



Oldham
Council

**Guidelines for the consideration of challenges
against Penalty Charge Notices**

**Polices set out in this document
Provide guidance only**

**Each case must be considered on its own
merits, taking into account the exceptionality
of the circumstances**

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Introduction

The guidelines in this document are intended to provide guidance to the public and all staff working in the enforcement of parking regulations. The guidelines are also intended to ensure clarity, consistency and transparency within the enforcement process and to ensure that all processes are administered using quality-based standards that the public understand and that are enforced fairly, accurately and expeditiously.

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.

STREET - STANDARD CONTRAVENTION CODES, PENALTY BAND & OBSERVATION TIMES

CODE	BAND	General suffix(es)	OBS. TIME	CONTRAVENTION	NOTES
01	Higher	eoyz	PMC 2 mins* GV 5 mins*	Parked in a restricted street during prescribed hours	
02	Higher	aejo	0 min	Parked or loading/unloading in a restricted street where waiting and loading and unloading restrictions are in force.	
04	Lower	cs	0 min	Parked in a meter bay when penalty time is indicated	
05	Lower	cpsuv	10 min	Parked after the expiry of paid for time	
06	Lower	cipv	0 min**	Parked without clearly displaying a valid pay and display ticket or voucher	
07	Lower	cmprsv	10 min	Parked with payment made to extend the stay beyond initial time	'meter feeding'
08	Lower	c	0 min	Parked at an out-of-order meter during controlled hours	Electronic meters only
09	Lower	ps	0 min	Parked displaying multiple pay & display tickets where prohibited	Some boroughs only
10	Lower	p	0 min	Parked without clearly displaying two *** valid pay and display tickets when required	Some boroughs only
11	Lower	u	0 min	Parked without payment of the parking charge	Mobile phone parking
12	Higher	rstwxy	0 min	Parked in a residents' or shared use parking place or zone without clearly displaying either a permit or voucher or pay and display ticket issued for that place	
13				--- Reserved for TfL Use (low emission zone)---	
14	Higher		0 min	Parked in an electric vehicles' charging place during restricted hours without charging	
16	Higher	bdhqstwxyz	0 min	Parked in a permit space without displaying a valid permit	
17				---Reserved for TfL use (Congestion charging)-	
18	Higher	bcdfhmprsv	0 min	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	
19	Lower	irswxyz	0 min	Parked in a residents' or shared use parking place or zone displaying an invalid permit, an invalid voucher or an invalid pay and display ticket	

CODE	BAND	General suffix(es)	OBS. TIME	CONTRAVENTION	NOTES
20	Higher			Parked in a part of a parking place marked by a yellow line where waiting is prohibited	
21	Higher	bcdhfjilmprqsuv	0 min	Parked in a suspended by or space or part of bay or space	
22	Lower	cflmnopsv	0 min	Re-parked in the same parking place or zone within one hour* of leaving	
23	Higher	bcdghjklprsv	0 min	Parked in a parking place or area not designated for that class of vehicle	
24	Higher	bcdfhmpqrsv	0 min	Not parked correctly within the markings of the bay or space	
25	Higher	jn	10 min	Parked in a loading place during restricted hours without loading	On Street loading bays
26	Higher	e	0 min	Parked in a special enforcement area more than 50cm+ from the edge of the carriageway and not within a designated parking place	
27	Higher	jo	0 min	Parked in a special enforcement area adjacent to a dropped footway	
30	Lower	fnou	10 min	Parked for longer than permitted	
31	N/a	j	0 min	Entering and stopping in a box junction when prohibited	London only
32	N/a	jdtpw	0 min	Failing to drive in the direction shown by the arrow on a blue sign	Code specific London only
33	N/a	jbcefgghikqrs	0 min	Using a route restricted to certain vehicles	Code specific London only
34	N/a	jo		Being in a bus lane	
35	Lower		0 min	Parked in a disc parking place without clearly displaying a valid disc	
36	Lower		0 min	Parked in a disc parking place for longer than permitted	
37	N/a	j	0 min	Failing to comply with a give way to oncoming vehicles sign	London only
40	Higher	n	0 min	Parked in a designated disabled parking place without displaying a valid disabled person's badge in the prescribed manner	
41	Higher	j	0 min	Parked in a parking place designated for diplomatic vehicles	

