

CIVIL PARKING ENFORCEMENT

Guidance policies for the enforcement and cancellation of Penalty Charge Notices

**POLICIES SET OUT IN THIS DOCUMENT PROVIDE
GUIDANCE ONLY.**

**EACH CASE MUST BE CONSIDERED ON ITS OWN MERITS,
TAKING INTO ACCOUNT ALL OF THE EVIDENCE
AVAILABLE AND THE EXCEPTIONALITY OF THE
CIRCUMSTANCES**

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EAST HAMPSHIRE DISTRICT COUNCIL

POLICIES FOR THE ENFORCEMENT AND CANCELLATION OF PENALTY CHARGE NOTICES

INTRODUCTION

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

This is consistent with current best practice and aims to provide clarity, consistency and transparency within the enforcement process and compliance with the aspirations of the National Parking Adjudication Service and the Local Government Ombudsman.

What is important about these policies is that they represent a foundation upon which fairness and discretion can be applied. The importance of flexibility in these matters has been recognised by the courts and, as a consequence, decisions made by councils must not be fettered by being unduly formulaic.

The policies address the following:

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

It is important to recognise that each case will be considered on its own merits.

Matters of proportionality, objectivity, fairness and reasonableness should be paramount.

These policies will be subject to ongoing review.

STANDARD CONTRAVENTION CODES & OBSERVATION TIMES

(Not all Contravention Codes apply in all Council areas)

Code	Observation Time	Contravention	Notes
01	1 min	Parked in a restricted street during prescribed hours	
02	0 min	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	
04	0 min	Parked in a meter bay when penalty time is indicated	N/A
05	0 min	Parked after the expiry of paid for time at a pay & display bay	N/A
06	0 min**	Parked without clearly displaying a valid pay & display ticket	N/A
07	0 min	Parked with payment made to extend the stay beyond initial time ('meter feeding')	N/A
08	0 min	Parked at an out-of-order meter during controlled hours	N/A
09	0 min	Parked displaying multiple pay & display tickets where prohibited	N/A
10	0 min	Parked without clearly displaying two valid pay and display tickets when required	N/A
15	0 min	Parked in a residents' parking space without clearly displaying a valid residents' parking permit	
16	0 min	Parked in a permit space without displaying a valid permit	
17	0 min	Parked in a parking place without clearly displaying the required permit or pay & display ticket	N/A
18	0 min	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	
20	GV 10 min* PMC 5 min*	Parked in a loading gap marked by a yellow line	N/A
21	0 min	Parked in a suspended bay/space or part of bay/space	
22	5 min	Re-parked in the same parking place within specified time of leaving	
23	0 min	Parked in a parking place or area not designated for that class of vehicle	
24	0 min	Not parked correctly within the markings of the bay or space	

Code	Observation Time	Contravention	Notes
25	GV 10 min* PMC 5 min*	Parked in a loading place during restricted hours without loading or unloading	
26	1 min	Vehicle parked more than 50 cm from the kerb and not within a designated parking place	
27	0 min	Parked adjacent to a dropped footway	
30	5 min	Parked for longer than permitted	
31	0 min	Entering and stopping in a box junction when prohibited	London only
32	0 min	Failing to drive in the direction shown by the arrow on a blue sign	London only
33	0 min	Using a route restricted to certain vehicles	London only
34	0 min	Being in a bus lane	N/A
35	0 min	Parked in a disc parking place without clearly displaying a valid disc	N/A
36	0 min	Parked in a disc parking place for longer than permitted	N/A
37	0 min	Failing to comply with a give way to oncoming vehicles sign	London only
40	0 min	Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge.	
41	0 min	Parked in a parking place designated for diplomatic vehicles	N/A
42	0 min	Parked in a parking place designated for police vehicles	N/A
45	0 min	Parked on a taxi rank	
46	0 min	Stopped where prohibited (on a red route or clearway)	N/A
47	0 min	Parked on a restricted bus stop/stand	
48	0 min	Stopped in a restricted area outside a school	
49	0 min	Parked wholly or partly on a cycle track	
50	0 min	Failing to comply with a sign indicating a prohibited turn	London Only
51	0 min	Failing to comply with a no entry sign	London Only
52	0 min	Failing to comply with a sign indicating a prohibition on certain types of vehicle	London Only
53	0 min	Failing to comply with a sign indicating a restriction on vehicles entering a pedestrian zone	London Only
54	0 min	Failing to comply with a sign indicating a restriction on vehicles entering and waiting in a pedestrian zone	London Only

