

# WARRINGTON Borough Council



## Cancellation Policy

Guidelines for the consideration of  
challenges against Penalty Charge  
Notices

Policies 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

January 2019

# INDEX

Page No

<b><u>INTRODUCTION</u></b> .....	<b>4</b>
----------------------------------	----------

<b><u>STATUTORY GROUNDS TO MAKE REPRESENTATIONS (PART 6 OF TRAFFIC MANAGEMENT ACT 2004)</u></b> .....	<b>5</b>
---	----------

<b><u>S1 THE CONTRAVENTION DID NOT OCCUR:</u></b> .....	<b>5</b>
---	----------

<u>S1.1 where the motorist claims he/she was loading/unloading</u> .....	5
<u>S1.2 where the motorist claims that a parking pay &amp; display machine was faulty</u> .....	5
<u>S1.3 where motorist claims that the restriction is not clearly signed or marked</u> .....	6
<u>S1.4 where motorist was carrying out building works</u> .....	6
<u>S1.5 where motorist claims that PCN was not served (i.e. PCN not found attached to vehicle or handed to driver)</u> .....	6
<u>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</u> .....	7
<u>S1.7 where motorist claims that a valid authorisation to park, had been issued</u> .....	7
<u>S1.8 where the motorist claims that a pay &amp; display ticket was purchased and displayed</u> ...	7

<b><u>S2 THE PENALTY EXCEEDED THE RELEVANT AMOUNT</u></b> .....	<b>8</b>
---	----------

<b><u>S3 THE TRAFFIC ORDER WAS INVALID</u></b> .....	<b>8</b>
--	----------

<b><u>S4 THE MOTORIST WAS NOT THE OWNER/KEEPER OF THE VEHICLE AT THE TIME OF THE CONTRAVENTION:</u></b> .....	<b>8</b>
---	----------

<u>S4.1 where the current registered keeper claims that the vehicle was disposed of before the contravention occurred</u> .....	8
<u>S4.2 where the current registered keeper claims that the vehicle was purchased after the contravention occurred</u> .....	9
<u>S4.3 where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention</u> .....	9
<u>S4.4 where the motorist claims that they never owned the vehicle</u> .....	9

<b><u>S5 THE VEHICLE HAD BEEN TAKEN WITHOUT OWNER'S CONSENT ...</u></b> <b>20</b>
---

<u>S5.1 where the current registered keeper claims that the vehicle had been stolen</u> .....	20
<u>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)</u> .....	20

<b><u>S6 THE OWNER IS A HIRE COMPANY AND HAVE SUPPLIED THE NAME OF THE HIRER</u></b> .....	<b>20</b>
--	-----------

**S7 ANY OTHER INFORMATION THAT THE MOTORIST / VEHICLE OWNER WANT THE COUNCIL TO TAKE INTO CONSIDERATION..... 11**

**MITIGATING CIRCUMSTANCES ..... 11**

MC1 where the motorist claims to have become unwell while driving or whilst parked..... 11

MC2 where the motorist claims to be a doctor, nurse, health visitor attending a patient..... 11

MC3 where the motorist stopped to use the toilet ..... 11

MC4 where the motorist stopped to collect (prescribed) medication from a chemist..... 12

MC5 where the motorist was a patient visiting a doctor's surgery..... 12

MC6 where the motorist claims to have been recently bereaved..... 12

MC7 where the motorist was delayed in returning to their vehicle and parking time purchased had expired ..... 13

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..... 13

MC9 where the motorist left the vehicle parked without a valid ticket on display to obtain change. (Including RINGO Cashless 9B/9C)..... 13

MC10 where the motorist claims to have been unaware of charges or restriction in the car park relating to vehicle's class or weight. .... 15

MC11 where the motorist claims to have been unaware of recent rise in tariff..... 15

MC12 where the motorist had parked with one or more wheels outside of a marked bay in a car park..... 15

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 ..... 15

MC14 where the motorist claims to have been unaware of the existence of a controlled parking zone ..... 16

