issued using hand-held computers (HHC's) which enable contraventions to be accurately recorded and electronically transferred to a central parking management computer system. Integrated cameras are also used to photograph details of the contravention and provide evidence in the event of a dispute over the issue of the PCN. Any other details which the CEO considers relevant are recorded on their Handheld Computer (HHC).

The PCN will be fixed to the vehicle within a sealed envelope or handed to the driver if the driver is present. In exceptional cases where the CEO is prevented from serving the PCN for whatever reason, the PCN may be served by post.

The PCN will contain information relating to the following:

- Unique PCN number.
- Date and Time of issue.
- Date and Time of the alleged contravention.
- The name of the enforcement authority (for off-street contraventions this is Stratford-on-Avon District Council, of on-street it is Warwickshire County Council).
- The registration mark of the vehicle involved in the alleged contravention.
- Location of the vehicle.
- Description and Code of alleged contravention.
- Observation start and finish times.
- Identification Number of CEO issuing the PCN.
- The amount of the penalty charge.
- That if the penalty charge is paid before the end of the period of 14 days beginning with the date on which the notice is served, the penalty charge payable will be reduced by 50%.
- Instructions on how and where to pay.
- That a Notice to Owner (NtO) may be served by the enforcement authority on the owner of the vehicle if the penalty charge is not paid before the end of the 28 day period beginning with the date of the alleged contravention.
- That representations received before the issue of the NtO will be considered and the address to which such representations should be sent.
- If a NtO is served despite those representations, further representations against the penalty charge must be made in the form and manner and at the time specified in the NtO
- That the recipient of the NtO may make representations against the penalty charge and appeal to the adjudicator if those representations are rejected.
- Instructions on where and how to get more information.

Once a CEO has served a PCN he/she cannot retract it. If the motorist contests its issue, even directly with the CEO, then the only recourse is for the motorist to put his/her objections in writing to Stratford-on-Avon District Council. The details are stated on the back of the ticket.

#### **4. THE ROLE OF THE NOTICE PROCESSING SECTION**

Penalty Charge Notices recorded on the handheld computers are electronically transferred to the Parking Services' Notice processing computer system where they are progressed until paid, cancelled or sent to debt recovery.

Parking Administration Officers and Assistants deal with all challenges and representations made by motorists against the issue of a penalty charge. There is a clear separation of duty between the staff that decide on the issuing and processing of PCN's and the staff that decide on challenges and/or representations. This is done to preserve impartiality in considering the representation. Parking Administration Officers, Assistants, the Parking Administration Supervisor and the Parking Managers are the only staff authorised to deal with challenges and representations made by the motorist.

From 1<sup>st</sup> November 2014, PCN recovery is managed by Wychavon District Council under a Service Level Agreement with Stratford-on-Avon District Council.

Appeals to an independent adjudicator via the Traffic Penalty Tribunal is a management function and separate from the above functions.

## **5. STAFF TRAINING AND QUALITY**

Stratford-on-Avon District Council is committed to providing training to recognised national standards in order to provide a quality service. The success of CPE depends on the dedication and quality of the staff that deliver it. It is essential that staff at all levels are given the skills and training to do their job effectively if the service is to expect public confidence and respect.

A condition of employment is that staff undergo 'on the job' training and formal course work provided by an external agency specialising in the enforcement and office processes involved in CPE. On successful completion of the course staff serve a probation period of 6 months.

Further training is given as required to ensure staff continue to provide a quality service, and when changes in legislation are introduced.

### **Complaints against Parking Services staff**

In striving towards continual improvement in the service provided, Stratford-on-Avon District Council's complaints procedure is publicly available. This enables members of the public, both motorists and non-motorists, to register a complaint against any member of staff connected to the parking service within any of the partner authorities. Complaints are handled and dealt with in line with the Council's complaints policy and are used to improve services.

## **6. PENALTY CHARGE PROCESSING CYCLE**

The enforcement process commences with the Civil Enforcement Officer issuing a Penalty Charge Notice (PCN) for what s/he considers to have been a contravention of the regulations in force. The PCN will either be affixed to the vehicle or handed to the driver. In situations where this is not possible e.g. the driver drives off or is abusive / aggressive before the PCN can be served, the PCN will be served by post. See 6.4

The driver can either:

1. Pay the PCN
2. Ignore requests for the payment of the PCN, without challenging its issue, resulting in debt recovery.
3. Challenge against the issue of the PCN.