Code	Observation Time	Contravention	Notes
55	0 min	A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban	
56	0min	Parked in contravention of a commercial vehicle waiting restriction	
57	0 min	Parked in contravention of a coach ban	
58	0 min	Using a vehicle on a restricted street during prescribed hours without a valid permit	London Only
59	0 min	Using a vehicle on a restricted street during prescribed hours in breach of permit conditions	London Only
61	0 min	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	
62	0 min	Parked with one or more wheels on any part of an urban road other than a carriageway (footway parking)	N/A
63	0 min	Parked with engine running where prohibited	N/A
99	0 min	Stopped on a pedestrian crossing and/or crossing area marked by zig-zags	London Only
70	GV 10 min* PMC 5 min*	Parked in a loading area during restricted hours without reasonable excuse	
77		- - - RESERVED FOR DVLA USE - - -	
80	10 min	Parked for longer than the maximum period permitted	
81	0 min	Parked in a restricted area in a car park	
82	10 min	Parked after the expiry of time paid for in a pay & display car park	
83	1 min	Parked in a pay & display** car park without clearly displaying a valid pay & display ticket	
84	0 min	Parked with additional payment made to extend the stay beyond time first purchased	
85	0 min	Parked in a permit bay without clearly displaying a valid permit	
86	0 min	Parked beyond the bay markings	
87	0 min	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	
88		- - - DELETED - - -	
89	0 min	Vehicle parked exceeds maximum weight and/or height permitted in the area	
90	10 min	Re-parked within specified time of leaving a bay or space in a car park	

Code	Observation Time	Contravention	Notes
91	0 min	Parked in an area not designated for that class of vehicle	
92	0 min	Parked causing an obstruction	
93	0 min	Parked in car park when closed	
94	0 min	Parked in a pay & display car park without clearly displaying two valid pay and display tickets when required.	
95	10 min	Parked in a parking place for a purpose other than the designated purpose for the parking place	
96	0 min	Parked with engine running where prohibited	N/A
<p>*GV = Goods Vehicle - 10 min observation. *PMC = Private Motor Car including estate cars – 5 min observation. An ‘instant’ PCN may always be issued in circumstances where the Civil Enforcement Officer(CEO) has evidence, other than a period of observation, which supports the action of issuing the PCN without observing the vehicle for the minimum periods indicated.</p>			
<p>** CEO’s 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 (PCN).</p>			

STATUTORY GROUNDS TO MAKE REPRESENTATIONS

(Part 6 of Traffic Management Act 2004)

S1 - The contravention did not occur:

S1.1 - Where the motorist claims he/she was loading/unloading

MAY ACCEPT REPRESENTATIONS	<p>On a waiting prohibition or in a controlled bay: If evidence is available or provided to show: Goods being delivered or collected were heavy, bulky, or numerous and it would be unreasonable to expect them to be carried from 'legal' parking place. Loading/unloading activity was adjacent to the premises concerned.</p> <p>Loading/unloading activity was timely (includes checking goods and paperwork, but not delayed by unrelated activity if in the course of business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc. [Source – Traffic Orders, decided cases e.g. Jane Packer Flowers])</p>
MAY REJECT REPRESENTATIONS	<p>On restrictions banning loading and unloading. On school zig-zag markings; on bus stop clearways: On Taxi ranks: On Police bays where loading is prohibited: In car parks: (except when depositing materials in recycling bins) if a valid pay & display ticket was not purchased first.</p>

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

MAY ACCEPT REPRESENTATIONS	<p>If service records confirm a fault or that the machine had been taken out of service at the time of the contravention. If there is reasonable doubt because evidence not available to confirm that a machine was working at the time (test ticket) and there was not another ticket machine nearby which was operating correctly</p>
MAY REJECT REPRESENTATIONS	<p>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. If there is reasonable doubt because evidence confirms that other visitors had been able to purchase tickets during the relevant period</p>

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

MAY ACCEPT REPRESENTATIONS	If signs and/or markings are missing or unclear If signs and markings are inconsistent with each other and/or Traffic Order or legislation
MAY REJECT REPRESENTATIONS	If site visit records or photographs establish that signs and/or markings are correct and consistent with each other and the Traffic Regulation Order.

