

# **Dudley Metropolitan Borough Council**

## **CIVIL PARKING ENFORCEMENT**

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

Policies set out in this document provides guidance only.

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



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# **Dudley Metropolitan Borough Council POLICIES FOR THE ENFORCEMENT AND CANCELLATION OF PENALTY CHARGE NOTICES – INTRODUCTION**

Dudley Metropolitan Borough Council has prepared the following policy guidance in respect of Civil Parking Enforcement. The guidelines 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 Traffic Penalty Tribunal (the Adjudication Service for Civil Parking Enforcement) and the Local Government Ombudsman.

What is important about these guidelines is that they represent a foundation upon which fairness and discretion can be applied. The importance of flexibility in these matters has been recognized 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 recognize 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.

This Document is produced based on the Kent Civil Parking Enforcement Guide by Kent County Council Parking Managers Group to whom we thank.

# STANDARD CONTRAVENTION CODES & OBSERVATION TIMES

*The below Contravention Codes are used in the Dudley Metropolitan Borough Council Area upon the Issuance of Penalty Charge Notices.*

Code	Contravention	Level	Observations (Mins)	
			Goods <sup>1</sup>	PMC <sup>2</sup>
01	Parked in a restricted street during prescribed hours	Higher	10	5
02	Parked or loading / unloading in a restricted street where waiting and loading / unloading restrictions are in force	Higher	0	0
04	Parked in a meter bay when penalty time is indicated	Lower	0	0
05	Parked after the expiry of paid for time	Lower	0	0
06	Parked without clearly displaying a valid pay & display ticket or voucher	Lower	0 <sup>3</sup>	0
07	Parked with payment made to extend the stay beyond initial time	Lower	0	0
08	Parked at an out-of-order meter during controlled hours	Lower	0	0
09	Parked displaying multiple pay & display tickets where prohibited	Lower	0	0
10	Parked without clearly displaying two valid pay and display tickets when required	Lower	0	0
11	Parked without payment of the parking charge	Lower	0	0
12	Parked in a residents' or shared use parking place or zone without either clearly displaying a valid permit or voucher or pay and display ticket issued for that place, or without payment of the parking charge	Higher	0	0
14	Parked in an electric vehicles' charging place during restricted hours without charging	Higher	0	0
16	Parked in a permit space or zone without clearly displaying a valid permit	Higher	0	0
18	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher	0	0
19	Parked in a residents' or shared use parking place or zone either displaying an invalid permit or voucher or pay and display ticket, or after the expiry of paid for time	Lower	0	0
20	Parked in a part of a parking place marked by a yellow line where waiting is prohibited	Higher	10	5
21	Parked wholly or partly in a suspended bay or space	Higher	0	0
22	Re-parked in the same parking place or zone within one hour after leaving	Lower	0	0

<sup>1</sup> If a Goods Vehicle has a 10 min observation appended to the Contravention Code, An 'instant' PCN may always be issued in circumstances where the Civil Enforcement Officer concerned 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.

<sup>2</sup> If a PMC (Private Motor Car) has a 5 min observation appended to the Contravention Code, An 'instant' PCN may always be issued in circumstances where the Civil Enforcement Officer concerned 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.

<sup>3</sup> Car Park Visitors are not permitted time to obtain change away from the immediate area of the P&D machine or car park. Civil Enforcement Officers 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.