### **6.1 PCN Payment**

If the owner elects to pay the PCN then a 50% discount will be offered if payment is received within 14 days from the date of service of the PCN. If payment is not received within 14 days then the full amount is payable.

Various payment options are available as detailed on the back of the PCN. Further details about payment options are available at: [www.stratford.gov.uk/parking](http://www.stratford.gov.uk/parking).

### **6.2 Appealing against the issue of a PCN**

The motorist has up to three opportunities to appeal against the issue of a PCN. S/he may;

- Informally challenge its issue in writing to the Council before a Notice to Owner is issued.
- If the informal challenge is rejected, a formal representation may be made on receipt of the Notice to Owner
- If the formal representation is rejected, a further formal appeal may be made to the Traffic Penalty Tribunal for consideration by an independent adjudicator. This can be dealt with by post or at a telephone/personal hearing if requested.

If the driver elects to informally challenge the PCN this must be done either by post, email or via the web as detailed on the reverse of the PCN. The Council will then respond in writing, either accepting the challenge, in which case the Council will cancel the PCN, or reject the challenge with a full explanation as to why it was rejected and a request for payment of the outstanding penalty charge. The Councils' policy on acceptable reasons for challenge are detailed in section 9.2 – 9.3 below. In situations where the challenge is rejected, but was received within the 14 day discount period, the discount period will be extended for a further 14 days from the date of the rejection letter. Challenges initially received outside the 14 day discount period will incur payment of the full Penalty Charge.

If a challenge has been rejected and the Penalty Charge remains unpaid, the motorist will be served a Notice to Owner (NtO). This gives the motorist 28 days from the date of issue of the NtO in which to pay the penalty charge or make a formal representation in writing to the Council using the NtO documentation supplied.

The grounds on which the motorist may make a formal representation (statutory representation) to the Council are detailed in 9.2 below. The mitigating circumstances which may be considered are detailed in 9.3. It is important for the motorist to note that if an initial challenge has been rejected but h/she wishes to pursue the challenge further, this must be done formally as a representation via the NtO. In other words, the reasons for disputing the PCN issue must be restated on the NtO. If the Council accepts the representation the PCN will be cancelled.

If the Council rejects a formal challenge, it will serve the motorist a Notice of Rejection (NoR) along with instructions on how to appeal to an independent adjudicator. The motorist then has 28 days from the date of the NoR in which to appeal to the adjudicator, or pay the outstanding charge. Failure to do either will result in the service of a Charge Certificate against the motorist.

If the independent adjudicator accepts the motorist's appeal, the PCN will be cancelled. If the appeal is rejected by the adjudicator, the motorist will be given 28 days from the date of the rejection letter to pay the outstanding charge, otherwise a Charge Certificate will be served against the registered keeper/owner of the vehicle.

### **6.3 Non-payment of PCN**

The Council strongly advises motorists who have no intention to challenge a PCN to pay promptly; as the outstanding sum will increase the longer payment is delayed.

If after 28 days from the date of issue of the PCN it remains unpaid, and no challenge against its issue has been received, then a document known as a Notice to Owner (NtO) will be sent to the person or company believed to be the owner of the vehicle. This document has three purposes:

1. To remind the motorist of the unpaid penalty charge.
2. To warn him or her that if the charge is not paid within a further 28 days it will increase by 50%.
3. To give the motorist who wishes to dispute the issue of the PCN the opportunity to make formal representations against the penalty charge, and make him or her aware of their right of appeal to an independent adjudicator if the Council rejects the representations.

If after a further 28 days from the date the NtO is served the PCN remains unpaid and no representation against its issue has been received, then a Charge Certificate will be issued. This Charge Certificate informs the motorist that the Penalty Charge has been increased by 50% and that if payment is not received within 14 days action will be taken by the Council to recover the outstanding sum through the County Court, and a warrant subsequently issued to Enforcement Agents (EA's).