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 ..... 16

MC16 where the motorist is parked in contravention of a waiting/parking prohibition whilst displaying a resident's visitor permit. .... 17

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..... 17

MC18 where the motorist had parked incorrectly in a controlled bay on-street..... 17

MC19 where the motorist assumed that they were entitled to "a period of grace" before the PCN was issued ..... 18

MC20 where the motorist claims they were attending a funeral..... 18

MC21 where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings ..... 18

MC22 where the motorist claims that their vehicle had broken down ..... 18

MC23 where the motorist claims that they were attending an emergency or another vehicle that had broken down ..... 19

MC24 where the motorist claims to have put money into the wrong ticket machine ..... 19

MC25 where the vehicle in question was on police, fire brigade or ambulance duties..... 19

MC26 where the motorist claims to have been collecting or depositing monies at a bank . 19

MC27 where the motorist claims to have been unaware of a temporary parking restriction or special event restriction..... 20

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..... 20

MC29 where the registered keeper liable for payment of the PCN is said to have died..... 20

MC30 where the vehicle driven by the motorist is diplomatically registered..... 21

MC31 where the motorist received a Fixed Penalty Notice (FPN) from a police officer or traffic warden when parked in the same location..... 21

MC32 where a Council officer or Member parked in contravention and claims to have been on Council business ..... 21

MC33 where the motorist stopped to drop off someone ..... 21

MC34 where motorist was unaware of the Overnight Waiting Ban/Commercial Vehicle waiting restriction.....	22
MC35 where motorist states they were in police custody when PCN issued .....	30
MC36 where motorist states they were visiting a friend or relative in urgent circumstances .....	30
MC37 where motorist claims there was no legal place to park.....	30
MC38 where motorist claims they were parked on private property .....	30
MC39 where motorist was delayed in returning to their vehicle parked in a limited waiting parking place .....	23
MC40 where motorist had parked while asking directions / opening gates to private property .....	23
MC41 where motorist stopped to answer mobile phone .....	23
MC42 where motorist states that the details on the PCN are incorrect, e.g. location.....	24
MC43 where motorist states they were unaware of enforcement on Bank/Public holidays	25
MC44 where motorist states that restriction was marked after the vehicle had been parked .....	25

## 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.

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.

**STATUTORY GROUNDS TO MAKE REPRESENTATIONS (Part 6 of Traffic Management Act 2004)**

**Important note:**

Although the following are the 6 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 7<sup>th</sup> 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
<b><u>S1 The contravention did not occur:</u></b>	
<b>S1.1 where the motorist claims he/she was loading/unloading</b>	
<p>On a waiting prohibition or in a controlled bay: If evidence is available or provided to show:</p> <ol style="list-style-type: none"> <li>1. Goods being delivered or collected were heavy, bulky, or numerous and it would be unreasonable to expect them to be carried from 'legal' parking place.</li> <li>2. Loading/unloading activity was adjacent to the premises concerned.</li> <li>3. Loading/unloading activity was timely (includes checking goods and paperwork, but not delayed by unrelated activity [Source – Traffic Orders, decided cases e.g. Jane Packer Flowers] If in the course of business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc.</li> </ol>	<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 &amp; display ticket was not purchased first.</p>

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S1.2 where the motorist claims that a parking pay &amp; display machine was faulty</b>	
<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 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>

