

Polisiau Canllaw ar Orfodi a Chanslo Hysbysiadau Tâl Cosb

Guidance Policies for the Enforcement & Cancellation of Penalty Charge Notice

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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POLICIES FOR THE ENFORCEMENT AND CANCELLATION OF PENALTY CHARGE NOTICES

INTRODUCTION

Carmarthenshire County Council has prepared the following policy guidance in respect of Civil Parking Enforcement. 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 challenges and 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 PCN Codes/Contraventions					
On Street Contraventions					
Code	Observation Time	Level of Contravention	Description	Evidence Observation Criteria	Special Considerations
01	5 mins	Higher	Parked in a restricted street during prescribed hours.	Single or double yellow lines. Observation to refute loading. Stricter observation if disabled.	Observe for 5 minutes. Badges must be valid (i.e., 'time clock only' is insufficient).
02	0 min	Higher	Parked in a restricted street during prescribed hours while loading and unloading is prohibited.	Evidence of markings. Plate must prohibit loading. There must be kerb markings.	Instant ticket unless activity of picking up/setting down passengers is observed – allow 2 minutes but use discretion in respect of

					infirm/disabled passengers. PCNs are to be issued for parking by disabled badge holders.
02J	0 min	Higher	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force (camera enforcement).	There must be kerb markings.	Instant ticket.
12	5 mins	Higher	Parked in a residents' or shared use bay without clearly displaying either a permit or pay & display ticket issued for that place.	Evidence of markings & signs. Observation to refute loading. Observe for 5 minutes for vehicle loading.	Check expiry dates on displayed permits. Check & report suspected fraud or misuse of permit.
14	0 mins	Higher	Parked in an electric vehicle's place/zone during restricted hours without charging.	Evidence of markings & signs. If vehicle is not making use of charging point.	Instant PCN.
16	5 mins	Higher	Parked in a permit bay without displaying a valid parking permit.	Evidence of markings & signs. Observation to refute loading. Observe for 5 minutes for vehicle loading.	Check, expiry dates on displayed permits. Check & report suspected fraud or misuse of permit.
19	5 mins	Lower	Parked in a residents or shared use bay displaying an invalid permit or an invalid pay & display ticket.	Evidence of markings & signs. Observation to refute loading. Observe for 5 minutes for vehicle loading.	Check, expiry dates on displayed permits. Check & report suspected fraud or misuse of permit.
20	5 mins	Higher	Parked in a part of a parking place marked by a yellow line	Evidence of markings.	No special considerations.

			where waiting is prohibited.		
21	0 min	Higher	Parked in a suspended bay or part of a bay.	Evidence of markings & signs. Observation for loading not needed. Check that the bay is Suspended.	Loading NOT permitted. This is an instant PCN.
22	5 mins	Lower	Re-parked in the same parking place within the non-return time specified.	Evidence of markings & signs. Observation to refute loading. Observe for 5 minutes for vehicle loading. Observation of valve positions & VRM.	Contravention is restricted to specific parking place.
23	5 mins	Higher	Parked in a parking place or area not designated for that class of vehicle.	Evidence of Markings & Signs.	No special considerations.
25	5 mins	Higher	Parked in a loading place during restricted hours without loading.	Evidence of markings & signs. Observation to refute loading. Observe for 5 minutes for vehicle loading. Verify whether place restricted to commercial vehicles or all loading.	Place must be correctly marked & not a loading gap where twenty applies.
30	5 mins	Lower	Parked in a free parking bay for longer than the maximum period.	Evidence of markings & signs. Observation to refute loading. Observe for 5 minutes for vehicle loading. Observation of valve positions & VRM.	No special considerations.
31J	0 mins	Higher	Entering and stopping in a box junction when prohibited (camera enforcement).	Evidence of markings.	No special considerations.
34J	0 mins	Higher	Being in a bus lane (camera enforcement).	Evidence of markings and signs.	No special considerations.
40	5 mins	Higher	Parked in a designated disabled person's parking place	Evidence of markings & signs. Orange/blue badge plate must be present. Evidence of	Observe for 5 minutes before issuing PCN