If the PCN still remains unpaid 14 days after a Charge Certificate has been served on the motorist, the Council will register the PCN with the Traffic Enforcement Centre (TEC) at Northampton County Court. A fee of £8 will be added to the outstanding charge to cover the cost of registration. Within seven days of a sealed order being received by the Council from the TEC, an order will be issued to the motorist for payment of the outstanding amount. The motorist must then pay the

outstanding charge plus associated fees , or complete a Witness Statement requesting that the registration of the unpaid penalty charge should be revoked on various specific grounds. The Witness Statement must be signed by the owner/keeper as a true statement of events.

Where the motorist has been served with an Order for Recovery of the unpaid Penalty Charge and fails to pay or complete a Witness Statement, the Council will ask the TEC for authority to prepare a Warrant of Execution. The Council will then instruct appointed Enforcement Agents to seize and sell goods belonging to the motorist to the value of the outstanding amount plus the cost of executing the warrant.

#### **6.4 Penalty Charges served by post**

In situations where the CEO is unable to affix the PCN to the vehicle or hand it to the motorist, either because the motorist drives off or is threatening towards the CEO, the PCN will be posted to the registered keeper. In these situations the PCN also serves as the Notice to Owner, and the motorist will be offered a 50% discount if payment received within 14 days from date of posting of the PCN/NtO.

### **7. EXEMPTIONS, WAIVERS and DISPENSATIONS**

#### **7.1 Exemptions/Dispensations**

Certain categories of vehicle user may be exempt from some off-street parking restrictions as long as they do not park indiscriminately or cause an obstruction and that they correctly display the relevant documentation.

Exempt categories comprise the following:

- Vehicles properly displaying disabled persons' Blue Badge. Holders of a Blue Badge may park free of charge and without time limit in all off-street car parks except maximum stay car parks. Procedures for parking in our off-street barrier controlled car parks may be obtained by contacting Stratford-on-Avon District Council.
- Police, Fire Brigade and Ambulances whilst attending emergency situations.
- Security vehicles on delivery or collection of cash.
- Local Authority or their contractor's vehicles whilst actively engaged in carrying out their duties such as refuse collection, street cleansing, highways maintenance.
- Post Office and other carriers engaged in the delivery of postal packets (excluding private vehicles used by postal staff whilst carrying out letter deliveries).
- Utilities companies whilst actively laying or undertaking repairs to pipes, cables or other infrastructure.
- Buses whilst waiting at an authorised stopping place, terminus or turning point.
- Vehicles involved in building, excavating and demolition work whilst actively engaged in loading or unloading in support of those duties.
- Vehicles prevented from moving due to circumstances beyond the drivers control.
- Vehicles told to wait by a police officer in uniform or told to stop in order to avoid an accident
- Window cleaners, chimney sweeps and bill posters whilst actively engaged on those duties. (Please note that local variations may apply and a permit may be required).
- Breakdown/removal contractors attending to a broken down vehicle or traffic obstruction.
- Furniture removals whilst actively engaged on those duties.
- To enable a vehicle to take in petrol, oil or water from any garage situated on or adjacent to the location in which the vehicle is parked.

Dispensations may be granted for the following:

- The hearse and chief mourners' vehicle at funerals.
- The bridal and attendants' vehicles at weddings.
- Any other reason accepted by the council.

For the above exemptions to apply, with the exception of vehicles displaying a Blue Badge or under instruction from a police officer or waiting in order to avoid an accident, all vehicles should be liveried to indicate their owners and not be private cars or unmarked vans.

## 8. OFF-STREET PARKING RESTRICTIONS EXPLAINED

### 8.1 Double yellow lines

Double lines in a car park indicate that parking restrictions are in place. Parking on double yellow lines is prohibited at all times (i.e. 24 hours daily). If you park in contravention of the regulations you may receive a PCN.

### 8.3 Pay and Display Spaces

Pay and Display spaces are spaces for which parking time can be purchased from a pay and display machine. Full guidance regarding payment, hours of operation and maximum stay periods are stated on the front of the machine and/or on adjacent signage. The machine indicates the time allotted upon payment and prints a ticket giving the expiry time for your stay. This ticket should be clearly displayed in the vehicle. Pay and Display machines do not give change if the amount tendered exceeds the required tariff. If you park for longer than the period purchased or do not purchase a ticket you may receive a PCN.