23	Parked in a parking place or area not designated for that class of vehicle	Higher	0	0
24	Not parked correctly within the markings of the bay or space	Lower	0	0
25	Parked in a loading place or bay during restricted hours without loading	Higher	10	5
26	Parked in a special enforcement area more than 50 cm from the edge of the carriageway and not within a designated parking place	Higher	0	0
27	Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway	Higher	0	0
30	Parked in a special enforcement area on part of the carriageway raised to meet the level of a footway, cycle track or verge	Lower	0	0
34	Parked for longer than permitted	N/A	0	0
35	Being in a bus lane	Lower	0	0
36	Parked in a disc parking place without clearly displaying a valid disc	Lower	0	0
40	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher	0	0
41	Stopped in a parking place designated for diplomatic vehicles	Higher	0	0
42	Parked in a parking place designated for police vehicles	Higher	0	0
45	Stopped on a cycle docking station parking place	Higher	0	0
46	Stopped on a taxi rank	Higher	0	0
47	Stopped where prohibited (on a red route or clearway)	Higher	0	0
48	Stopped on a restricted bus stop or stand	Higher	0	0
49	Stopped in a restricted area outside a school, a hospital or a fire, police or ambulance station when prohibited	Higher	0	0
55	Parked wholly or partly on a cycle track or lane	Higher	0	0
56	A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban	Higher	0	0
57	Parked in contravention of a commercial vehicle waiting restriction	Higher	0	0
61	Parked in contravention of a bus ban	Higher	0	0
62	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	Higher	0	0
63	Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway	Lower	0	0
70	Parked in a loading place or bay during restricted hours without loading	Higher	10	5
71	Parked in an electric vehicles' charging place during restricted hours without charging	Higher	0	0
73	Parked without payment of the parking charge	Lower	0	0
74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher	0	0
80	Parked for longer than permitted	Lower	0	0
81	Parked in a restricted area in a car park	Higher	0	0
82	Parked after the expiry of paid for time	Lower	0	0
83	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower	0 <sup>4</sup>	0
84	Parked with payment made to extend the stay beyond initial time	Lower	0	0

<sup>4</sup> Car Park Visitors are not permitted time to obtain change away from the immediate area of the P&D machine or car park. Civil Enforcement Officers 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.

85	Parked without clearly displaying a valid permit where required	Higher	0	0
86	Not parked correctly within the markings of a bay or space	Lower	0	0
87	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher	0	0
89	Vehicle parked exceeds maximum weight or height or length permitted	Higher	0	0
90	Re-parked in the same car park within one hour (or other specified time) after leaving	Lower	0	0
91	Parked in a car park or area not designated for that class of vehicle	Higher	0	0
92	Parked causing an obstruction	Higher	0	0
93	Parked in car park when closed	Lower	0	0
94	Parked in a pay & display car park without clearly displaying two valid pay and display tickets when required	Lower	0	0
95	Parked in a parking place for a purpose other than that designated	Lower	0	0
96	Parked with engine running where prohibited	Lower	0	0
99	Stopped on a pedestrian crossing or crossing area marked by zigzags	Higher	0	0
<p>Other Penalty Charge Notice codes are not applicable to the Borough of Dudley. If you wish to view these non applicable PCN Codes, please visit the Patrol Website where there is further information available.</p> <p>Traffic Regulation Orders are available on the Dudley MBC Website at <a href="http://gismo.dudley.gov.uk/public/traffic/default.asp">http://gismo.dudley.gov.uk/public/traffic/default.asp</a></p>				



## STATUTORY GROUNDS TO MAKE REPRESENTATIONS (Schedule 6 of Road Traffic Act 1991)

**Important Note:**

Although the following are the six Statutory Grounds to make representation following service of a Notice to Owner letter, in accordance with a directive issued by the Local Government Ombudsman, full consideration will be given and account taken of all representations received, whether or not they fall within the description of “**Statutory Grounds**”, It is for this reason 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**

**S1 The contravention did not occur:**

**S1.1 where the motorist claims he/she was loading/unloading**

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• On a waiting prohibition or in a controlled bay:</li> <li>• If evidence is available or provided to show             <ul style="list-style-type: none"> <li>○ Goods being delivered or collected were heavy, bulky, or numerous and it would be unreasonable to expect them to be carried from a ‘legal’ parking place.</li> <li>○ Loading/unloading activity was adjacent to the premises concerned.</li> <li>○ Loading/unloading activity was timely (includes checking goods and paperwork, but not delayed by unrelated activity<sup>5</sup>)</li> <li>○ If in the course of business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc.</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• On school ‘keep clear’ Zig Zag markings; on bus stop clearways; on Taxi ranks on Police bays where loading is prohibited;-             <ul style="list-style-type: none"> <li>○ in car parks: (except when depositing materials in recycling bins)</li> </ul> </li> <li>• If a valid pay &amp; display ticket was not purchased first</li> </ul> |
|---|---|