CODE	BAND	General suffix(es)	OBS. TIME	CONTRAVENTION	NOTES
42	Higher	j	0 min	Parked in a parking place designated for police vehicles	
45	Higher	n	0 min	Parked on a taxi rank	
46	Higher	jn	0 min	Parked where prohibited (on a red route or clearway)	
47	Higher	jn	0 min	Stopped on a restricted bus stop or stand	
48	Higher	j	0 min	Stopped in a restricted area outside a school when prohibited	
49	Higher	j	0 min	Parked wholly or partly on a cycle track or lane	
50	N/a	jlru	0 min	Failing to comply with a sign indicating a prohibited turn	London only
51	N/a	j	0 min	Failing to comply with a no entry sign	London only
52	N/a	jgmsvx	0 min	Failing to comply with a sign indicating a prohibition on certain types of vehicle	London only
53	N/a	j	0 min	Failing to comply with a sign indicating a restriction on vehicles entering a pedestrian zone	London only
54	N/a	j	0 min	Failing to comply with a sign indicating a restriction on vehicles entering and waiting in a pedestrian zone	London only
55	Higher		0 min	A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban	
56	Higher		0 min	Parked in contravention of a commercial vehicle waiting restriction	Non- overnight waiting restriction
57	Higher		0 min	Parked in contravention of a coach ban	Non- overnight waiting restriction
58	N/a		0 min	Using a vehicle on a restricted street during prescribed hours with a valid permit	London Lorry Ban Only
59	N/a		0 min	Using a vehicle on a restricted street during prescribed hours in breach of permit conditions	London Lorry Ban only
61	Higher	124cgj	0 min	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	Code specific suffixes apply
62	Higher	124cgj	0 min	Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway	Code specific suffixes apply
63	Lower	c	0 min	Parked with engine running where prohibited	This contravention occurs in certain coach bays

CODE	BAND	General suffix(es)	OBS. TIME	CONTRAVENTION	NOTES
67				--- RESERVED FOR VEHICLE EMISSIONS ---	
68				--- RESERVED FOR VEHICLE EMISSIONS ---	
99	Higher	jo	0 min	Stopped on a pedestrian crossing or crossing area marked by zigzags	Pedestrian crossings

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

POLICE USE ONLY

64	N/a			Police removal following an accident	Police use only
65	N/a			Police removal illegally parked red route	Police use only
66	N/a			Police removal illegally parked non red route	Police use only

OFF STREET

CODE	BAND	General suffix(es)	OBS. TIME	CONTRAVENTION	NOTES
70	Higher		10 min	Parked in a loading area during restricted hours without reasonable excuse	Off-street loading areas
73	Lower	u	0 min	Parked without payment of the parking charge	Off- Street car parks mobile phone parking
74	Higher	prs	0 min	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Off-street car parks
77	N/a			--- Reserved for DVLA use ---	
80	Lower		10 min	Parked for longer than the maximum period permitted	Off-street car parks
81	Higher	o	0 min	Parked in a restricted area in a car park	Off-street car parks
82	Lower	puv	10 min	Parked after the expiry of paid for time	Off-street car parks
83	Lower		0 min	Parked in a car park without clearly displaying a valid pay and display ticket or voucher or parking clock	Off-street car parks
84	Lower		0 min	Parked with additional payment made to extend the stay beyond time first purchased	Off-street car parks

CODE	BAND	General suffix(es)	OBS. TIME	CONTRAVENTION	NOTES
85	Higher	btrw	0 min	Parked in a permit bay without clearly displaying a valid permit	Off-street car parks
86	Lower	prs	0 min	Parked beyond the bay markings	Off-street car parks
87	Higher		0 min	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Off-street car parks
89	Higher		0 min	Vehicle parked exceeds maximum weight or height or length permitted in the area	Off-street car parks
90	Lower	psv	0 min	Re-parked within one hour* of leaving a bay or space in a car park	Off-street car parks
91	Higher	cg	0 min	Parked in a car park or area not designated for that class of vehicle	Off-street car parks
92	Higher	0	0 min	Parked causing an obstruction	Off-street car parks
93	Lower		0 min	Parked in a car park when closed	Off-street car parks
94	Lower	p	0 min	Parking in a pay and display car park without displaying two*** valid pay and display tickets when required	Off-street car parks
95	Lower		0 min	Parked in a parking place for a purpose other than the designated purpose for the parking place	Off-street car parks
96	Lower	c	0 min	Parked with engine running where prohibited	Off-street car parks – this contravention may occur in certain coach bays

* = or other specified time

*** = or other number

* PMC = Private Motor Car including estate cars – 5 min. observation

* GV = Goods Vehicle – 10 min observation

An 'instant' penalty charge notice may always be issued in circumstances where the CEO concerned has evidence, other than the period of observation, which supports the action of issuing the penalty charge notice without observing the vehicle for the minimum periods indicated.