			without clearly displaying a valid disabled person's badge.	searching windscreen before PCN issue. Note details of tickets/permits displayed (e.g. expired badges).	to refute loading/unloading. Issue warning notice if badge expiry no more than 14 days ago.
45	0 min	Higher	Parked on a taxi rank.	Evidence of markings & signs.	Instant PCN. Rank is for 'Hackney' carriages only. Private hire vehicles (e.g. 'mini cabs') may not park there.
45J	0 mins	Higher	Parked on a taxi rank (camera enforcement).	Evidence of markings & signs.	Instant PCN. Rank is for 'Hackney' carriages only. Private hire vehicles (e.g. 'mini cabs') may not park there.
46	0 min	Higher	Stopped where prohibited [red route or clearway].	Evidence of markings & signs. 'Clearway' sign must be present.	Instant PCN. Restriction is restricted to the carriageway only. PCNs are to be issued for parking by disabled badge holders.
47	0 min	Higher	Stopped on a restricted bus stop/stand.	Evidence of markings & signs. There must be a 'Bus Stop Clearway' sign.	Instant PCN. The restriction does not apply to a 'courtesy' bus stop. PCNs are to be issued for parking by disabled badge holders.
47J	0 min	Higher	Stopped on a restricted bus stop or stand (camera enforcement).	Markings & signs. There must be a 'Bus Stop Clearway' sign.	Instant PCN. The restriction does not apply to a 'courtesy' bus stop. PCNs are to be issued for parking by disabled badge holders.
48	0 min	Higher	Stopped in a restricted area	Evidence of Markings & signs.	Instant PCN.

			outside a school, a hospital or a fire, police or ambulance station when prohibited.		
48J	0 min	Higher	Stopped in a restricted area outside a school, a hospital or a fire, police or ambulance station when prohibited (Camera enforcement).	Evidence of Markings & signs.	Instant PCN.
49	0 min	Higher	Parked wholly or partly on a cycle track.	Markings & signs	Instant PCN. Restriction does not apply to cycle lanes.
50J	0 min	Higher	Performing a prohibited turn (camera enforcement).	Evidence of Markings & signs.	Instant PCN.
52J	0 min	Higher	Failing to comply with a prohibition on certain types of vehicles (camera enforcement).	Evidence of markings & signs.	Instant PCN however, residents can apply for exemption.
53J	5 min	Higher	Failing to comply with a restriction on vehicles entering a pedestrian zone (camera enforcement).	Evidence of markings & signs.	Goods vehicles loading and unloading, observation for 5 minutes.
61	0 min	Higher	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways.	Evidence of vehicle weight (unladen weight over 7.5 tonnes). Observation to refute loading.	Nationwide Primary legislation – TRO not required. Loading permitted if no alternative. If there is an alternative & motorist refuses when pointed out, loading exemption does not apply & PCN must be issued.

Off Street Contraventions

Code	Observation Time	Contravention level	Description	Evidence Observation Criteria	Special Considerations
63	0 min	Lower	Parked with engine running where prohibited.	Note vehicle class. Note extent of running. Clear evidence of parking rather than just stopping.	Issue PCN if motorist ignores warning of contravention.
70	5 mins	Higher	Parked in loading area during restricted hours without reasonable excuse.	Evidence of signs. Observation to refute loading.	Observed for 5 minutes.
74	0 mins	Higher	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited.	Evidence that sale of goods is taking place.	Instant PCN.
80	15 mins	Lower	Parked for longer than the maximum period permitted.	Evidence of clearly marked restriction. Observation/Evidence that vehicle returned before 'no return' period.	Allow motorists 15 minutes for disparity of times between that on ticket & that on HHC.
81	0 min	Higher	Parked in a restricted area in a car park.	Evidence of clearly marked restriction.	Instant PCN.
82	15 mins	Lower	Parked after the expiry of paid for time.	Note ticket details, especially expiry time.	Allow 15 minutes from time of expiry before issuing PCN.
83	5 mins	Lower	Parked in a car park without clearly displaying a valid pay & display ticket.	Evidence of searching windscreen & vehicle interior before PCN issue. Note details of tickets/permits displayed, particularly if face down.	Allow 5 minutes for motorist to get change/return late.
84	0 min	Lower	Parked with additional payment made to extend the stay	Observation/Evidence that vehicle returned before 'no return' period. Observe valve	No PCN to be issued before expiry item of