**NOTES**

<sup>5</sup> Source – Traffic Orders, decided cases e.g. Jane Packer Flowers

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S1.2 where the motorist claims that a pay &amp; display ticket machine was faulty</b>	
<ul style="list-style-type: none"> <li>• If service records confirm a fault or that the machine had been taken out of service at the time of the contravention.</li> <li>• If there is reasonable doubt because evidence is 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</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• If there is reasonable doubt because evidence confirms that other visitors had been able to purchase tickets during the relevant period</li> </ul>
NOTES	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S1.3 where the motorist claims that the restriction is not clearly signed or marked</b>	
<ul style="list-style-type: none"> <li>• If signs and/or markings are missing or unclear</li> <li>• If signs and markings are inconsistent with each other and/or Traffic Order or legislation</li> </ul>	<ul style="list-style-type: none"> <li>• If site visit records or photographs establish that signs and/or markings are correct and consistent with each other and the Traffic Regulation Order.</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S1.4 where motorist was carrying out construction or demolition works etc.</b>	
<ul style="list-style-type: none"> <li>• If evidence confirms that the motorist was simply loading/unloading (see policy S1.1, above)</li> <li>• If a valid waiver to park at the location in question had been issued and was on display in the vehicle.</li> <li>• If works are of a statutory nature or are exempted from restrictions by a Traffic Order or legislation</li> <li>• If it can be proven that works were an emergency,</li> </ul>	<ul style="list-style-type: none"> <li>• In all other circumstances</li> </ul>
<b>NOTES</b>	

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S1.5 where the motorist claims that PCN was not served (i.e. PCN not found attached to vehicle or handed to driver)</b>	
<ul style="list-style-type: none"> <li>If the Civil Enforcement Officer'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.</li> </ul>	<ul style="list-style-type: none"> <li>If the Civil Enforcement Officer's notes or photographs confirm that a PCN was correctly served, i.e. handed to the motorist or fixed to their vehicle</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S1.6 where the motorist claims that their vehicle was not parked in the alleged location at the time and on the date the PCN was issued</b>	
<ul style="list-style-type: none"> <li>• Following consideration of all available evidence, paying particular attention to the make, model and colour of the vehicle</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• If the motorist does not provide a copy of their tax disc, after being given a further opportunity to submit such a copy</li> </ul> <p style="text-align: center;">Or</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p style="text-align: center;">Or</p> <ul style="list-style-type: none"> <li>• If there is no evidence or if the evidence presented does not support the claim or is inconclusive</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S1.7 where the motorist claims that a valid authorisation to park, had been issued</b>	
<ul style="list-style-type: none"> <li>If the motorist can produce a valid authorisation to park or records show that the motorist held a valid authorisation to park.</li> </ul>	<ul style="list-style-type: none"> <li>If the motorist cannot provide a copy of the valid authorisation to park</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>If there is no record of any issue of the authorisation If the motorist did not park in accordance with the authorisation</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S1.8 where the motorist claims that a pay &amp; display ticket was purchased and correctly displayed</b>	
<ul style="list-style-type: none"> <li>• If the motorist produces a Pay &amp; Display parking ticket that was valid at the time the Penalty Charge Notice was issued and the Civil Enforcement Officer's evidence confirms:</li> <li>• A ticket was displayed 'face down'</li> <li>• A ticket was displayed but partially concealed so that relevant details (expiry time, date, etc) could not be seen and checked</li> <li>• The ticket serial number printed on the back of the 'face down' ticket matches the details of the ticket produced</li> </ul>	<ul style="list-style-type: none"> <li>• If the motorist is unable to produce a ticket that was valid at the time the PCN was issued.</li> <li>• The Civil Enforcement Officer cannot confirm that either a face down ticket or partially concealed ticket was on display at the time. The PCN issued.</li> <li>• The serial number of the ticket produced does not match serial number printed on the back of the ticket seen by the Civil Enforcement Officer.</li> <li>• Where the registration number details entered at the time of purchase and printed on the ticket produced, do not match the registration number of the vehicle concerned, subject to some latitude being allowed for errors</li> <li>• A PCN issued previously in similar circumstances was cancelled.</li> <li>• When evidence confirms that the ticket produced was not purchased by the motorist (obtained from another motorist, found in the car park, etc)</li> </ul>
<b>NOTES</b>	



MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S2 The penalty exceeded the relevant amount</b>	
<ul style="list-style-type: none"> <li>If the PCN and/or Notice to Owner showed the incorrect amount of penalty charge, i.e. the wrong penalty charge band</li> </ul>	<ul style="list-style-type: none"> <li>If the PCN or Notice to Owner showed the correct amount of penalty charge</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S3 The Traffic Order was invalid</b>	
<ul style="list-style-type: none"> <li>• If the Traffic Regulation Order prescribing the restrictions that the vehicle concerned contravened is defective in some way i.e. is ultra vires, was not made in accordance with relevant procedure or is inaccurate or incorrect in terms of detail.</li> </ul>	<ul style="list-style-type: none"> <li>• If the relevant Traffic Regulation Order is sound and accurate in all respects.</li> <li>• If the motorist merely considers the restrictions to be unfair</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S4 The motorist was not the owner/keeper of the vehicle at the time of the contravention:</b>	
<b>S4.1 where the registered (as notified by the DVLA) keeper claims that the vehicle was disposed of before the contravention occurred</b>	
<ul style="list-style-type: none"> <li>• If the registered keeper is able to provide proof that the vehicle was disposed of before the contravention, i.e. a bill of sale, registration document, insurance documents or a letter from the DVLA;</li> </ul> <p>and/or</p> <ul style="list-style-type: none"> <li>• If the registered keeper is able to provide the full name and address of the person to whom they disposed of the vehicle</li> <li>• <b>ACTION - send a new Notice to Owner to the person named by the registered keeper</b></li> </ul>	<ul style="list-style-type: none"> <li>• If the registered keeper is unable to prove that the vehicle was disposed of before the contravention nor able to provide the name and address of the person to whom the vehicle was disposed</li> <li>• If the person named by the registered keeper as the person to whom the vehicle was disposed, does not exist, cannot be traced or some other reason not considered to be bona fide</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S4.2 where the current registered keeper claims that the vehicle was purchased or acquired after the contravention occurred</b>	
<ul style="list-style-type: none"> <li>• If the current registered keeper is able to provide proof that the vehicle was purchased or acquired after the contravention, i.e. an invoice, registration documents, insurance documents or a letter from the DVLA;</li> </ul> <p>and/or</p> <ul style="list-style-type: none"> <li>• If the current registered keeper is able to provide the full name and address of the person from whom they purchased or acquired the vehicle</li> </ul>	<ul style="list-style-type: none"> <li>• If the current registered keeper is unable to prove that they purchased or acquired the vehicle after the contravention nor provide the name and address of the person from whom they purchased or acquired the vehicle</li> <li>• If the person named by the current registered keeper as the person to whom they purchased or acquired the vehicle, does not exist, cannot be traced or is for some other reason is not considered to be bona fide</li> </ul>
<b>NOTES</b>	

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>	
<ul style="list-style-type: none"> <li>• Only when an approved, signed, formal hire agreement exists (see policy S6, below)</li> </ul>	<ul style="list-style-type: none"> <li>• In all other circumstances because the registered keeper is always liable, including where the vehicle was left in the care of a garage</li> </ul>
<p><b>NOTES</b></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S4.4 where the motorist claims that they never owned the vehicle</b>	
<ul style="list-style-type: none"> <li>• If the DVLA confirm the motorist was not the registered keeper at the time of the contravention</li> </ul>	<ul style="list-style-type: none"> <li>• If the DVLA confirm the motorist was the registered keeper of the vehicle at the time of the contravention.</li> <li>• If the previous registered keeper provides proof that the motorist purchased or acquired the vehicle before the contravention, or the subsequent registered keeper provides proof that the motorist sold or disposed of the vehicle after the contravention</li> <li>• 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)</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S5 the vehicle had been taken without owner's consent</b>	
<b>S5.1 where the current registered keeper claims that the vehicle had been stolen</b>	
<ul style="list-style-type: none"> <li>If the registered keeper provides a valid police crime report reference number.</li> </ul>	<ul style="list-style-type: none"> <li>If the current registered keeper is unable to provide any proof of theft</li> <li>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</li> </ul>
<b>NOTES</b>	

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, estranged partner etc)</b>	
<ul style="list-style-type: none"> <li>In no circumstance</li> </ul>	<ul style="list-style-type: none"> <li>In all circumstances because the registered keeper is always liable, save for when a hire agreement exists (see policy S6, below)</li> </ul>
<b>NOTES</b>	



MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S6 the owner is a hire company and they have supplied the name of the hirer</b>	
<ul style="list-style-type: none"> <li>• 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</li> <li>• If the hire company are able to provide the full name and address of the person to whom they hired the vehicle</li> <li>• <b>ACTION - send a new Notice to Owner to the person named by the hire company</b></li> </ul>	<ul style="list-style-type: none"> <li>• 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</li> <li>• 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</li> <li>• If the vehicle was being as a courtesy car without an agreement signed to accept responsibility for Penalty Charge Notices issued.</li> </ul>
<b>NOTES</b>	

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S7 Any other information that the motorist / vehicle owner wants the Council to take into consideration - MITIGATING CIRCUMSTANCES</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.	
<b>MC1 where the motorist claims to have become unwell while driving</b>	
<ul style="list-style-type: none"> <li>• If the motorist provides proof of a medical condition, temporary or permanent, that is consistent with the conditions described.</li> <li>• When the notes made by the Civil Enforcement Officer support the motorist's representations.</li> </ul>	<ul style="list-style-type: none"> <li>• If the motorist cannot provide some proof of a medical condition, temporary or permanent, consistent with the conditions described.</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>• Where other evidence contradicts the motorists claims</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC2 where the motorist claims to be a doctor, nurse, health visitor attending a patient</b>	
<ul style="list-style-type: none"> <li>• 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.</li> </ul> <p style="text-align: center;">Or</p> <ul style="list-style-type: none"> <li>• If the motorist produces evidence that they were responding to an urgent medical call and there was no nearby legal parking place.</li> </ul>	<ul style="list-style-type: none"> <li>• If motorist was not attending a patient in urgent circumstances or if there was a legal parking space nearby.</li> <li>• If motorist was parked outside their practice or other place of work for any reason other than to collect supplies for an urgent call</li> <li>• If motorist was parked in an area which does not correspond with the claim made, i.e. far from patients location, say, in a car park</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC3 where the motorist stopped to use the toilet</b>	
<ul style="list-style-type: none"> <li>On production of medical evidence confirming a relevant medical condition and in support of the circumstances described.</li> </ul>	<ul style="list-style-type: none"> <li>In all other circumstances</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC4 where the motorist stopped to collect (prescribed) medication from a chemist</b>	
<ul style="list-style-type: none"> <li>Only in the most grave, urgent and exceptional of circumstances and the use of a 'legal' parking place would have caused an unacceptable delay.</li> </ul>	<ul style="list-style-type: none"> <li>In any lesser circumstances.</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC5 where the motorist was a patient visiting a doctor's surgery</b>	
<ul style="list-style-type: none"> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• If the motorist was not the patient but only driving the vehicle carrying the patient</li> <li>• If the motorist was attending a pre-arranged, non-urgent appointment.</li> <li>• If the motorist could reasonably have been expected to parked legally elsewhere.</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC6 where the motorist claims to have been recently bereaved</b>	
<ul style="list-style-type: none"> <li>• If no evidence exists to the contrary, taking into account the sensitivity of this issue on first occasion.</li> </ul>	<ul style="list-style-type: none"> <li>• Only if there is a significant reason to doubt the sincerity of representations, i.e. the Civil Enforcement Officer's notes indicating that the motorist was going about a normal day, examples of which are               <ul style="list-style-type: none"> <li>○ Shopping</li> <li>○ Working</li> <li>○ or the bereavement considered to be a long time ago</li> </ul> </li> </ul>
<b>NOTES</b>	

AY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC7 where the motorist was delayed in returning to their vehicle and parking time purchased had expired</b>	
<ul style="list-style-type: none"> <li>• If supported by appropriate evidence, the motorist's claims that the delay returning to the vehicle was caused by circumstances that were entirely unforeseeable, unavoidable and exceptional.</li> <li>• If motorist's vehicle had broken down, subject to concurrence with policy MC25, below)</li> <li>• If the motorist was rendered unable to drive, since parking the vehicle.</li> </ul>	<ul style="list-style-type: none"> <li>• If the delay described by the motorist was entirely avoidable, i.e. queuing in a shop.</li> <li>• If the motorist simply underestimated the time needed and could have reasonably purchased more time, i.e. when conducting business, shopping or commuting.</li> <li>• 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.</li> </ul>
<b>NOTES</b>	