***visitors are not permitted time to obtain change away from the immediate area of the pay and display machine or car park. CEOs should observe queues at ticket machines and/or pedestrians who may be seeking change or returning to the vehicle in question, before issuing a Penalty Charge Notice.

SUFFIXES

General suffixes:-

a.	Temporary traffic order	b.	Business bay
c.	Coach parking bay	d.	Doctor's bay
e.	Double parked/obstruction	f.	Free parking bay
g.	motor cycle bay	h.	Hospital bay
i.	Wrong type of voucher	j.	Camera enforcement
k.	Ambulance bay	l.	loading place
m.	Parking meter	n.	Red route
o.	Blue badge holder	p.	Pay and display
q.	Market traders' Bay	r.	Residents' bay
s.	Shared use bay	t.	Voucher/pay and display ticket used in permit bay
u.	Mobile phone parking	v.	Voucher
w.	Wrong parking zone	x.	Incorrect VRM
y.	Obscured/illegible permit	z.	Out of date permit

0	Local buses/trams only
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Footway parking only:-

1.	One wheel on footway	2.	Partly on footway
4.	All wheels on footway		
c.	On vehicle crossover	g.	On grass verge

Moving traffic contraventions only:-

- 32 d) proceeding in the wrong direction p) passing to the wrong side of the sign t) turning in the wrong direction w) one way traffic
- 33 b) buses only c) buses and cycles only e) buses, cycles and taxis only f) buses and taxis only g) local buses only
h) local buses and cycles only l) local buses, cycles and taxis only k) local buses and taxis only q) tramcars and local buses only
r) tramcars only s) tramcars and buses only
- 50 r) no right turn l) no left turn u) no U turn
- 52 v) all vehicles except non-mechanically propelled ones being pushed m) motor vehicles x) motor vehicles except solo m/cycles
s) solo motorcycles g) goods vehicles exceeding max gross weight indicated

STATUTORY GROUNDS TO MAKE REPRESENTATIONS

Although the following are the Statutory Grounds to make representation following service of a Notice to Owner, full consideration will be given and account taken of all representations received, whether or not they fall within the description of “Statutory Grounds”.

- a) that the alleged contravention did not occur
- b) that the recipient-
 - (i) never was the owner of the vehicle in question
 - (ii) had ceased to be its owner before the date on which the alleged contravention occurred; or
 - (iii) became its owner after the date;
- c) that the vehicle had been permitted to remain at rest in the place in question by a person who was in control of the vehicle without the consent of the owner;
- d) that the recipient is a vehicle-hire firm and-
 - (i) the vehicle in question was at the material time hired from that firm under a hiring agreement; and
 - (ii) the person hiring it had signed a statement of liability acknowledging his liability in respect of penalty charge notices served in respect of any parking contravention involving the vehicle during the currency of the hiring agreement;
- e) that the penalty charge exceeded the amount applicable in the circumstances of the case;
- f) that there had been a procedural impropriety on the part of the enforcement authority;
- g) that the order which is alleged to have been contravened in relation to the vehicle concerned, except where it is an order to which Part VI of Schedule 9 to the 1984 Act(a) applies, is invalid;
- h) in a case where a penalty charge notice was served by post on the basis that a civil enforcement officer was prevented by some person from fixing it to the vehicle concerned or handing it to the owner or person in charge of the vehicle, that no civil enforcement officer was so prevented;
- i) that the notice to owner should not have been served because-
 - (i) the penalty charge had already been paid in full;
 - (ii) the penalty charge had been paid, reduced by the amount of any discount set in accordance with Schedule 9 to the 2004 Act, within the period specified in paragraph 1(h) of the Schedule to the General Regulations