			beyond time first purchased.	positions. Note ticket details.	initial P & D ticket. Instant PCN.
85	0 min	Higher	Parked in a permit bay without clearly displaying a valid permit.	Evidence that permits conditions are clearly shown. Note details of permits/tickets if any, displayed.	Instant PCN. Check expiry dates on displayed permits. Check & report suspected fraud or misuse of permit.
86	0 min	Lower	Parked beyond the bay markings.	Evidence of markings & signs. Diagram to display vehicle position.	Instant PCN. At least one complete wheel should be outside the bay or space. [Where a series of cars have straddled the bay markings and it is not possible to identify which vehicle first caused this effect, do not enforce].
87	0 min	Higher	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge.	Markings & signs. Orange/blue badge plate must be present. Evidence of searching windscreen before PCN issue. Note details of tickets/permits displayed (e.g. expired badges).	Instant PCN. Issue warning notice if badge expiry no more than 14 days ago.
89	0 min	Higher	Vehicle parked exceeds maximum weight and/or height and/or length permitted in the area.	Evidence of height & /or weight.	Instant PCN.
90	0 min	Lower	Re-parked within the non-return time on leaving a bay or space in a car park.	Evidence that vehicle did not move for 'no return' period. Observe valve positions.	Instant PCN.
91	0 min	Higher	Parked in a car park or area not designated for that class of vehicle.	Evidence that vehicle is not in permitted class.	Instant PCN.

92	0 min	Higher	Parked causing an obstruction.	Evidence of obstruction. Full diagram made.	This contravention may be covered within eighty-six above. Instant PCN.
93	0 min	Lower	Parked in car park when closed.	Evidence of car park hours & of observation times.	Instant PCN.
95	5 min	Lower	Parked in a parking place for a purpose other than the designated purpose for the parking place.	Evidence of signs & markings.	Observed for 5 minutes.
99	0 min	Higher	Stopped on a pedestrian crossing or crossing area marked by zigzags.	Evidence of signs & markings.	Instant PCN.
99J	0 min	Higher	Stopped on a pedestrian crossing or crossing area marked by zigzags (Camera enforced).	Evidence of signs & markings.	Instant PCN.

STATUTORY GROUNDS TO MAKE REPRESENTATIONS (Traffic Management Act 2004)

Important note:

Although the following are the 9 Statutory Grounds to make representation, in accordance with a directive issued by the Local Government Ombudsman, full consideration will be given and account taken off all representations received, whether or not they are fall within the description of "Statutory Grounds". It for this reason that a 10th Ground, encompassing any other information the motorist or owner/keeper would like the Council to consider, has been included.

	MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S1 The contravention did not occur:		
S1.1 where the motorist claims he/she was loading/unloading	On a waiting prohibition or in a controlled bay: If evidence is available or provided to show:	on school zig zag markings. on bus stop clearways. on Taxi ranks

	<p>1. 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.</p> <p>2. Loading/unloading activity was adjacent to the premises concerned.</p> <p>3. Loading/unloading activity was timely (includes checking goods and paperwork, but not delayed by unrelated activity).</p> <p>[Source – Traffic Orders, decided cases e.g. Jane Packer Flowers] If in the course of business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc.</p>	<p>on Police bays</p> <p><u>where loading is prohibited</u></p> <p>in car parks: (except when depositing materials in recycling bins)</p> <p>If a valid pay & display ticket was not purchased first</p> <p>Designated disabled bays</p> <p>Doctor's bays</p>
S1.2 where the motorist claims that a parking pay & display machine was faulty	<p>If service records confirm a fault or that the machine had been taken out of service at the time of the contravention.</p> <p>If there is reasonable doubt because evidence 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>	<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	<p>If signs and/or markings are missing or unclear.</p> <p>If signs and markings are inconsistent with each other and/or Traffic Order or legislation.</p>	<p>If site visit records or photographs 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	<p>If evidence confirms that the motorist was simply loading/unloading (see policy S1.1, above)</p> <p>If valid waiver to park at the location in question had been issued and was on display in the vehicle.</p> <p>If works are of a statutory nature or are exempted from restrictions by a Traffic Order or legislation.</p>	<p>In all other circumstances.</p>