**8.4 Resident-only Spaces:** These spaces are only for resident permit holders.

If you park in contravention of the regulations you may receive a Penalty Charge.

#### **8.5 RingGo**

RingGo is another method of payment in the pay and display car parks. It enables the driver to purchase a stay for their vehicle either by contacting RingGo or by purchasing a stay via the RingGo app which can be downloaded onto your smartphone.

#### **8.6 Disabled Parking Spaces**

These are parking spaces reserved for Blue Badge holders. The Blue Badge must be clearly and correctly displayed with the badge holder's clock in the vehicle when parking in a disabled parking space. The badge holder must either be the driver or a passenger in the vehicle at the time the vehicle is parked. There are no exemptions applicable to disabled parking spaces.

#### **8.7 Motorcycle Bays**

Motorcycle bays are provided in some of the off-street car parks and there is a dedicated motorcycle park in Stratford upon Avon. Details of their locations may be determined by contacting the appropriate District or Borough responsible for enforcement.

#### **8.8 Coach Bays**

Coach bays are provided in some Off- Street car parks and are reserved solely for the use of coaches. Coach bays are much larger than car bays and are signed as coach bays. Cars parking in coach bays and coaches parking in car parking bays may receive a Penalty Charge. Details of their locations may be determined by contacting the appropriate District or Borough responsible for enforcement.

### **9. POLICY FOR THE ENFORCEMENT AND CANCELLATION OF OFF-STREET PENALTY CHARGE NOTICES**

There are 11 Statutory Grounds on which to make representation, in accordance with Part 6 of the Traffic Management Act 2004.

However full consideration will be given and account taken of all representations received, whether or not they fall within the description of "**Statutory Grounds**" (identified by the prefix S). It is for this reason that a 12th Ground, encompassing any other information the motorist or owner/keeper would like the Council to consider, has been included. These comprise the **Mitigating Circumstances** and are identified by a prefix "MC"

The enforcement and cancellation policies adopted by Stratford-on-Avon District Council address the following:

- 9.1 Standard Contravention codes.
- 9.2 Statutory Grounds upon which representations may be made.
- 9.3 Mitigating Circumstances.

#### **9.1 Off-Street Standard Contravention Codes**

There is a single, nationwide list of contraventions and associated codes although not all contravention codes apply in all council areas. CEOs will allow a period to undertake and record observations for genuine attempts to park, load and unload, before they may issue a PCN. These observation times are subject to local variation and the table below indicates the standard contravention codes as shown on the PCN and the observation times as applied in Stratford-on-Avon.

\* = or other specified time \*\*\*\* = or other number + = or other specified distance

### Off Street Contraventions

Code	Contravention
70	Parked in a loading area during restricted hours without reasonable excuse
74	Using a vehicle in a parking place in connection with the sale or offering for sale of goods when prohibited
80	Parked for longer than the maximum period permitted
81	Parked in a restricted area in a car park
82	Parked after the expiry of paid for time
83	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock
84	Parked with additional payment made to extend the stay beyond time first purchased
85	Parked in a permit bay without clearly displaying a valid permit
86	Parked beyond the bay markings
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge
89	Vehicle parked exceeds maximum weight and/or height permitted in the area
90	Re-parked within one hour* of leaving a bay or space in a car park
91	Parked in an area not designated for that class of vehicle
92	Parked causing an obstruction
93	Parked in car park when closed
94	Parked in a pay & display car park without clearly displaying two**** valid pay and display tickets when required.
95	Parked in a parking place for a purpose other than the designated purpose for the parking place
96	Parked with engine running where prohibited