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S1.3 where motorist claims that the restriction is not clearly signed or marked</b>	
If signs and/or markings are missing or unclear. If signs and markings are inconsistent with each other and/or Traffic Order or legislation.	If site visit records or photographs establish that signs and/or markings are correct and consistent with each other and the Traffic Regulation Order.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S1.4 where motorist was carrying out building works</b>	
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.	In all other circumstances.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S1.5 where motorist claims that PCN was not served (i.e. PCN not found attached to vehicle or handed to driver)</b>	
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.	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.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S1.6 where the motorist claims that their vehicle was not parked in the location at the time and on the date alleged on the PCN which was issued</b>	
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.	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.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S1.7 where motorist claims that a valid authorisation to park, had been issued</b>	
If records show that the motorist holds a valid authorisation to park.	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.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S1.8 where the motorist claims that a pay &amp; display ticket was purchased and displayed</b>	
If the motorist produces a Pay & Display parking ticket that was valid at the time the Penalty Charge Notice was issued, or, the CEO confirms that a face down ticket was displayed, and the serial number on the photograph and the serial number on the ticket are identical.	If the motorist is unable to produce a valid pay & display ticket. If the CEO was unable to confirm that a face down ticket or a ticket that was displayed but concealed in some other way was seen. If the CEO noted that the motorist obtained their ticket from another motorist in the car park.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b><u>S2 The penalty exceeded the relevant amount</u></b>	
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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b><u>S3 The Traffic Order was invalid</u></b>	
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.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b><u>S4 The motorist was not the owner/keeper of the vehicle at the time of the contravention:</u></b>	
<b><u>S4.1 where the current registered keeper claims that the vehicle was disposed of before the contravention occurred</u></b>	
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 reason not considered to be bona fide.



MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S4.2 where the current registered keeper claims that the vehicle was purchased after the contravention occurred</b>	
<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>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.</p>

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S4.3 where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention</b>	
<p>Only when a hire agreement exists (see policy S6, below).</p>	<p>In all other circumstances because the registered keeper is always liable, including where the vehicle was left in the care of a garage.</p>

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S4.4 where the motorist claims that they never owned the vehicle</b>	
<p>If the DVLA confirm that the motorist was not the registered keeper at the time of the contravention.</p>	<p>If the DVLA confirms that the motorist was the registered keeper of the vehicle at the time of the contravention. If the previous registered keeper provides proof that the motorist bought the vehicle before the contravention, or the subsequent registered keeper provides proof that the motorist sold the vehicle after the contravention. If the motorist is proven to have hired the vehicle for the day on which the contravention occurred and signed an agreement to take responsibility for PCN's incurred, subject to the time of hire (see policy S6, below).</p>

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b><u>S5 the vehicle had been taken without owner's consent</u></b>	
<b>S5.1 where the current registered keeper claims that the vehicle had been stolen</b>	
If the registered keeper provides a valid police crime report containing a valid police crime 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.

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b><u>S6 the owner is a hire company and have supplied the name of the hirer</u></b>	
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.	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.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b><u>S7 Any other information that the motorist / vehicle owner want the Council to take into consideration</u></b>	
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
<b>MC1 where the motorist claims to have become unwell while driving or whilst parked</b>	
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.	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.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC2 where the motorist claims to be a doctor, nurse, health visitor attending a patient</b>	
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.	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.

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

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

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC6 where the motorist claims to have been recently bereaved</b>	
If the motorist can provide proof, taking into account the sensitivity of this issue.	If the motorist cannot provide proof, or, 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.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC7 where the motorist was delayed in returning to their vehicle and parking time purchased had expired</b>	
<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. 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. Or it can be evidenced that the motorist had returned within the 10 minutes grace period.</p>	<p>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.</p>

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC9 where the motorist left the vehicle parked without a valid ticket on display to obtain change.</b>	
<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. Or it can be evidenced that the motorist had returned within the 10 minutes grace period.</p>	<p>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.</p>

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
----------------------------	----------------------------

**MC9A where the motorist left the vehicle parked with P&D ticket displayed without matching 3 digits of their VRM (Birchwood car park only)**

Under no circumstances.

In all circumstances

**MAY ACCEPT REPRESENTATIONS**

**MAY REJECT REPRESENTATIONS**

**MC9B Where the motorist claims to have entered the wrong VRM into Ringo**

If there is evidence that the motorist has entered the wrong VRM on Ringo account and it is a genuine mistake.

In all other circumstances

**MC9C Where the motorist claims to have incorrectly entered the VRM when parking**

If the motorist has entered 1 or 2 digits incorrectly on their Ringo account and it can be seen to be the correct vehicle details.