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
1. where the motorist claims that a pay & display ticket machine was faulty	
<ul style="list-style-type: none"> • If fault report records confirm that 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 (cash sheets / test tickets not available) and there was not another ticket machine nearby which was operating correctly 	<ul style="list-style-type: none"> • 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 and cash sheets showing no discrepancy are available for the date of contravention. • If there is reasonable doubt because evidence confirms that other visitors had been able to purchase tickets during the relevant period.
Notes:	Notes:
2. where the motorist claims that a pay & display ticket was purchased and correctly displayed	
<p>If the motorist produces a Pay & Display parking ticket that was valid at the time the Penalty Charge Notice was issued and the CEO's evidence confirms:-</p> <ul style="list-style-type: none"> • A ticket was displayed 'face down' on the dashboard of the vehicle – the purchase / expiry time to be within the relevant period • A ticket was displayed but partially concealed so that relevant details could not be seen and checked – the purchase / expiry time to be within the relevant period 	<ul style="list-style-type: none"> • If the motorist is unable to produce a ticket that was valid at the time the PCN was issued • The serial number of the ticket produced does not match serial number printed on the back of the ticket seen by the CEO • A PCN issued previously in similar circumstances was cancelled • When evidence confirms that the ticket produced was not purchased by the motorist (obtained from another motorist, found in the car park etc.)
Notes:	Notes:

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
3. where a motorist claims that a valid car park permit was on display or that an expired permit was on display due to a failure in the administrative process	
<p>If the motorist produces evidence of a valid permit that was valid at the time the Penalty Charge Notice was issued and the CEO's evidence confirms:</p> <ul style="list-style-type: none"> • A permit was displayed 'face down' on the dashboard of the vehicle – the date of the pass to be within the relevant period • A permit was displayed but partially concealed so that relevant details could not be seen and checked – the date of the pass to be within the relevant period • If the renewal of the permit was delayed by the Parking Administrative processes 	<ul style="list-style-type: none"> • If the motorist is unable to produce details of a valid permit and the records held within the ICPS management system confirm that no permit has been issued to the named motorist • The permit displayed / produced as evidence was not valid for the parking area where the PCN was issued – parked on a car park other than the one named on the permit • A PCN issued previously in similar circumstances was cancelled
Notes:	Notes:
4. where the motorist had parked with one or more wheels outside of a marked parking bay in a car park	
<ul style="list-style-type: none"> • in the most exceptional of circumstances that were outside the motorists control and are supported by incontrovertible evidence 	<ul style="list-style-type: none"> • When clear and incontrovertible supporting evidence is available e.g. photographs / sketch
Notes:	Notes:

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
5. where a motorist claims that the restriction / charges are not clearly signed or marked	
<ul style="list-style-type: none"> • If signs and/or markings or missing, damaged or unclear • If signs and markings are inconsistent with each other and / or the Traffic order or legislation 	<p>If site records or photographs establish that signs and/or markings are correct and consistent with each other and with the Traffic Regulation Order</p>
Notes:	Notes:
6. where a motorist claims that a valid authorisation to park had been issued	
<ul style="list-style-type: none"> • If the motorist can produce a valid authorisation to park or records show that the motorist had a valid authorisation to park 	<ul style="list-style-type: none"> • 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
Notes:	Notes:

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
7. 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	
<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> If the motorist was parked on a waiting restriction / within a car park in excess of the 3 hour time limit If the motorist was parked on a loading restriction 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. In this instance a full response must be produced outlining the full reasons why the penalty was issued and answering any questions raised If the disabled badge is found to be fraudulent or been used in a fraudulent manner – details to be passed to Social Services
Notes	Notes
8. where the motorist claims to have been unaware of recent rise in tariff	
<ul style="list-style-type: none"> If statutory notices were not erected in accordance with procedural regulations If revised tariff is not on tariff board(s) / time plate on machine 	<ul style="list-style-type: none"> If statutory notices were erected in accordance with procedural regulations and tariff board(s) / front plate on machine(s) were correct
Notes	Notes

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
9. where the motorist claims to have been unaware of the parking charges payable or restriction / prohibitions applicable to vehicles of a certain class or weight	
<ul style="list-style-type: none"> If signing relating to the parking charges payable, restriction or prohibitions in force applicable to a vehicle of that class or weight are incorrectly or inadequately signed or missing all together 	<ul style="list-style-type: none"> In all other circumstances
Notes	Notes
10. where the motorist left the vehicle parked without a valid ticket on display to obtain change	
<ul style="list-style-type: none"> if the motorist had not left the car park, or on-street pay and display area, while obtaining change and a ticket was purchased – the purchase / expiry time to be within the relevant period 	<ul style="list-style-type: none"> If the CEO's notes indicate that the motorist returned to the vehicle while the PCN was being issued having apparently completed the purpose which led to the vehicle being parked in the first place, i.e. carrying shopping etc. without a pay and display ticket – purchase time to be within the relevant period If the CEO's evidence confirms there was either no one in the car park who may have been obtaining or trying to obtain change, queuing for or purchasing a pay and display ticket from a machine or that any individuals seen who may have doing so, having been allowed sufficient time to do so did not return to the vehicle under observation
Notes	Notes