	If it can be proven that works were an emergency.	
S1.5 where motorist claims that PCN was not served.	No evidence in the Civil Enforcement Officers pocketbook that the PCN was not correctly served i.e. PCN not handed to driver or fixed to the vehicle.	If the Civil Enforcement Officers 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	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 Civil Enforcement Officer.	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 Civil Enforcement Officer. 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 written authorisation to park, had been issued	If records show that the motorist holds a valid written authorisation to park.	If the motorist cannot provide a copy of the valid written 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	If the motorist produces a Pay & Display parking ticket that was valid at the time the Penalty Charge Notice was issued and the Civil Enforcement Officer confirms that a face down ticket or a ticket that was displayed but concealed in some other way was seen and it <u>is the first contravention of this kind.</u>	If the motorist is unable to produce a valid pay & display ticket The Civil Enforcement Officer 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 Civil Enforcement Officer noted that the motorist obtained their ticket from another motorist in the car park; or where digits have been entered on the face of the

		ticket and do not match those of the motorist's vehicle registration, subject to some latitude being allowed for errors.
S1.9 where motorist claims that they were not aware of the contravention until the PCN was serviced on them by post.	If the motorist can prove that the Civil Enforcement Officer had only just begun/not begun the process of writing/entering in the information of the vehicle etc. onto the PCN or into the handheld ticket machine.	If the Civil Enforcement Officers pocketbook notes confirm that he/she had was in the process of finishing/finished preparing the PCN and all details of the vehicle had been logged but had been prevented from serving because the vehicle was driven away.
S2 The penalty exceeded the relevant amount		
S2 The penalty exceeded the relevant amount	If the PCN and/or Notice to Owner showed the incorrect amount of penalty charge, i.e. the wrong penalty charge band.	If the PCN or Notice to Owner showed the correct amount of penalty charge.
S3 The Traffic Order was invalid		
S3 The Traffic Order was invalid	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.	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	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	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

	ACTION - send a new Notice to Owner to the person named by the current registered keeper	reason not considered to be bona fide.
S4.2 where the current registered keeper claims that the vehicle was purchased after the contravention occurred	<p>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.</p> <p>ACTION - send a new Notice to Owner to the person named by the current registered keeper</p>	<p>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.</p> <p>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.</p>
S4.3 where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention	<p>Only when a hire agreement exists (see policy S6, below)</p> <p>ACTION - send a new Notice to Owner to the person named by the current registered keeper.</p>	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	<p>If the DVLA confirm that the motorist was not the registered keeper at the time of the contravention.</p> <p>ACTION - send a new Notice to Owner to the person named by the current registered keeper.</p>	<p>If the DVLA confirms that the motorist was the registered keeper of the vehicle at the time of the contravention.</p> <p>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.</p> <p>If the motorist is proven to have hired the vehicle for the day on which the contravention occurred and signed an agreement to take responsibility for PCN's incurred, subject to the time of hire (see policy S6, below).</p>
S5 the vehicle had been taken without owner's consent		