In all other circumstances

**MAY ACCEPT REPRESENTATIONS**

**MAY REJECT REPRESENTATIONS**

**MC10 where the motorist claims to have been unaware of charges or restriction in the car park relating to vehicle's class or weight.**

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

In all other circumstances.

**MAY ACCEPT REPRESENTATIONS**

**MAY REJECT REPRESENTATIONS**

**MC11 where the motorist claims to have been unaware of recent rise in tariff**

If statutory notices were not erected in accordance with procedural regulations. If revised tariff is not on tariff board(s).

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

**MAY ACCEPT REPRESENTATIONS**

**MAY REJECT REPRESENTATIONS**

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

Only in the most exceptional of circumstances that were outside the motorists control and are supported by incontrovertible evidence. Or the vehicle is parked on an end bay and will and is not causing an obstruction. Otherwise, in no circumstances.

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

**MAY ACCEPT REPRESENTATIONS**

**MAY REJECT REPRESENTATIONS**

**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**

If the Blue Badge was displayed face down, so that the expiry date (wheelchair symbol) could not be seen.  
**If no previous "First Strike" has been given (within 2 years) request the front & back of the Blue Badge, if the details match AND the Blue Badge is valid, accept the challenge.**

If the Blue Badge had expired within the last 7 days and Owner advised that a replacement valid badge received.  
**If no previous "First Strike" has been given (within 2 years) request the front & back of the REPLACEMENT Blue**

If the motorist has previously had a PCN cancelled in the last 2 years 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.

If no blue badge was on display.

<p><b>Badge, if the replacement Blue Badge is valid, accept the challenge.</b></p> <p>If there is evidence provided by the issuing CEO who observed the badge and recorded the badge details during or just after the PCN had been issued.</p> <p><b>If no previous “First Strike” has been given (within 2 years) AND the Blue Badge is valid, accept the challenge.</b></p> <p>If a valid Blue Badge is displayed BUT there isn't a Time Clock.</p> <p><b>If no previous “First Strike” has been given (within 2 years) request the front &amp; back of the Blue Badge, if the details match AND the Blue Badge is valid, accept the challenge.</b></p>	
---	--

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p><b>MC14 where the motorist claims to have been unaware of the existence of a controlled parking zone</b></p>	
<p>If it can be established that the signing and marking of the CPZ/CPA is at fault, see policy S1.3, above.</p>	<p>In all other circumstances.</p>

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p><b>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</b></p>	
<p>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).</p>	<p>In all other circumstances. In the event of more than one vehicle registration included on the permit, subsequent production of the permit will not necessarily cause automatic cancellation of the PCN as the permit may have been used on the other vehicle.</p>



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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>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</b>	
In no circumstances.	On all occasions.

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC19 where the motorist assumed that they were entitled to “a period of grace” before the PCN was issued</b>	
If a motorist was parked legally in a designated parking place and a Penalty Charge Notice was issued within 10 minutes of the restrictions changing or the limited time for parking had expired.	In all other circumstances.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC20 where the motorist claims they were attending a funeral</b>	
If no evidence exists to the contrary, taking into account the sensitivity of this issue.	Only if there is a significant reason to doubt the sincerity of the representations.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC21 where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings</b>	
If it can be established from the CEO’s photographs 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.	If it can be established that such conditions did not cause lines and signs to be obscured as claimed. If the CEO’s notes photographic evidence etc. directly contradict the motorist’s version of events. If any reasonable alternative indication of the restriction was available to the motorist. If the location of the contravention was unlikely to be subject to the natural conditions described by the motorist, i.e. it was under cover.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC22 where the motorist claims that their vehicle had broken down</b>	
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.	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.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC23 where the motorist claims that they were attending an emergency or another vehicle that had broken down</b>	
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.	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.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC24 where the motorist claims to have put money into the wrong ticket machine</b>	
If it is agreed that the position of the ticket machine used by the motorist is likely to cause confusion.	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.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC25 where the vehicle in question was on police, fire brigade or ambulance duties</b>	
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.	In all other circumstances.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC26 where the motorist claims to have been collecting or depositing monies at a bank</b>	
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. <b>Remember bulky, heavy, Numerous Items include change from the bank. Is</b>	In all other circumstances.