## 9.2 Statutory grounds upon which representations may be made

Reference	Description
<b>S1</b>	<b>The contravention did not occur.</b>
S1.1	Where the motorist claims he/she was loading/unloading.
S1.2	Where the motorist claims that a parking pay and display machine was faulty.
S1.3	Where motorist claims that the restriction is not clearly signed or marked.
S1.4	Where motorist was carrying out building works.
S1.5	Where motorist claims that PCN was not served (i.e. PCN not found attached to vehicle or handed to driver).
S1.6	Where the motorist claims that their vehicle was not parked in the location at the time and/or on the date alleged on the PCN which was issued.
S1.7	Where motorist claims that a valid authorisation to park had been issued.
S1.8	Where the motorist claims that a pay and display ticket was purchased and displayed.
<b>S2</b>	<b>I was never the owner of the vehicle in question.</b>
S2.1	I had ceased to be the vehicle owner before the date on which the alleged contravention occurred.
S2.2	I became its owner after the date on which the alleged contravention occurred.
S2.3	I never owned the vehicle.
	(If you have bought or sold the vehicle, you <b>must</b> give the new owner or former owner's 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>S3</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>S4</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.

<p><b>S5</b></p>	<p><b>The Penalty Charge Notice 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.)</p>
<p><b>S6</b></p>	<p><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.)</p>
<p><b>S7</b></p>	<p><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.)</p>
<p><b>S8</b></p>	<p><b>This Notice should not have been served because the Penalty Charge had already been paid:</b>  <b>I. In full: or</b>  <b>II. At the discounted rate</b> set in accordance with Schedule 9 of the Traffic Management Act 2004</p> <p>(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.</p>
<p><b>S9</b></p>	<p><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.)</p>

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.

### 9.3 MITIGATING CIRCUMSTANCES

MC1 where the motorist claims to have become unwell while driving	
MAY ACCEPT CHALLENGE	MAY REJECT CHALLENGE
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 motorist's claims.
NB for the time and date in question	
MC2 where the motorist claims to be a doctor, nurse, health visitor attending a patient	
MAY ACCEPT CHALLENGE	MAY REJECT CHALLENGE
If the motorist concerned possesses a Medical Dispensation badge (BMA, HEBS) that the Council concerned recognises and approves and/or is exempt under the relevant Order. Or if the motorist produces evidence that they were responding to an urgent medical call and there was no nearby legal parking place.	If motorist was not attending a patient in urgent circumstances or if there were legal parking spaces nearby. If motorist was parked outside their practice or other place of work for any reason other than to collect supplies for an urgent call. If motorist was parked in an area which does not correspond with claims made in representations, i.e. far from patients property, say, in a car park.
NB for the time and date in question	
MC3 where the motorist stopped to use the toilet	
MAY ACCEPT CHALLENGE	MAY REJECT CHALLENGE
On production of medical evidence confirming a relevant medical condition and in support of the circumstances described in a representation.	In all other circumstances.
NB for the time and date in question	
MC4 where the motorist stopped to collect (prescribed) medication from a chemist	
MAY ACCEPT CHALLENGE	MAY REJECT CHALLENGE
Only in the most grave, life threatening and exceptional of circumstances and the use of a 'legal' parking place would have caused an unacceptable delay. – medical evidence.	In any lesser circumstances. No medical evidence.
NB for the time and date in question.	

<b>MC5 where the motorist was a patient visiting a doctor's surgery</b>	
<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
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.	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 park legally elsewhere.
<b>MC6 where the motorist claims to have recently bereaved</b>	
<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
On the submission of a death certificate.	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
<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>	
<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</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>	
<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
If the motorist had not left the car park, while obtaining purchased ticket within 5 minutes of parking the vehicle.	If the CEO's notes indicate that the motorist returned to their vehicle, having completed their purpose for parking, while the PCN was being issued, i.e. carrying shopping, or had left vehicle in car park while obtaining change.
<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>	
<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</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>	
<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
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

**MC12 where the motorist had parked with one or more wheels outside of a marked bay in a car park**

**MAY ACCEPT CHALLENGE**

**MAY REJECT CHALLENGE**

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.

NB for the time and date in question

**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**

**MAY ACCEPT CHALLENGE**

**MAY REJECT CHALLENGE**

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.

**MC14 where the motorist was displaying an expired authorisation to park, i.e. waiver, parking place suspension, season ticket, residents permit, business permit or visitors permit**

**MAY ACCEPT CHALLENGE**

**MAY REJECT CHALLENGE**

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 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.