S5.1 where the current registered keeper claims that the vehicle had been stolen	If the registered keeper provides a valid police crime report reference number.	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)	In no circumstance.	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		
S6 the owner is a hire company and have supplied the name of the hirer	<p>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> <p>ACTION - send a new Notice to Owner to the person named by the hire company.</p>	<p>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.</p> <p>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.</p> <p>If the vehicle was being used as a courtesy car without an agreement signed to accept responsibility for Penalty Charge Notices issued.</p>
S7 The Civil Enforcement Officer was not prevented from serving the Penalty Charge Notice		
S7 The Civil Enforcement Officer was not prevented from serving the Penalty Charge Notice	If the motorist can prove that the Civil Enforcement Officer was not prevented from serving the PCN and had only just begun/not begun the process of writing/entering in the information of the vehicle etc. onto the PCN	If the Civil Enforcement Officer's pocketbook notes confirm that he/she had was in the process of finishing/finished preparing the PCN and all details of the vehicle had been logged but

	or into the handheld ticket machine.	had been prevented from serving because the vehicle was driven away.
S8 That there was a procedural impropriety on behalf of the authority		
S8 That there was a procedural impropriety on behalf of the authority	Failure by the CCC to observe any requirement imposed on it by the TMA or the TMA regulations in relation to the imposition or recovery of a Penalty Charge Notice.	If the correct procedures have been implemented and carried by the CCC.
S9 Penalty charge Notice was paid, either in full or at discount rate within discount period		
S9 Penalty charge Notice was paid, either in full or at discount rate within discount period	If records show that payment has been received by CCC, either in full or discounted.	No records of any payment are found.
S10 Any other information that the motorist / vehicle owner want the Council to take into consideration		
S10 Any other information that the motorist / vehicle owner want the Council to take into consideration	The decision whether or not a Penalty Charge Notice should be cancelled, will only be taken following very careful consideration taking into account all of the evidence available.	

MITIGATING CIRCUMSTANCES

	MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC1 where the motorist claims to have become unwell while driving.	<p>If the motorist provides proof of a medical condition, temporary or permanent, that is consistent with the conditions described.</p> <p>When the notes made by the Parking Attendant support the motorist's representations.</p>	<p>If the motorist cannot provide some proof of a medical condition, temporary or permanent, consistent with the conditions described.</p> <p>Or</p> <p>Where other evidence contradicts the motorists claim.</p>

<p>MC2 where the motorist claims to be a doctor, nurse, health visitor attending a patient.</p>	<p>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.</p> <p>Or</p> <p>If the motorist produces evidence that they were responding to an urgent medical call.</p>	<p>If motorist was not attending a patient in urgent circumstances or if there were legal parking spaces nearby.</p> <p>If motorist was parked outside their practice or other place of work for any reason other than to collect supplies for an urgent call.</p> <p>If motorist was parked in an area which does not correspond with claims made in representations, i.e. far from patients' property, say, in a car park.</p>
<p>MC3 where the motorist stopped to use the toilet.</p>	<p>On production of medical evidence confirming a relevant medical condition and in support of the circumstances described in a representation.</p>	<p>In all other circumstances.</p>
<p>MC4 where the motorist stopped to collect (prescribed) medication from a chemist.</p>	<p>Only in the most grave, urgent and exceptional of circumstances and the use of a 'legal' parking place would have caused an unacceptable delay.</p>	<p>In any lesser circumstances.</p>
<p>MC7 where the motorist was delayed in returning to their vehicle and parking time purchased had expired.</p>	<p>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.</p> <p>If motorist's vehicle had broken down, subject to concurrence with policy MC25, below).</p>	<p>If the delay described by the motorist was entirely avoidable, i.e. queuing in a shop.</p> <p>If the motorist simply underestimated the time needed and could have reasonably purchased more time, i.e. when conducting business, shopping or commuting.</p>
	<p>If the motorist was unable to drive, since parking the vehicle.</p>	<p>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.</p>
<p>MC8 where the motorist "fed" a meter or pay & display machine by buying</p>	<p>In no circumstances.</p>	<p>If the motorist overstays initial period of time purchased or</p>