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
11. where the motorist “fed” a meter or pay and display machine by buying subsequent time to park in the same place or returned to the same place within a specified and prohibited time period	
<ul style="list-style-type: none"> if signing relating to the prohibited time period is missing / damaged / or unreadable 	<ul style="list-style-type: none"> if evidence exists to show that the motorist:- <ul style="list-style-type: none"> overstayed initial period of time purchased (unless appropriate evidence is submitted to support the motorist’s claims that the delay returning was due to circumstances that were entirely unforeseeable, unavoidable and exceptional) overstayed initial period by purchasing a further ticket returned within ‘no return’ period
Notes:	Notes:
12. where the motorist was delayed in returning to their vehicle and the parking time purchased had expired	
<ul style="list-style-type: none"> if the motorist’s claim that the delay returning to the vehicle was caused by circumstances that were entirely unforeseeable, unavoidable and exceptional is supported by incontrovertible evidence If the motorist’s vehicle had broken down subject to concurrence with policy no. 13. below If the motorist was rendered unable to drive since parking the vehicle – incontrovertible evidence must be supplied 	<ul style="list-style-type: none"> 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
Notes	Notes

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
13. where the motorist claims that their vehicle had broken down	
<ul style="list-style-type: none"> if the motorist is able to provide satisfactory evidence of a breakdown i.e. proof of vehicle recovery or a bill of sale for repair or parts – all documents to show relevant date / time 	<ul style="list-style-type: none"> if the motorist is unable to provide satisfactory 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 CEO’s notes and / or photographic images contradict the motorist’s version of events
Notes	Notes
14. where the motorist claims that they were attending an emergency or another vehicle that had broken down	
<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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 and / or photographic images contradict the motorist’s version of events i.e. the motorist was not seen attending an emergency or another vehicle which was broken down
Notes	Notes

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
15. where the vehicle in question was on police, fire brigade or ambulance duties	
<ul style="list-style-type: none"> if a named senior officer of the service concerned supports the representations and there is no reasons to doubt that the vehicle was engaged on operational duties 	<ul style="list-style-type: none"> in all other circumstances
Notes:	Notes:
16. where the motorist claims to have been recently bereaved	
a. if the person dealing with the deceased person's affairs produces a copy of the death certificate	b. only if there is significant reason to doubt the sincerity of the representations, i.e. the CEO's notes indicating that the motorist was going about a normal day, say, shopping or working, or the bereavement considered to be a long time ago
Notes:	Notes:

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
17. where the motorist claims to have put money into the wrong ticket machine	
<ul style="list-style-type: none"> If the position of the ticket machine used by the motorist is likely to cause confusion due to the signs indicating the type of machine is missing 	<ul style="list-style-type: none"> when clear and incontrovertible supporting evidence is available to show that the machine is correctly signed e.g. photographs or site visit if the motorist has had representations accepted for a similar contravention the same place previously
Notes	Notes
18. where the motorist claims that their vehicle was not parked in the alleged location at the time and on the date the PCN was issued	
<ul style="list-style-type: none"> If the motorist provides a copy of their vehicle excise licence (tax disc), which was valid at the time of the contravention, and serial number of which differs from the number noted by the CEO 	<ul style="list-style-type: none"> If motorist does not provide a copy of their tax disc, after being given a further opportunity to submit such a copy If the serial number on the copy tax disc provided by a motorist is identical to the serial number noted by the CEO If there is no evidence or if the evidence presented does not support the claim or is inconclusive and photographic evidence is available clearly showing the VRM as indicated on the PCN
Notes	Notes

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
19. The penalty charge exceeded the relevant amount	
<ul style="list-style-type: none"> if the PCN and/or Notice to owner showed the incorrect amount of penalty charge, i.e. the wrong penalty charge band 	<ul style="list-style-type: none"> if the PCN or Notice to Owner showed the correct amount of penalty charge
Notes	Notes
20. where the motorist claims that the PCN was not served (i.e. PCN not found attached to vehicle or handed to driver)	
<ul style="list-style-type: none"> if the CEO's pocket book and / or computer notes confirm that the PCN was not issued e.g. DAP / printer failure 	<ul style="list-style-type: none"> if the CEO's notes and photographic images confirm that a PCN was correctly served i.e. handed to the motorist or affixed to the windscreen
Notes	Notes
21. where the registered keeper liable for payment of the PCN is expected to be absent for a long period of time e.g. is living abroad or is in prison	
<ul style="list-style-type: none"> in no circumstances 	<ul style="list-style-type: none"> on all occasions
Notes	Notes