S1.4 – Where motorist was carrying out building works

MAY ACCEPT REPRESENTATIONS	If evidence confirms that the motorist was simply loading/unloading (see policy S1.1, above) If valid waiver to park at the location in question had been issued and was on display in the vehicle. If works are of a statutory nature or are exempted from restrictions by a Traffic Order or legislation If it can be proven that works were an emergency
MAY REJECT REPRESENTATIONS	In all other circumstances

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

MAY ACCEPT REPRESENTATIONS	If the CEO's pocket book and/or computer notes confirm that the vehicle drove away before a PCN could be served, i.e. PCN not handed to the driver or fixed to the vehicle.
MAY REJECT REPRESENTATIONS	If the CEO's notes or photographs confirm that a PCN was correctly served, i.e. handed to the motorist or fixed to their vehicle

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	
MAY ACCEPT REPRESENTATIONS	Following consideration of all available evidence: If the motorist provides a copy of their vehicle excise license (tax disc), which was valid at the time of the contravention, and the serial number of which differs from the number noted by the CEO.
MAY REJECT REPRESENTATIONS	If the motorist does not provide a copy of their tax disc, after being given a further opportunity to submit such a copy Or If the serial number on the copy tax disc provided by a motorist is identical to the serial number noted by the CEO. Or If there is no evidence or if the evidence presented does not support the claim or is inconclusive.

S1.7 - Where motorist claims that a valid authorisation to park, had been issued	
MAY ACCEPT REPRESENTATIONS	If records show that the motorist holds a valid authorisation to park
MAY REJECT REPRESENTATIONS	If the motorist cannot provide a copy of the valid authorisation to park or if there is no record of any issue of the authorisation If the motorist did not park in accordance with the authorisation

S1.8 where the motorist claims that a pay & display ticket was purchased and displayed	
MAY ACCEPT REPRESENTATIONS	If the motorist produces a Pay & Display parking ticket that was valid at the time the Penalty Charge Notice was issued and the CEO confirms that a face down ticket and an attempt to use the sticky back was used.
MAY REJECT REPRESENTATIONS	If the motorist is unable to valid pay & display ticket The was unable to confirm that a face down ticket or a ticket that was displayed but concealed in some other way was seen • the motorist has made a similar representation before and had a previous PCN cancelled, after giving them the benefit of the doubt; or • the CEO noted that the motorist obtained their ticket from another motorist in the car park.

S2 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

S3 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 either not constructed correctly, i.e. is ultra vires, or was not made correctly, i.e. not consulted on properly
MAY REJECT REPRESENTATIONS	If the Traffic Regulation Order which prescribes the restrictions that the vehicle was parked in contravention of was constructed and made correctly If the motorist merely considers the restrictions to be unfair

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

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

MAY ACCEPT REPRESENTATIONS	If the current registered keeper is able to provide proof that the vehicle was disposed of before the contravention, i.e. a bill of sale, registration documents, insurance documents or a letter from the DVLA; and/or If the current registered keeper is able to provide the full name and address of the person to whom they disposed of the vehicle ACTION - send a new Notice to Owner to the person named by the current registered keeper
MAY REJECT REPRESENTATIONS	If the current registered keeper is unable to prove that they disposed of the vehicle before the contravention nor provide the name and address of the person to whom they disposed of the vehicle If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide

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

MAY ACCEPT REPRESENTATIONS	If the current registered keeper is able to provide proof that the vehicle was purchased after the contravention, i.e. an invoice, registration documents, insurance documents or a letter from the DVLA; and/or If the current registered keeper is able to provide the full name and address of the person from whom they purchased the vehicle
MAY REJECT REPRESENTATIONS	If the current registered keeper is unable to prove that they purchased the vehicle after the contravention nor provide the name and address of the person from whom they bought the vehicle If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide

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

MAY ACCEPT REPRESENTATIONS	Only when a hire agreement exists (see policy S6, below)
MAY REJECT REPRESENTATIONS	In all other circumstances because the registered keeper is always liable, including where the vehicle was left in the care of a garage

S4.4 - Where the motorist claims that they never owned the vehicle

MAY ACCEPT REPRESENTATIONS	If the DVLA confirm that the motorist was not the registered keeper at the time of the contravention
MAY REJECT REPRESENTATIONS	If the DVLA confirms that the motorist was the registered keeper of the vehicle at the time of the contravention. If the previous registered keeper provides proof that the motorist bought the vehicle before the contravention, or the subsequent registered keeper provides proof that the motorist sold the vehicle after the contravention If the motorist is proven to have hired the vehicle for the day on which the contravention occurred and signed an agreement to take responsibility for PCNs incurred, subject to the time of hire (see policy S6, below)

S5 the vehicle had been taken without owner's consent

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

MAY ACCEPT REPRESENTATIONS	If the registered keeper provides a valid police crime report reference number.
MAY REJECT REPRESENTATIONS	If the current 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

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

MAY ACCEPT REPRESENTATIONS	In no circumstance
MAY REJECT REPRESENTATIONS	In all circumstances because the registered keeper is always liable, save for when a hire agreement exists (see policy S6, below)

S6 - The owner is a hire company and have supplied the name of the hirer

MAY ACCEPT REPRESENTATIONS	If the hire company are able to provide proof that the vehicle was hired at the time of the contravention, i.e. a signed agreement If the hire company are able to provide the full name and address of the person to whom they hired the vehicle ACTION - send a new Notice to Owner to the person named by the hire company
MAY REJECT REPRESENTATIONS	If the hire company are unable to prove that they hired out the vehicle on the date of the contravention nor provide the name and address of the person to whom they hired the vehicle. If the person named by the hire company as the person to whom they hired the vehicle, without proof, either does not exist, cannot be traced or denies responsibility for the contravention. If the vehicle was being as a courtesy car without an agreement signed to accept responsibility for Penalty Charge Notices issued.

S7 - Any other information that the motorist / vehicle owner want the Council to take into consideration	
MAY ACCEPT REPRESENTATIONS	The decision whether or not a Penalty Charge Notice should be cancelled, will only be taken following very careful consideration taking into account all of the evidence available.
MAY REJECT REPRESENTATIONS	

MITIGATING CIRCUMSTANCES

MC1 where the motorist claims to have become unwell while driving or whilst parked	
MAY ACCEPT REPRESENTATIONS	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 representations.
MAY REJECT REPRESENTATIONS	If the motorist cannot provide some proof of a medical condition, temporary or permanent, consistent with the conditions described. Or where other evidence contradicts the motorists claims

MC2 where the motorist claims to be a doctor, nurse, health visitor attending a patient	
MAY ACCEPT REPRESENTATIONS	If the motorist concerned possesses a Medical Dispensation badge (BMA, HEBS) that the Council 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.
MAY REJECT REPRESENTATIONS	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

MC3 where the motorist stopped to use the toilet	
MAY ACCEPT REPRESENTATIONS	On production of medical evidence confirming a relevant medical condition and in support of the circumstances described in a representation.
MAY REJECT REPRESENTATIONS	In all other circumstances

MC4 where the motorist stopped to collect (prescribed) medication from a chemist	
MAY ACCEPT REPRESENTATIONS	Only in the most grave, urgent and exceptional of circumstances and the use of a 'legal' parking place would have caused an unacceptable delay.
MAY REJECT REPRESENTATIONS	In any lesser circumstances.