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>	
<ul style="list-style-type: none"> <li>In no circumstances</li> </ul>	<ul style="list-style-type: none"> <li>If the motorist overstays initial period of time purchased or returns within a period of 'No return'</li> </ul>
<b>NOTES</b>	

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>	
<ul style="list-style-type: none"> <li>• If the motorist had not left the car park area, while obtaining change and a ticket was purchased.</li> <li>• The Civil Enforcement Officers evidence confirms there was either no one in the car park who may have been obtaining or trying to obtain change, queuing for or purchasing a car park ticket from a machine or that any individuals seen who may have been doing so, having been allowed sufficient time to do so did not return to the vehicle under observation</li> </ul>	<ul style="list-style-type: none"> <li>• If the Civil Enforcement Officer's notes indicate that the motorist returned to the vehicle while the PCN was being issued:</li> <li>• Having apparently completed the purpose which led to the vehicle being parked in the first place, i.e. carrying shopping etc</li> <li>• Having obtained change outside the car park.</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p><b>MC10 where the motorist claims to have been unaware of the parking charges payable or restriction/prohibitions applicable to vehicles of a certain class or weight.</b></p>	
<ul style="list-style-type: none"> <li>• If signing relating to the parking charges payable, restriction or prohibitions in force applicable to a vehicle of that class or weight are incorrectly or inadequately signs or missing all together.</li> </ul>	<ul style="list-style-type: none"> <li>• In all other circumstances</li> </ul>
<p><b>NOTES</b></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC11 where the motorist claims to have been unaware of recent rise in tariff</b>	
<ul style="list-style-type: none"> <li>If statutory notices were not erected in accordance with procedural regulations. If revised tariff is not on tariff board(s)</li> </ul>	<ul style="list-style-type: none"> <li>If statutory notices were erected in accordance with procedural regulations and tariff board(s) were correct</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC12 where the motorist had parked with one or more wheels outside of a marked parking bay in a car park</b>	
<ul style="list-style-type: none"> <li>Only in the most exceptional of circumstances that were outside the motorists control and are supported by incontrovertible evidence. otherwise In no circumstances</li> </ul>	<ul style="list-style-type: none"> <li>When clear and incontrovertible supporting evidence (photographs/Sketch plan) is available</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p><b>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</b></p>	
<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul>
<p><b>NOTES</b></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC14 where the motorist claims to have been unaware of the existence of a Controlled Parking Zone</b>	
<ul style="list-style-type: none"> <li>If it can be established that the signing and markings of the CPZ are at fault (missing and/or unclear) see policy S1.3, above</li> </ul>	<ul style="list-style-type: none"> <li>In all other circumstances</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<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>	
<ul style="list-style-type: none"> <li>• If the renewal of the authorisation was delayed by the Council's administrative processes</li> <li>• If it can be established that other reasonably unforeseen circumstances delayed the renewal of an authorisation to park, examples of which are <ul style="list-style-type: none"> <li>○ sickness on the part of the applicant</li> <li>○ a postal dispute/delays (supported by appropriate evidence)</li> </ul> </li> <li>• In the case of season tickets and residents / business parking permits only, if the authorisation had expired by less than 14 days</li> </ul>	<ul style="list-style-type: none"> <li>• In all other circumstances</li> <li>• 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</li> </ul>
<p><b>NOTES</b></p>	



MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC16 where the motorist is parked in contravention of a waiting/parking prohibition whilst displaying a residents' visitor permit.</b>	
<ul style="list-style-type: none"> <li>In no circumstances</li> </ul>	<ul style="list-style-type: none"> <li>On all occasions</li> </ul>
<b>NOTES</b>	

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>	
<ul style="list-style-type: none"> <li>• In no circumstances</li> </ul>	<ul style="list-style-type: none"> <li>• On all occasions</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC18 where the motorist had parked incorrectly in a controlled bay on-street</b>	
<ul style="list-style-type: none"> <li>If it can be established that the motorist was genuinely loading or unloading, subject to compliance with guidance provided in S1.1, above.</li> </ul>	<ul style="list-style-type: none"> <li>On all occasions</li> </ul>
<b>NOTES</b>	