**MC15 where the motorist is parked in contravention of a waiting/parking prohibition whilst displaying a resident's visitor permit.**

**MAY ACCEPT CHALLENGE**

**MAY REJECT CHALLENGE**

In no circumstances unless inadequate signage.

On all occasions.

**MC16 where the motorist is a new resident and had parked in a parking place without displaying a valid residents permit**

**MAY ACCEPT CHALLENGE**

**MAY REJECT CHALLENGE**

In no circumstances.

On all occasions.

**MC17 where the motorist assumed that they were entitled to “a period of grace” before the PCN was issued**

**MAY ACCEPT CHALLENGE**

In no circumstances.

**MAY REJECT CHALLENGE**

In all circumstances.

**MC18 where the motorist claims they were attending a funeral**

**MAY ACCEPT CHALLENGE**

If prior consent had been gained through the Police or Parking Services.

**MAY REJECT CHALLENGE**

Only if there is a significant reason to doubt the sincerity of the representations. Or if no consent or exemption had been applied.

**MC19 where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings**

**MAY ACCEPT CHALLENGE**

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 CHALLENGE**

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

**MC20 where the motorist claims that their vehicle had broken down**

**MAY ACCEPT CHALLENGE**

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

**MAY REJECT CHALLENGE**

If the motorist is unable to provide evidence of any kind that their vehicle had broken down. If the cause of the vehicle “breaking down” was due to negligence on the part of the motorist, i.e. the vehicle had not been properly maintained, had run out of petrol or water or a similar reason. If the Civil Enforcement Officer's notes contradict the motorist's version of events.

NB for the time and date in question

**MC21 where the motorist claims that they were attending an emergency or another vehicle that had broken down**

**MAY ACCEPT CHALLENGE**

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

**MAY REJECT CHALLENGE**

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.

NB for the time and date in question

**MC22 where the motorist claims to have put money into the wrong ticket machine****MAY ACCEPT CHALLENGE**

If, after a site visit, it is agreed that the position could cause confusion and remedial action is taken.

**MAY REJECT CHALLENGE**

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.

**MC23 where the vehicle in question was on police, fire brigade or ambulance duties****MAY ACCEPT CHALLENGE**

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

**MAY REJECT CHALLENGE**

In all other circumstances.

**MC24 where the motorist claims to have been collecting or depositing monies at a bank****MAY ACCEPT CHALLENGE**

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 with Parking Services.

**MAY REJECT CHALLENGE**

In all other circumstances.

**MC25 where the motorist claims to have been unaware of a temporary parking restriction or special event restriction****MAY ACCEPT CHALLENGE**

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 the temporary order was defective in some way.

**MAY REJECT CHALLENGE**

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.

**MC26 where the registered keeper liable for payment of the PCN is said to have died****MAY ACCEPT CHALLENGE**

Where the circumstances can be confirmed (by sensitive enquiry). Death Certificate may be requested.

**MAY REJECT CHALLENGE**

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

**MC27 where the vehicle driven by the motorist is diplomatically registered**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
In all circumstances. A Notice to Owner should never be sent to the keeper of a diplomatically registered vehicle. KCC should be informed of all penalty charges unrecovered from keepers of diplomatically registered vehicles. They will pass information concerning these debts on to the Foreign and Commonwealth Office [Source – Secretary of State’s Traffic Management and Parking Guidance, Vienna Convention on Diplomatic Relations, Diplomatic Privileges Act 1964 and Government Report on Review of Vienna Convention...]	In no circumstances.

**MC28 where the motorist received a Fixed Penalty Notice (FPN) from a police officer or traffic warden when parked in the same location**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</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.

**MC29 where a Council officer or elected Member parked in contravention and claims to have been on Council business**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
If the officer was carrying out emergency duties.	If it can be established that the officer/Member could have reasonably parked elsewhere.
NB for the time and date in question	

**MC30 where the motorist stopped to drop off someone**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
If the circumstances are seen by the CEO. If, in exceptional circumstances and subject to observations times, the motorist had to escort a passenger (infirmity).	In all other circumstances.