MC5 where the motorist was a patient visiting a doctor's surgery	
MAY ACCEPT REPRESENTATIONS	If the motorist can provide a letter from a doctor to confirm that the visit was very urgent and that they were unable to walk from the nearest legal parking space.
MAY REJECT REPRESENTATIONS	If the motorist was not the patient but only driving the vehicle carrying the patient If the motorist was attending a pre-arranged, non-urgent appointment. If the motorist could reasonably have been expected to parked legally elsewhere.

MC6 where the motorist claims to have been recently bereaved	
MAY ACCEPT REPRESENTATIONS	If no evidence exists to the contrary, taking into account the sensitivity of this issue on first occasion.
MAY REJECT REPRESENTATIONS	Only if there is a significant reason to doubt the sincerity of representations, i.e. 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.

MC7 where the motorist was delayed in returning to their vehicle and parking time purchased had expired	
MAY ACCEPT REPRESENTATIONS	If supported by appropriate evidence, the motorist's representations claims that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseen, unavoidable and exceptional. If motorist's vehicle had broken down, subject to concurrence with policy MC25, below) If the motorist was unable to drive, since parking the vehicle. The motorist had been detained and/or charged by the police.
MAY REJECT REPRESENTATIONS	If the delay described by the motorist was entirely avoidable, i.e. queuing in a shop. If the motorist simply underestimated the time needed and could have reasonably purchased more time, i.e. when conducting business, shopping or commuting. If the motorist was unable to drive since parking due to excess alcohol in the body.

MC8 where the motorist "fed" a meter or pay & display machine by buying subsequent time to park in the same place or returned to the same place within a specified and prohibited time period	
MAY ACCEPT REPRESENTATIONS	In no circumstances
MAY REJECT REPRESENTATIONS	If the motorist overstays initial period of time purchased or returns within a period of 'No return'.

MC9 where the motorist left the vehicle parked without a valid ticket on display to obtain change.	
MAY ACCEPT REPRESENTATIONS	If the motorist had not left the car park, or on-street pay and display area, while obtaining change and a ticket was purchased.
MAY REJECT REPRESENTATIONS	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, or on-street pay and display area, while obtaining change

MC10 where the motorist claims to have been unaware of charges or restriction in the car park relating to vehicle's class or weight.	
MAY ACCEPT REPRESENTATIONS	If reference to restrictions on tariff board(s) are incorrect or missing.
MAY REJECT REPRESENTATIONS	In all other circumstances

MC11 where the motorist claims to have been unaware of recent rise in tariff	
MAY ACCEPT REPRESENTATIONS	If statutory notices were not erected in accordance with procedural regulations. If revised tariff is not on tariff board(s)
MAY REJECT REPRESENTATIONS	If statutory notices were erected in accordance with procedural regulations and tariff board(s) were correct
MC12 where the motorist had parked with one or more wheels outside of a marked bay in a car park	
MAY ACCEPT REPRESENTATIONS	Only in the most exceptional of circumstances that were outside the motorists control and are supported by incontrovertible evidence. Otherwise, in no circumstances
MAY REJECT REPRESENTATIONS	When clear and incontrovertible supporting evidence (photographs/sketch plan) is available
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 REPRESENTATIONS	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.
MAY REJECT REPRESENTATIONS	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 claims to have been unaware of the existence of a controlled parking zone	
MAY ACCEPT REPRESENTATIONS	If it can be established that the signing and marking of the CPZ/CPA is at fault, see policy S1.3, above
MAY REJECT REPRESENTATIONS	In all other circumstances

MC15 where the motorist was displaying an expired authorisation to park, i.e. waiver, parking place suspension, season ticket, residents permit, business permit or visitors permit	
MAY ACCEPT REPRESENTATIONS	If the renewal of the authorisation was delayed by the Council's administrative processes If it can be established that other reasonably unforeseen circumstances delayed the renewal of an authorisation to park, e.g. sickness on the part of the applicant or a postal dispute/delays (supported by appropriate evidence) In the case of season tickets and resident's / business parking permits only, if the authorisation had expired by less than 3 days
MAY REJECT REPRESENTATIONS	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

MC16 where the motorist is parked in contravention of a waiting/parking prohibition whilst displaying a resident's visitor permit.	
MAY ACCEPT REPRESENTATIONS	In no circumstances
MAY REJECT REPRESENTATIONS	On all occasions