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>	
<ul style="list-style-type: none"> <li>• In no circumstances.</li> </ul>	<ul style="list-style-type: none"> <li>• In all circumstances.</li> </ul>
<p><b>NOTES</b></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC20 where the motorist claims they were attending a funeral</b>	
<ul style="list-style-type: none"> <li>• If no evidence exists to the contrary, taking into account the sensitivity of this issue.</li> </ul>	<ul style="list-style-type: none"> <li>• Only if there is a significant reason to doubt the sincerity of the representations.</li> </ul>
<p><b>NOTES</b></p>	

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>	
<ul style="list-style-type: none"> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• If it can be established that such conditions did not cause lines and signs to be obscured as claimed.</li> <li>• If the Civil Enforcement Officer's notes photographic evidence etc. directly contradict the motorist's version of events.</li> <li>• 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</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC22 where the motorist claims that their vehicle had broken down</b>	
<ul style="list-style-type: none"> <li>• If the motorist is able to provide satisfactory evidence of a breakdown, i.e. proof of vehicle recovery or a bill of sale for repair or parts.</li> </ul>	<ul style="list-style-type: none"> <li>• If the motorist is unable to provide satisfactory evidence of any kind that their vehicle had broken down</li> <li>• 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 fuel or water or a similar reason</li> <li>• If the Civil Enforcement Officer’s notes contradict the motorist’s version of events.</li> </ul>
<b>NOTES</b>	

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>	
<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>If the motorist is unable to provide evidence of any kind that they were attending an emergency or another vehicle which had broken down</li> <li>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</li> </ul>
<b>NOTES</b>	



MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC24 where the motorist claims to have put money into the wrong ticket machine</b>	
<ul style="list-style-type: none"> <li>• If the position of the ticket machine used by the motorist is likely to cause confusion.</li> </ul>	<ul style="list-style-type: none"> <li>• If the ticket machine used by the motorist is positioned in such a place that confusion is not likely.</li> <li>• If the motorist has had representations accepted for a similar contravention in the same place, previously.</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC25 where the vehicle in question was on police, fire brigade or ambulance duties</b>	
<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>In all other circumstances</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC26 where the motorist claims to have been collecting or depositing monies at a bank</b>	
<ul style="list-style-type: none"> <li>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</li> </ul>	<ul style="list-style-type: none"> <li>In all other circumstances</li> </ul>
<p><b>NOTES</b></p>	

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>	
<ul style="list-style-type: none"> <li>• 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.</li> <li>• If the process followed to make the temporary order was defective in some way.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
<b>NOTES</b>	

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>	
<ul style="list-style-type: none"> <li>• In no circumstances</li> </ul>	<ul style="list-style-type: none"> <li>• On all occasions</li> </ul>
<b>NOTES</b>	

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>MC29 where the registered keeper liable for payment of the PCN is said to have died</b>	
<ul style="list-style-type: none"> <li>Where the circumstances can be confirmed (by sensitive enquiry).</li> </ul>	<ul style="list-style-type: none"> <li>Only if there is a significant evidence to doubt the sincerity of the representations.</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC30 where the vehicle driven by the motorist is diplomatically registered</b>	
<ul style="list-style-type: none"> <li>• In all circumstances.</li> <li>• <b>A Notice to Owner should never be sent to the keeper of a diplomatically registered vehicle.</b></li> <li>• The Foreign and Commonwealth Office should be informed of all penalty charges that are not paid by keepers of diplomatically registered vehicles. <ul style="list-style-type: none"> <li>○ [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...]</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• In no circumstances</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC31 where the motorist received a Fixed Penalty Notice (FPN) from a police officer or traffic warden when parked in the same location</b>	
<ul style="list-style-type: none"> <li>• To prevent 'double jeopardy', <ul style="list-style-type: none"> <li>○ If confirmation provided by the police that proceedings for a criminal offence in connection with the same parking/waiting incident have been instituted.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• In all other circumstances</li> </ul>
<b>NOTES</b>	