**MC31 where motorist was unaware of the Overnight Waiting Ban/Commercial Vehicle waiting restriction**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
If motorist was instructed / authorised to park in contravention of the restriction by the police.	In all other circumstances.

**MC32 where motorist states they were in police custody when PCN issued****MAY ACCEPT CHALLENGE**

If proof (from the Police) has been provided that the police had instructed the motorist to leave the vehicle. If the time of arrest (proof required from the Police) provides confirmation that motorist was legally parked and was unable to move vehicle before the restriction started.

**MAY REJECT CHALLENGE**

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

**MC33 where motorist states they were visiting a friend or relative in urgent circumstances****MAY ACCEPT CHALLENGE**

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

**MAY REJECT CHALLENGE**

If motorist has already received a PCN, which has been cancelled for the same reason. If the CEO's notes provides significant reason to doubt sincerity of representation.

**MC34 where motorist claims there was no legal place to park****MAY ACCEPT CHALLENGE**

Under no circumstances.

**MAY REJECT CHALLENGE**

In no circumstances.

**MC35 where motorist claims they were parked on private property****MAY ACCEPT CHALLENGE**

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

**MAY REJECT CHALLENGE**

In all other circumstances.

**MC36 where motorist was delayed in returning to their vehicle parked in a limited waiting parking place****MAY ACCEPT CHALLENGE**

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.

**MAY REJECT CHALLENGE**

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.

**MC37 where motorist stopped to answer mobile phone****MAY ACCEPT CHALLENGE****MAY REJECT CHALLENGE**

In no circumstances.

On all occasions.

**MC38 where motorist states that the details on the PCN are incorrect, e.g. location****MAY ACCEPT CHALLENGE****MAY REJECT CHALLENGE**

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

On all occasions.

**MC39 where motorist states they were unaware of enforcement on Bank/Public holidays****MAY ACCEPT CHALLENGE****MAY REJECT CHALLENGE**

In no circumstances.

On all occasions.

**MC40 where motorist states that restriction was marked after the vehicle had been parked****MAY ACCEPT CHALLENGE****MAY REJECT CHALLENGE**

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.

## 9.5 Criteria for Acceptance or Rejection of Representations

S1 The contravention did not occur:	
S1.1 where the motorist claims he/she was loading/unloading	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>On a waiting prohibition or in a controlled bay: If evidence e.g. delivery note, job sheet etc., 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 timely (includes checking goods and paperwork, but not delayed by unrelated activity).</li> <li>3. If in the course of business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc.</li> </ol>	<p>On taxi ranks; in car parks (except when depositing materials in recycling bins).</p>
S1.2 where the motorist claims that a parking pay & display machine was faulty	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If service records confirm a fault, or that the machine had been taken out of service at the time of the contravention, and there was not another ticket machine in the same car park which was operating correctly.</p>	<p>If there was another ticket machine in the same car park that was working correctly at the time. If there is no record of the machine being faulty or taken out of service. If other motorists had been able to purchase tickets during the relevant period.</p> <p>If CEO's notes confirm that the machine was working at the relevant time.</p>
S1.3 where motorist claims that the restriction is not clearly signed or marked	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If signs and/or markings are missing, incorrect or unclear If signs and markings are inconsistent with each other and/or Traffic Order or legislation.</p>	<p>If photographs and/or site visits establish that signs and/or markings are correct and consistent with each other and the Traffic Regulation Order.</p>

**S1.4 where motorist was carrying out building works**

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If evidence confirms that the motorist was simply loading/unloading (see policy S1.1, above).</p> <p>If valid waiver/permit to park at the location in question had been issued and was clearly 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 via submission of job sheets/invoices..</p>	<p>In all other circumstances.</p>

**S1.5 where motorist claims that PCN was not served (i.e. PCN not found attached to vehicle or handed to driver)**

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If no evidence of issue can be provided to the motorist.</p>	<p>If the CEO's notes and /or photographs confirm that the vehicle drove away before a PCN could be served, or the driver was abusive/aggressive i.e. PCN not handed to the driver or fixed to the vehicle, then the penalty charge will be posted to the registered keeper as a Notice to Owner.</p>