<p>subsequent time to park in the same place or returned to the same place within a specified and prohibited time period.</p>		<p>returns within a period of 'No return.'</p>
<p>MC9 where the motorist left the vehicle parked without a valid ticket on display to obtain change.</p>	<p>If the motorist had not left the car park, or on street pay and display area, while obtaining change and a ticket was purchased.</p>	<p>If the Civil Enforcement Officer'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.</p>
<p>MC10 where the motorist claims to have been unaware of charges or restriction in the car park relating to vehicle's class or weight.</p>	<p>If reference to restrictions on tariff board(s) are incorrect or missing.</p>	<p>In all other circumstances.</p>
<p>MC11 where the motorist claims to have been unaware of recent rise in tariff.</p>	<p>If statutory notices were not erected in accordance with procedural regulations.</p> <p>If revised tariff is not on tariff board(s).</p>	<p>If statutory notices were erected in accordance with procedural regulations and tariff board(s) were correct.</p>
<p>MC12 where the motorist had parked with one or more wheels outside of a marked bay in a car park.</p>	<p>Only in the most exceptional of circumstances that were outside the motorist's control and are supported by incontrovertible evidence.</p> <p>Otherwise</p> <p>In no circumstances.</p>	<p>When clear and incontrovertible supporting evidence (photographs/Sketch plan) is available.</p>
<p>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.</p>	<p>If it can be established that this is the <u>motorist's first contravention</u> of this type, and they can provide evidence that they are a blue badge holder or were transporting a Blue Badge holder.</p>	<p>If the motorist has previously had a PCN cancelled for the same contravention and has been warned to display a valid badge /time clock, correctly in the future.</p> <p>If the motorist was parked on a waiting restriction beyond the 3-hour time limit permitted by the Blue Badge Scheme, or on another restriction for</p>

		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.	If it can be established that the signing and marking of the CPZ is at fault, see policy S1.3, above.	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.	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 7 days.	In all other circumstances.
MC16 where the motorist is parked in contravention of a waiting/parking prohibition whilst displaying a resident's visitor permit.	In no circumstances.	On all occasions.
MC17 where the motorist is a new resident within a resident parking zone and had parked in a resident's bay without displaying a valid residents permit.	In no circumstances.	On all occasions.
MC18 where the motorist had parked incorrectly in a controlled bay on-street.	If it can be established that the motorist was genuinely loading or unloading, subject to compliance with policy S1.1, above.	On all occasions.
MC19 where the motorist assumed that they were entitled to "a period of grace" before the PCN was issued.	In no circumstances.	In all circumstances.

<p>MC20 where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings.</p>	<p>If it can be established that such conditions prevailed, and it is likely that signs and markings were obscured as claimed and there was no alternative indication of the restriction.</p>	<p>If it can be established that such conditions did not cause lines and signs to be obscured as claimed.</p> <p>If the Civil Enforcement Officer's notes photographic evidence etc. directly contradict the motorist's version of events.</p> <p>If any reasonable alternative indication of the restriction was available to the motorist.</p> <p>If the location of the contravention was unlikely to be subject to the natural conditions described by the motorist, i.e. it was under cover.</p>
<p>MC21 where the motorist claims that their vehicle had broken down.</p>	<p>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.</p>	<p>If the motorist is unable to provide evidence of any kind that their vehicle had broken down.</p> <p>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.</p> <p>If the Civil Enforcement Officer's notes contradict the motorist's version of events.</p>
<p>MC22 where the motorist claims that they were attending an emergency or another vehicle that had broken down.</p>	<p>If the motorist is able to provide reasonable proof of the emergency, i.e. a credible report of an accident or incident, or that they were attending to another vehicle that had broken down.</p>	<p>If the motorist is unable to provide evidence of any kind that they were attending an emergency or another vehicle which had broken down.</p> <p>If the Civil Enforcement Officer'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.</p>