<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>MC32 where a Council officer or Member parked in contravention and claims to have been on Council business</b>	
<ul style="list-style-type: none"> <li>• If the officer was carrying out emergency or other statutory work and the vehicle could not have been reasonably parked elsewhere.</li> </ul>	<ul style="list-style-type: none"> <li>• If it can be established that the officer/Member could have reasonably parked elsewhere.</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC33 where the motorist stopped to drop off someone</b>	
<ul style="list-style-type: none"> <li>• If the circumstances are seen by the Civil Enforcement Officer.</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• If motorist was parked/stopped on school keep clear markings, pedestrian crossing, bus stop clearway</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC34 where motorist was unaware of the Overnight Waiting Ban/Commercial Vehicle waiting restriction</b>	
<ul style="list-style-type: none"> <li>If motorist was instructed / authorised to park in contravention of the restriction by the police.</li> </ul>	<ul style="list-style-type: none"> <li>In all other circumstances</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC35 where motorist states they were in police custody when PCN issued</b>	
<ul style="list-style-type: none"> <li>• If proof (from the Police) has been provided that the police had instructed the motorist to leave the vehicle.</li> <li>• 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</li> </ul>	<ul style="list-style-type: none"> <li>• If no proof provided If vehicle could have been legally parked before arrest</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC36 where motorist states they were visiting a friend or relative in urgent circumstances</b>	
<ul style="list-style-type: none"> <li>• If due to an emergency the parking contravention could not be avoided due to the exceptional nature of the incident.</li> </ul>	<ul style="list-style-type: none"> <li>• If motorist has already received a PCN, which has been cancelled for the same reason</li> <li>• If the Civil Enforcement Officer's Pocket Book notes provides significant reason to doubt sincerity of representation</li> </ul>
<b>NOTES</b>	

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>MC37 where motorist claims there was no legal place to park</b>	
<ul style="list-style-type: none"> <li>• Only in the most exceptional of circumstances</li> </ul>	<ul style="list-style-type: none"> <li>• In the absence of exceptional circumstances</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC38 where motorist claims they were parked on private property</b>	
<ul style="list-style-type: none"> <li>• If land search maps confirm location is private property &amp; not subject of the relevant Traffic Regulation Order</li> <li>• If there is insufficient evidence to establish location of vehicle</li> </ul>	<ul style="list-style-type: none"> <li>• In all other circumstances</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC39 where motorist was delayed in returning to their vehicle parked in a limited waiting parking place</b>	
<ul style="list-style-type: none"> <li>• 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).</li> <li>• If the motorist was unable to drive, since parking the vehicle.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• If the motorist was unable to drive since parking due to excess alcohol in the body or had been were detained by the police for any reason, unless subsequently released without charge or proven innocent</li> </ul>
<b>NOTES</b>	



MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC40 where motorist had parked while asking directions / opening gates to private property</b>	
<ul style="list-style-type: none"> <li>• If evidence provided by the Civil Enforcement Officer does not contradict representations.</li> </ul>	<ul style="list-style-type: none"> <li>• In all other circumstances</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC41 where motorist stopped to answer mobile phone</b>	
<ul style="list-style-type: none"> <li>• In no circumstances</li> </ul>	<ul style="list-style-type: none"> <li>• On all occasions</li> </ul>
<p><b>NOTES</b></p>	

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>MC42 where motorist states that the details on the PCN are incorrect, e.g. location</b>	
<ul style="list-style-type: none"> <li>• If there is reason to doubt that the PCN was issued correctly, taking into account evidence provided by the Civil Enforcement Officer</li> </ul>	<ul style="list-style-type: none"> <li>• If the Penalty Charge Notice was fully and correctly completed.</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC43 where motorist states they were unaware of enforcement on Bank/Public holidays</b>	
<ul style="list-style-type: none"> <li>In no circumstances</li> </ul>	<ul style="list-style-type: none"> <li>On all occasions</li> </ul>
<b>NOTES</b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC44 where motorist states that restriction was marked after the vehicle had been parked</b>	
<ul style="list-style-type: none"> <li>If records confirm that signing/lining/ placement of cones or suspension notices was likely to have taken place after the vehicle parked.</li> </ul>	<ul style="list-style-type: none"> <li>If there is evidence to show that markings were already in place at the time of parking.</li> </ul>
<b>NOTES</b>	

## RECORD OF AMENDMENTS

Date	Section	Amendment	Notes
29/07/2014	All Sections	Fixed Layout, Inserted new PCN Contravention Codes	
07/03/2016	PCN Contravention Codes	Updated PCN Contravention Codes	
23/08/2017	PCN Contravention Codes	Updated PCN Contravention Codes	

This Document is produced based on the Kent Civil Parking Enforcement Guide by Kent County Council Parking Managers Group.