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
22. where the registered keeper liable for payment of the PCN is said to have died	
<ul style="list-style-type: none"> • where the circumstances can be confirmed e.g. by production of a death certificate 	<ul style="list-style-type: none"> • only if there is significant evidence to doubt the sincerity of the representation
Notes:	Notes:
23. where the motorist claims that the traffic order is invalid	
<ul style="list-style-type: none"> • if the Traffic Regulation Order prescribing the restrictions that the vehicle concerned contravened is defective in some way i.e. is ultra vires, was not made in accordance with relevant procedure or is inaccurate or incorrect in terms of detail 	<ul style="list-style-type: none"> • if the relevant Traffic Regulation Order is sound and accurate in all respects • if the motorist merely considers the restrictions to be unfair
Notes	Notes
24. where the registered (as notified by the DVLA) keeper claims that the vehicle was disposed of before the contravention occurred	
<ul style="list-style-type: none"> • if the registered keeper is able to provide proof that the vehicle was disposed of before the contravention, i.e. a bill of sale, registration document, insurance documents or a letter from the DVLA; and is able to provide the full name and address of the person to whom they disposed of the vehicle <p>ACTION – send a new Notice to Owner to the person named by the registered keeper</p>	<ul style="list-style-type: none"> • if the registered keeper is unable to prove that the vehicle was disposed of before the contravention nor able to provide the name and address of the person to whom the vehicle was disposed • if the person named by the registered keeper as the person to whom the vehicle was disposed, does not exist, cannot be traced or some other reason not considered to be bona fide
Notes	Notes

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
25. where the motorist assumed that they were entitled to “a period of grace” before the PCN was issued	
<ul style="list-style-type: none"> • in no circumstances 	<ul style="list-style-type: none"> • in all circumstances
Notes	Notes
26. where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings	
<ul style="list-style-type: none"> • if it can be established that such conditions prevailed and it is likely that the signs and markings were obscured as claimed and there was not alternative indication of the restriction 	<ul style="list-style-type: none"> • 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 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
Notes	Notes
27. where the motorist claims they were attending a funeral and not alternative parking was available	
<ul style="list-style-type: none"> • if evidence is produced confirming attendance at the funeral i.e. name of deceased, date/ time/location of funeral service, service sheet etc. 	<ul style="list-style-type: none"> • only if there is a significant reason to doubt the sincerity of the representation
Notes	Notes

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
28. where a motorist parked in contravention and claims to have been on emergency / official business	
<ul style="list-style-type: none"> • if the motorist was carrying out emergency or other statutory work and the vehicle could not have been reasonable parked elsewhere – confirmation from a Senior Officer required to confirm that work undertaken was emergency / statutory work • expired pay and display - if the motorist was delayed in returning within the specified time due to the delay being out of their control e.g. fire evacuation 	<ul style="list-style-type: none"> • if it can be established that the motorist could have reasonable parked elsewhere • if it can be established that the work undertaken did not constitute an emergency or was not deemed 'statutory' • if it can be established that no exceptional circumstances existed that could have resulted in the motorist being delayed returning to the vehicle prior to the ticket expiring
Notes	Notes
29. where the motorist stopped to drop off someone	
<ul style="list-style-type: none"> • if the circumstances are seen by the CEO • if, in exceptional circumstances and subject to observation times, the motorist had to escort a passenger (child, elderly or disabled person) to a home, or school 	<ul style="list-style-type: none"> • if motorist was parked / stopped on school keep clear markings, pedestrian crossings, bus stop clearway
Notes	Notes