**S1.6 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>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If the motorist can provide evidence of the vehicle being parked elsewhere.</p>	<p>If the motorist cannot provide evidence that the vehicle was not parked elsewhere.</p>

**S1.7 where motorist claims that a valid authorisation to park, had been issued**

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If records show that the motorist holds a valid authorisation to park. Proof must be provided.</p>	<p>If the motorist cannot provide a copy of the valid authorisation to park, or if there is no record of any issue of the authorisation If the motorist did not park in accordance with the authorization.</p>

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

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
If the motorist produces a pay & display parking ticket that was valid at the time the Penalty Charge Notice was issued and it is the motorist's first contravention of this kind.	If the motorist is unable to produce a valid pay & display ticket.  If the motorist has made a similar representation before and had a previous PCN cancelled. If the CEO noted that the motorist obtained their ticket from another motorist in the car park.

**S2 The motorist was not the owner/keeper of the vehicle at the time of the contravention:****S2.1 where the current registered keeper claims that the vehicle was disposed of before the contravention occurred**

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
If the current registered keeper is able to provide proof that the vehicle was disposed of before the contravention, e.g. a bill of sale, and/or if the current registered keeper is able to provide the full name and address of the person to whom they disposed of the vehicle. A new Notice to Owner will be sent to the person named by the current registered keeper.	If the current registered keeper is unable to prove that they disposed of the vehicle before the contravention occurred 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 genuine.

**S2.2 where the current registered keeper claims that the vehicle was purchased after the contravention occurred**

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
If the current registered keeper is able to provide proof that the vehicle was purchased after the contravention, i.e a bill of sale or registration documents, and/or if the current registered keeper is able to provide the full name and address of the person from whom they purchased the vehicle	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.

### S2.3 where the motorist claims that they never owned the vehicle

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</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 PCN's incurred, subject to the time of hire (see policy S6, below)

### S3 the vehicle had been taken without owner's consent

#### S3.1 where the current registered keeper claims that the vehicle had been stolen

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
If the registered keeper provides a valid police crime report reference number and the police station where theft reported.	If the current registered keeper is unable to provide any proof of theft.  If the police crime report reference number provided by the current registered keeper does not exist or it does not match the theft or date of the theft alleged.

### S4 the owner is a hire company and have supplied the name of the hirer

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
If the hire company is 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.  If the hirer does not respond to correspondence, the liability of the Penalty Charge Notice will remain with 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 used as a courtesy car without an agreement signed to accept responsibility for Penalty Charge Notices issued.

**S5 The penalty exceeded the relevant amount****MAY ACCEPT REPRESENTATIONS**

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

**MAY REJECT REPRESENTATIONS**

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

**S6 That there has been a procedural impropriety on the part of the enforcement authority**

Any failure by the enforcement authority to observe the requirements imposed on it by the TMA, or the TMA regulations in relation to the imposition or recovery of a penalty charge or other sums.

In all other circumstances.

**S7 The Traffic Order was invalid****MAY ACCEPT REPRESENTATIONS**

If the Traffic Regulation Order which prescribes the restrictions that the vehicle was parked in contravention of was not constructed correctly.

**MAY REJECT REPRESENTATIONS**

If the Traffic Regulation Order which prescribes the restrictions that the vehicle was parked in contravention of was correct.

If the motorist merely considers the restrictions to be unfair.

**S8 Any other information that the motorist / vehicle owner want the Council to take into consideration. These are detailed under the following mitigating circumstances to be considered.  
Please see mitigating circumstances highlighted on the following pages**

**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 of the evidence available.

**MAY REJECT REPRESENTATIONS**

## RECORD OF AMENDMENTS

Date	Section	Amendments	Notes
29/10/2014	All doc.	<ul style="list-style-type: none"> <li>• Revision of policies in light of removal of On-Street parking services to WCC/NSL.</li> <li>• Amendment of policies to accurately reflect standard working practice</li> </ul>	Revisions made by Olly Scholefield (Streetscene Manager)
March 2017	All doc.	Overall review and updates	
February 2019	All doc.	Overall review and updates <ul style="list-style-type: none"> <li>•</li> </ul>	