<p>MC23 where the motorist claims to have put money into the wrong ticket machine.</p>	<p>If it is agreed that the position of the ticket machine used by the motorist is likely to cause confusion.</p>	<p>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.</p>
<p>MC24 where the vehicle in question was on police, fire brigade or ambulance duties.</p>	<p>If a senior officer of the service concerned, supports the representations and there is no reason to doubt that the vehicle was engaged on operational activities.</p>	<p>In all other circumstances.</p>
<p>MC25 where the motorist claims to have been collecting or depositing monies at a bank.</p>	<p>If the procedure explained in the motorist's representations is consistent with the allowance for loading and unloading, see Policy S1.1, above</p> <p>Or</p> <p>If specific arrangements have been agreed.</p>	<p>In all other circumstances.</p>
<p>MC26 where the motorist claims to have been unaware of a temporary parking restriction or special event restriction.</p>	<p>If the motorist claims that there was no indication of the restriction, and the Civil Enforcement Officer's notes/photographs do not confirm that appropriate signing was in place.</p> <p>If the process followed to make the temporary order was defective in some way.</p>	<p>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.</p>
<p>MC27 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.</p>	<p>In no circumstances.</p>	<p>On all occasions.</p>
<p>MC28 where the registered keeper liable for payment of the PCN is said to have died.</p>	<p>Where the circumstances can be confirmed (by sensitive enquiry).</p>	<p>Only if there is significant evidence to doubt the sincerity of the representations.</p>

<p>MC29 where the vehicle driven by the motorist is diplomatically registered.</p>	<p>In all circumstances. A Notice to Owner should never be sent to the keeper of a diplomatically registered vehicle CCC should be informed of all penalty charges un-recovered 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].</p>	<p>In no circumstances.</p>
<p>MC30 where the motorist received a Fixed Penalty Notice (FPN) from a police officer or traffic warden when parked in the same location.</p>	<p>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 provided.</p>	<p>In all other circumstances.</p>
<p>MC31 where a Council officer or Member parked in contravention and claims to have been on Council business.</p>	<p>If the officer was carrying out emergency or other statutory work.</p>	<p>If it can be established that the officer/Member could have reasonably parked elsewhere.</p>
<p>MC32 where the motorist stopped to drop off someone.</p>	<p>In exceptional circumstances and subject to observations times, the motorist had to escort a passenger (child, elderly or disabled person) to home, or school, and the circumstances are seen by the Civil Enforcement Officer.</p>	<p>If motorist was parked/stopped on school keep clear markings, pedestrian crossing, bus stop clearway.</p>
<p>MC33 where motorist was unaware of the Overnight Waiting Ban/Commercial Vehicle waiting restriction.</p>	<p>If motorist was instructed / authorised to park in contravention of the restriction by the police.</p>	<p>In all other circumstances.</p>

<p>MC34 where motorist states they were in police custody when PCN issued.</p>	<p>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.</p>	<p>If no proof provided. If vehicle could have been legally parked before arrest.</p>
<p>MC35 where motorist states they were visiting a friend or relative in urgent circumstances.</p>	<p>If due to an emergency the parking contravention could not be avoided due to the exceptional nature of the incident.</p>	<p>If motorist has already received a PCN, which has been cancelled for the same reason. If the Civil Enforcement Officer's Pocketbook notes provide significant reason to doubt sincerity of representation.</p>
<p>MC36 where motorist claims they were parked on private property.</p>	<p>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.</p>	<p>In all other circumstances.</p>
<p>MC37 where motorist was delayed in returning to their vehicle parked in a limited waiting parking place.</p>	<p>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.</p>	<p>If the delay described by the motorist was not exceptional, i.e. queuing in a shop. 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 subsequently released without charge or proven innocent.</p>
<p>MC38 where motorist had parked while asking directions / opening gates to private property.</p>	<p>If evidence provided by the Civil Enforcement Officer does not contradict representations.</p>	<p>In all other circumstances.</p>

MC39 where motorist stopped to answer mobile phone.	In no circumstances.	On all occasions.
MC40 where motorist states that the details on the PCN are incorrect, e.g. Location.	If there is reason to doubt that the PCN was issued correctly, taking into account evidence provided by the Civil Enforcement Officer.	If the Penalty Charge Notice was fully and correctly completed.
MC41 where motorist states they were unaware of enforcement on Bank/Public holidays.	In no circumstances.	On all occasions.
MC42 where motorist states that restriction was marked after the vehicle had been parked.	If records confirm that signing/lining/ placement of cones or suspension notices was likely to have taken place after the vehicle parked.	If there is evidence to show that markings were already in place at the time of parking.