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
30. where a motorist states that they were visiting a friend or relative in urgent circumstances	
<ul style="list-style-type: none"> if due to an emergency the parking contravention could not be avoided due to the exceptional nature of the incident and proof the incident has been provided 	<ul style="list-style-type: none"> if motorist has already received a PCN, which has been cancelled for the same reason if the CEO's pocket book notes / photographic images provides significant reason to doubt sincerity of representation'
Notes	Notes
31. where a motorist claims that there was no legal place to park	
<ul style="list-style-type: none"> in no circumstances 	<ul style="list-style-type: none"> in all circumstances
Notes	Notes
32. where a motorist states they were in police custody when PCN issued	
<ul style="list-style-type: none"> if proof (from the Police) has been provided that the police had instructed the motorist to leave the vehicle if at the time of arrest the motorist was legally parked and was unable to move the vehicle before the restriction commenced (proof required from the Police) 	<ul style="list-style-type: none"> if no proof provided if the vehicle could have been legally parked before arrest
Notes	Notes

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
33. where a motorist was unaware of the Overnight Waiting Ban / Commercial Vehicle waiting restriction	
<ul style="list-style-type: none"> if motorist was instructed / authorised to park in contravention of the restriction by the police (proof required from the Police) 	<ul style="list-style-type: none"> in all other circumstances
Notes	Notes
34. where a motorist claims that they were parked on private property	
<ul style="list-style-type: none"> if land search confirms location is private property and is not defined as highway and therefore not subject of the relevant Traffic Regulation Order if there is insufficient evidence to establish location of vehicle 	<ul style="list-style-type: none"> in all other circumstances
Notes	Notes
35. where a motorist had parked while asking for directions / opening gates to private property	
<ul style="list-style-type: none"> if evidence provided by the CEO does not contradict representation 	<ul style="list-style-type: none"> in all other circumstances
Notes	Notes

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
36. where a motorist stopped to answer a mobile phone	
<ul style="list-style-type: none"> in no circumstances 	<ul style="list-style-type: none"> on all occasions
Notes	Notes
37. where a motorist states they were unaware of enforcement on Bank / Public Holidays	
<ul style="list-style-type: none"> if the traffic order regulating the highway on which the vehicle was parked contains a clause stipulating that the restrictions are no enforceable on bank holidays 	<ul style="list-style-type: none"> in all other circumstances
Notes	Notes
38. where a motorist states that the details on the PCN are incorrect e.g. location	
<ul style="list-style-type: none"> if there is reason to doubt that the PCN was issued correctly, taking into account evidence provided by the CEO 	<ul style="list-style-type: none"> if the PCN was fully and correctly completed
Notes	Notes
39. where a motorist states that restriction was marked after the vehicle had been parked	
<ul style="list-style-type: none"> if records confirm that signing / lining / placement of cones or suspension notices were likely to have taken place after the vehicle parked 	<ul style="list-style-type: none"> if there is evidence to show that signing / lining / placement of cones or suspension notices were already in place at the time of parking
Notes	Notes

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
40. where the motorist claims he / she was loading / unloading	
<p>On waiting restrictions:-</p> <p>If evidence provided to show:-</p> <ul style="list-style-type: none"> • 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 • loading / unloading activity was adjacent to the premises concerned and was in accordance with observations • loading / unloading activity was timely (includes checking goods and paperwork, but not delayed by unrelated activity) 	<ul style="list-style-type: none"> • on school keep clear zig zag markings • on bus stop clearways • on taxi ranks • on police bays • where loading is prohibited • in car parks if a valid pay and display ticket was not purchased first except when depositing materials in a recycling bin and this was observed / brought to the attention of the CEO by the motorist at the time
Notes	Notes
41. where the motorist claims to have been unaware of a temporary parking restriction or special event restriction	
<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • if the CEO's notes / photographs confirm that the vehicle was parked in a area restricted by the Temporary Order or Notice, and that appropriate signing was in place and clearly visible
Notes	Notes

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
42. where the motorist claims to have been collecting or depositing monies at a bank	
<ul style="list-style-type: none"> • if the procedure explaining the motorist's representation is consistent with the allowance for loading and unloading, see Policy no. 40 above • if specific arrangements had been agreed 	<ul style="list-style-type: none"> • in all other circumstances
Notes	Notes
43. where motorist was delayed in returning to their vehicle parked in a limited waiting parking place or pay and display car park	
<ul style="list-style-type: none"> • 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 the motorist's vehicle had broken down, subject to concurrence with policy no. 12 above • if the motorist was unable to drive since parking the vehicle – subject to supporting evidence 	<ul style="list-style-type: none"> • if the delay described by the motorist was not exceptional, i.e. queuing in a shop / bank • 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 detained by the police for any reason, unless evidence is produced to show that the vehicle was parked legally (before restrictions came into force) before the arrest was made (confirmation from the Police required)
Notes	Notes