the proof received from a commercial business of deposits of over £500 prior to collecting change. (Banks do not provide proof of collections).	
---	--

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC27 where the motorist claims to have been unaware of a temporary parking restriction or special event restriction</b>	
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.	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.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>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</b>	
In no circumstances.	On all occasions.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC29 where the registered keeper liable for payment of the PCN is said to have died</b>	
If proof is provided, taking into account the sensitivity of this issue.	If proof is not provided.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
----------------------------	----------------------------

**MC30 where the vehicle driven by the motorist is diplomatically registered**

In all circumstances. A Notice to Owner should never be sent to the keeper of a diplomatically registered vehicle KCC should be informed of all penalty charges unrecovered from keepers of diplomatically registered vehicles. They will pass information concerning these debts on to the Foreign and Commonwealth Office [Source – Secretary of State’s Traffic Management and Parking Guidance, Vienna Convention on Diplomatic Relations, Diplomatic Privileges Act 1964 and Government Report on Review of Vienna Convention...]

In no circumstances.

**MAY ACCEPT REPRESENTATIONS**

**MAY REJECT REPRESENTATIONS**

**MC31 where the motorist received a Fixed Penalty Notice (FPN) from a police officer or traffic warden when parked in the same location**

To prevent ‘double jeopardy’, if confirmation provided by the police that proceedings for a criminal offence in connection with the same parking/waiting incident have been instituted.

In all other circumstances.

**MAY ACCEPT REPRESENTATIONS**

**MAY REJECT REPRESENTATIONS**

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

If the officer can prove that they were carrying out **emergency** or other **statutory** work.

If it can be established that the officer/Member could have reasonably parked elsewhere.

**MAY ACCEPT REPRESENTATIONS**

**MAY REJECT REPRESENTATIONS**

**MC33 where the motorist stopped to drop off someone**

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.

If motorist was parked/stopped on school keep clear markings, pedestrian crossing, bus stop clearway.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC34 where motorist was unaware of the Overnight Waiting Ban/Commercial Vehicle waiting restriction</b>	
If motorist was instructed / authorised to park in contravention of the restriction by the police.	In all other circumstances.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC35 where motorist states they were in police custody when PCN issued</b>	
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.	If no proof provided. If vehicle could have been legally parked before arrest.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC36 where motorist states they were visiting a friend or relative in urgent circumstances</b>	
If proof has been provided. If due to an emergency the parking contravention could not be avoided due to the exceptional nature of the incident.	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.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC37 where motorist claims there was no legal place to park</b>	
Only in the most exceptional of circumstances.	In the absence of exceptional circumstances.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
----------------------------	----------------------------

**MC38 where motorist claims they were parked on private property**

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.	In all other circumstances.
--	-----------------------------

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>MC39 where motorist was delayed in returning to their vehicle parked in a limited waiting parking place</b>	
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.	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.

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

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>MC41 where motorist stopped to answer mobile phone</b>	
In no circumstances.	On all occasions.

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
-----------------------------------	-----------------------------------

**MC42 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 CEO.

If the PCN was fully and correctly completed.



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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC44 where motorist states that restriction was marked after the vehicle had been parked</b>	
If records/photographs 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.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC45 where the motorist was not displaying a valid residents permit, visitors permit, or contract permit</b>	
If a valid Residents / Visitor permit has been provided, but <b>only</b> for the first strike (per person). If the valid Staff / Contract permit details have been checked and <b>confirmed</b> by Paul Marsh, but <b>only</b> for the first <b>three</b> strikes (per person).	In all other circumstances. In the event of more than one vehicle registration included on the permit, subsequent production of the permit will not necessarily cause automatic cancellation of the PCN as the permit may have been used on the other vehicle.