MC17 where the motorist is a new resident within a controlled parking zone and had parked in a residents bay without displaying a valid residents permit	
MAY ACCEPT REPRESENTATIONS	In no circumstances
MAY REJECT REPRESENTATIONS	On all occasions

MC18 where the motorist had parked incorrectly in a controlled bay on-street	
MAY ACCEPT REPRESENTATIONS	If it can be established that the motorist was genuinely loading or unloading, subject to compliance with policy S1.1, above.
MAY REJECT REPRESENTATIONS	On all occasions

MC19 where the motorist assumed that they were entitled to “a period of grace” before the PCN was issued

MAY ACCEPT REPRESENTATIONS	In no circumstances.
MAY REJECT REPRESENTATIONS	In all circumstances.

MC20 where the motorist claims they were attending a funeral

MAY ACCEPT REPRESENTATIONS	If no evidence exists to the contrary, taking into account the sensitivity of this issue.
MAY REJECT REPRESENTATIONS	Only if there is a significant reason to doubt the sincerity of the representations.

MC21 where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings

MAY ACCEPT REPRESENTATIONS	If it can be established that such conditions prevailed and it is likely that signs and markings were obscured as claimed and there was no alternative indication of the restriction.
MAY REJECT REPRESENTATIONS	If it can be established that such conditions did not cause lines and signs to be obscured as claimed. If evidence etc. directly contradict the the CEO's notes photographic 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

MC22 where the motorist claims that their vehicle had broken down

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

MC23 where the motorist claims that they were attending an emergency or another vehicle that had broken down	
MAY ACCEPT REPRESENTATIONS	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 REPRESENTATIONS	If the motorist is unable to provide evidence of any kind that they were attending an emergency or another vehicle which had broken down If the CEO's notes contradict the motorist's version of events, i.e. the motorist was not seen attending an emergency or another vehicle which was broken down

MC24 where the motorist claims to have put money into the wrong ticket machine	
MAY ACCEPT REPRESENTATIONS	If it is agreed that the position of the ticket machine used by the motorist is likely to cause confusion.
MAY REJECT REPRESENTATIONS	If the ticket machine used by the motorist is positioned in such a place that confusion is not likely. If the motorist has had representations accepted for a similar contravention previously.

MC25 where the vehicle in question was on police, fire brigade or ambulance duties	
MAY ACCEPT REPRESENTATIONS	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 REPRESENTATIONS	In all other circumstances

MC26 where the motorist claims to have been collecting or depositing monies at a bank	
MAY ACCEPT REPRESENTATIONS	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
MAY REJECT REPRESENTATIONS	In all other circumstances

MC27 where the motorist claims to have been unaware of a temporary parking restriction or special event restriction	
MAY ACCEPT REPRESENTATIONS	If the motorist claims that there was no indication of the restriction, and the CEO's notes/photographs do not confirm that appropriate signing was in place. If the process followed to make the temporary order was defective in some way.
MAY REJECT REPRESENTATIONS	If the CEO's notes/photographs confirm that the vehicle was parked in an area restricted by the Temporary Order or Notice, and that appropriate signing was in place and clearly visible.

MC28 where the registered keeper liable for payment of the PCN is expected to be absent for a long period of time, e.g. is living abroad or is in prison	
MAY ACCEPT REPRESENTATIONS	In no circumstances
MAY REJECT REPRESENTATIONS	On all occasions

MC29 where the registered keeper liable for payment of the PCN is said to have died	
MAY ACCEPT REPRESENTATIONS	Where the circumstances can be confirmed (by sensitive enquiry).
MAY REJECT REPRESENTATIONS	Only if there is a significant evidence to doubt the sincerity of the representations.

MC30 where the vehicle driven by the motorist is diplomatically registered	
MAY ACCEPT REPRESENTATIONS	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...]
MAY REJECT REPRESENTATIONS	In no circumstances

MC31 Where the motorist received a Fixed Penalty Notice (FPN) from a police officer and a Penalty Charge Notice (PCN) from a Civil Enforcement Officer when parked in the same location.