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
44. where the motorist was a patient visiting a doctor's surgery / clinic	
<ul style="list-style-type: none"> 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 place 	<ul style="list-style-type: none"> 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
Notes	Notes
45. where the motorist stopped to collect (prescribed) medication from a chemist	
<ul style="list-style-type: none"> only in the most grave, urgent and exceptional of circumstances and the use of a 'legal' parking place would have caused an unacceptable delay 	<ul style="list-style-type: none"> in any lesser circumstances
Notes	Notes
46. where the motorist stopped to use the toilet	
<ul style="list-style-type: none"> on production of medical evidence confirming a relevant medical condition and in support of the circumstances described 	<ul style="list-style-type: none"> in all other circumstances
Notes	Notes

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
47. where the motorist claims to be a doctor, nurse, health visitor, social worker attending a patient / client	
<ul style="list-style-type: none"> if the motorist produces evidence that they were responding to an urgent medical call and there was no nearby legal parking – supported by letter from named nominated officer 	<ul style="list-style-type: none"> if motorist was not attending a patient in urgent circumstances or it there was a legal parking space 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 the claim made i.e. far from patients location, say, in a car park
Notes	Notes
48. where the motorist claims to have become unwell while driving	
<ul style="list-style-type: none"> 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 CEO support the motorist's representation 	<ul style="list-style-type: none"> 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 claim
Notes	Notes

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
49. where the motorist received a Fixed Penalty Notice (FPN) from a police officer when parked in the same location	
<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> in all other circumstances
Notes	Notes
50. where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention	
<ul style="list-style-type: none"> only when an approved, signed, formal hire agreement exists (see policy no. 23) 	<ul style="list-style-type: none"> in all other circumstances because the registered keeper is always liable, including where the vehicle was left in the car of a garage
Notes	Notes
51. where the current registered keeper claims that the vehicle had been stolen	
<ul style="list-style-type: none"> if the registered keeper provides a valid police crime report reference number 	<ul style="list-style-type: none"> if the current registered keeper is unable to provide any proof of theft if the police crime report reference number provided by the current registered keeper does not exist or it does not match the theft or date of the theft alleged
Notes	Notes

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
52. where the motorist claims that they never owned the vehicle	
<ul style="list-style-type: none"> if the DVLA confirm the motorist was not the registered keeper at the time of the contravention 	<ul style="list-style-type: none"> if the DVLA confirm 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 purchased or acquired the vehicle before the contravention, or the subsequent registered keeper provides proof that the motorist sold or disposed of the vehicle after the contravention if the motorist is proved to have hired the vehicle for the day on which the contravention occurred and signed an agreement to take responsibility for PCNs incurred subject to the time of hire
Notes	Notes
53. where the current registered keeper claims that the vehicle was purchased or acquired after the contravention occurred	
<ul style="list-style-type: none"> if the current registered keeper is able to provide proof that the vehicle was purchased or acquired after the contravention, i.e. an invoice, registration documents, insurance documents or a letter from the DVLA including full name and address of the person from they purchased or acquired the vehicle 	<ul style="list-style-type: none"> if the current registered keeper is unable to prove that they purchased or acquired the vehicle after the contravention nor provide the name and address of the person from whom they purchased or acquired the vehicle if the person named by the current registered keeper as the person to whom they purchased or acquired the vehicle, does not exist, cannot be traced or is for some other reason is not considered to be bona fide
Notes	Notes

MAY I ACCEPT THE REPRESENTATION	MAY REJECT REPRESENTATIONS
54. the owner is a hire company and they have supplied the name of the hirer	
<ul style="list-style-type: none"> if the hire company are able to provide proof that the vehicle was hired at the time of the contravention i.e. a signed agreement if the hire company are able to provide the full name and address of the person to whom they hired the vehicle <p>ACTION – send a new Notice to Owner to the person named by the hire company</p>	<ul style="list-style-type: none"> 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
Notes	Notes
55. where the current registered keeper claims that the vehicle was driven by a third party (i.e. a friend, relative, estranged partner etc.)	
<ul style="list-style-type: none"> in no circumstance 	<ul style="list-style-type: none"> in all circumstances because the registered keeper is always liable, save for when a hire agreement exists (see policy no. 52 above)
Notes	Notes
56. any other information that the motorist / vehicle owner wants the Council to take into consideration	
The decision whether or not a Penalty Charge Notice should be cancelled will only be taken following very careful consideration taking into account all the evidence available.	