MAY ACCEPT REPRESENTATIONS	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.
MAY REJECT REPRESENTATIONS	In all other circumstances

MC32 where a Council officer or Member parked in contravention and claims to have been on Council business

MAY ACCEPT REPRESENTATIONS	If the officer was carrying out emergency or other statutory work.
MAY REJECT REPRESENTATIONS	If it can be established that the officer/Member could have reasonably parked elsewhere.

MC33 where the motorist stopped to drop off someone

MAY ACCEPT REPRESENTATIONS	If the circumstances are seen by the CEO. If, in exceptional circumstances and subject to observations times, the motorist had to escort a passenger (child, elderly or disabled person) to home, or school.
MAY REJECT REPRESENTATIONS	If motorist was parked/stopped on school keep clear markings, pedestrian crossing, bus stop clearway

MC34 where motorist was unaware of the Overnight Waiting Ban/Commercial Vehicle waiting restriction

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

MC35 where motorist states they were in police custody when PCN issued

MAY ACCEPT REPRESENTATIONS	If proof (from the Police) has been provided that the police had instructed the motorist to leave the vehicle. If the time of arrest (proof required from the Police) provides confirmation that motorist was legally parked and was unable to move vehicle before the restriction started
MAY REJECT REPRESENTATIONS	If no proof provided If vehicle could have been legally parked before arrest

MC36 where motorist states they were visiting a friend or relative in urgent circumstances	
MAY ACCEPT REPRESENTATIONS	If due to an emergency the parking contravention could not be avoided due to the exceptional nature of the incident.
MAY REJECT REPRESENTATIONS	If motorist has already received a PCN, which has been cancelled for the same reason If the CEO's pocket book notes provides significant reason to doubt sincerity of representation
MC37 where motorist claims there was no legal place to park	
MAY ACCEPT REPRESENTATIONS	Only in the most exceptional of circumstances
MAY REJECT REPRESENTATIONS	In the absence of exceptional circumstances
MC38 where motorist claims they were parked on private property	
MAY ACCEPT REPRESENTATIONS	If land search maps confirm location is private property & not subject of the relevant Traffic Regulation Order. If there is insufficient evidence to establish location of vehicle
MAY REJECT REPRESENTATIONS	In all other circumstances
MC39 where motorist was delayed in returning to their vehicle parked in a limited waiting parking place	
MAY ACCEPT REPRESENTATIONS	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, or had been were detained by the police for any reason.
MAY REJECT REPRESENTATIONS	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

MC40 where motorist had parked while asking directions / opening gates to private property	
MAY ACCEPT REPRESENTATIONS	If evidence provided by the CEO does not contradict representations.
MAY REJECT REPRESENTATIONS	In all other circumstances

MC41 where motorist stopped to answer mobile phone	
MAY ACCEPT REPRESENTATIONS	In no circumstances
MAY REJECT REPRESENTATIONS	On all occasions

MC42 where motorist states that the details on the PCN are incorrect, e.g. location	
MAY ACCEPT REPRESENTATIONS	If there is reason to doubt that the PCN was issued correctly, taking into account evidence provided by the CEO
MAY REJECT REPRESENTATIONS	If the PCN was fully and correctly completed.

MC43 where motorist states they were unaware of enforcement on Bank/Public holidays	
MAY ACCEPT REPRESENTATIONS	In no circumstances
MAY REJECT REPRESENTATIONS	On all occasions

MC44 where motorist states that restriction was marked after the vehicle had been parked	
MAY ACCEPT REPRESENTATIONS	If records confirm that signing/lining/ placement of cones or suspension notices was likely to have taken place after the vehicle parked.
MAY REJECT REPRESENTATIONS	If there is evidence to show that markings were already in place at the time of parking.

Record of Ammendments

Date	Section	Amendment	Notes
19/07/2013	STANDARD CONTRAVENTION CODES & OBSERVATION TIMES – code 01 and 83	Observation time changed to 1 min	As instructed
19/07/2013	Introduction – To make it EHDC specific	Removal of reference to HBC	As instructed