



# **PLYMOUTH CITY COUNCIL CIVIL PARKING ENFORCEMENT**

## **Guidance policies for the enforcement and cancellation of Penalty Charge Notices**

POLICIES SET OUT IN THIS DOCUMENT PROVIDE  
GUIDANCE ONLY

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

March 2010 (v3)

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# Plymouth City Council

## POLICIES FOR THE ENFORCEMENT AND CANCELLATION OF PENALTY CHARGE NOTICES

### INTRODUCTION

Plymouth City Council has prepared the following policy guidance in respect of Decriminalised Parking Enforcement Powers and the Traffic Management Act 2004 (Part 6). The policies in this document are intended to inform the public and provide guidance to council employees working in the enforcement of parking regulations.

This policy guidance 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 Local Government Ombudsman and the Traffic Penalty Charge Tribunal (formerly the National Parking Adjudication Service).

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

The policies address the following:

*Observation times for enforcement staff*

*The statutory grounds upon which representations may be made*

*Mitigating circumstances*

*The acceptance or rejection of representations*

It is important to recognise that each case will be considered on its own merits; matters of proportionality, objectivity, fairness and reasonableness should be paramount.

These policies will be subject to ongoing review.

# STANDARD CONTRAVENTION CODES & OBSERVATION TIMES\*

(Not all Contravention Codes apply in all Council areas)

## Standard PCN Codes v6.5

### On-Street

Code	Description	Differential level	Notes
01	Parked in a restricted street during prescribed hours	Higher	Suffixes y & z for bbh only
02	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	Higher	
04	Parked in a meter bay when penalty time is indicated	Lower	
05	Parked after the expiry of paid for time	Lower	
06	Parked without clearly displaying a valid pay & display ticket or voucher	Lower	
07	Parked with payment made to extend the stay beyond initial time	Lower	'meter feeding'
08	Parked at an out-of-order meter during controlled hours	Lower	Electronic meters only
09	Parked displaying multiple pay & display tickets where prohibited	Lower	Some boroughs only
10	Parked without clearly displaying two**** valid pay and display tickets when required	Lower	Some boroughs only
11	Parked without payment of the parking charge	Lower	
12	Parked in a residents' or shared use parking place or zone without clearly displaying either a permit or voucher or pay and display ticket issued for that place	Higher	
13	---- RESERVED FOR TfL USE (LOW EMISSION ZONE) -- --	n/a	
14	Parked in an electric vehicles' charging place during restricted hours without charging	Higher	
16	Parked in a permit space without displaying a valid permit	Higher	Suffix "s" only for use where bay is completely non-resident
17	---- RESERVED FOR TfL USE (CONGESTION CHARGING) ----	n/a	
18	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher	
19	Parked in a residents' or shared use parking place or zone displaying an invalid permit, an invalid voucher or an invalid pay & display ticket	Lower	
20	Parked in a loading gap marked by a yellow line	Higher	
21	Parked in a suspended bay or space or part of bay or space	Higher	
22	Re-parked in the same parking place or zone within one hour* of leaving	Lower	
23	Parked in a parking place or area not designated for that class of vehicle	Higher	
24	Not parked correctly within the markings of the bay or space	Lower	
25	Parked in a loading place during restricted hours without loading	Higher	On-street loading bays
26	Parked in a special enforcement area more than 50 cm <sup>†</sup> from the edge of the carriageway and not within a designated parking place	Higher	

Code	Description	Differential level	Notes
27	Parked in a special enforcement area adjacent to a dropped footway	Higher	
30	Parked for longer than permitted	Lower	
31	Entering and stopping in a box junction when prohibited	n/a	London only
32	Failing to drive in the direction shown by the arrow on a blue sign	n/a	Code specific suffixes apply. London only
33	Using a route restricted to certain vehicles	n/a	Code specific suffixes apply. London only
34	Being in a bus lane	n/a	
35	Parked in a disc parking place without clearly displaying a valid disc	Lower	
36	Parked in a disc parking place for longer than permitted	Lower	
37	Failing to comply with a give way to oncoming vehicles sign	n/a	London only
40	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher	
41	Parked in a parking place designated for diplomatic vehicles	Higher	
42	Parked in a parking place designated for police vehicles	Higher	
45	Parked on a taxi rank	Higher	
46	Stopped where prohibited (on a red route or clearway)	Higher	
47	Stopped on a restricted bus stop or stand	Higher	
48	Stopped in a restricted area outside a school when prohibited	Higher	
49	Parked wholly or partly on a cycle track or lane	Higher	
50	Failing to comply with a sign indicating a prohibited turn	n/a	Code specific suffixes apply. London only
51	Failing to comply with a no entry sign	n/a	London only
52	Failing to comply with a sign indicating a prohibition on certain types of vehicle	n/a	Code specific suffixes apply. London only
53	Failing to comply with a sign indicating a restriction on vehicles entering a pedestrian zone	n/a	London only
54	Failing to comply with a sign indicating a restriction on vehicles entering and waiting in a pedestrian zone	n/a	London only
55	A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban	Higher	
56	Parked in contravention of a commercial vehicle waiting restriction	Higher	Non- overnight waiting restriction
57	Parked in contravention of a coach ban	Higher	Non- overnight waiting restriction
58	Using a vehicle on a restricted street during prescribed hours without a valid permit	n/a	London Lorry Ban only
59	Using a vehicle on a restricted street during prescribed hours in breach of permit conditions	n/a	London Lorry Ban only
61	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	Higher	Code specific suffixes apply.
62	Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway	Higher	Code specific suffixes apply.
63	Parked with engine running where prohibited	Lower	This contravention occurs in certain coach bays.

Code	Description	Differential level	Notes
67	---- RESERVED FOR VEHICLE EMISSIONS ----	n/a	
68	---- RESERVED FOR VEHICLE EMISSIONS ----	n/a	
99	Stopped on a pedestrian crossing or crossing area marked by zigzags	Higher	Pedestrian Crossings

### **Police Use Only**

Code	Description	Differential level	Notes
64	Police removal following an accident	n/a	Police use only
65	Police removal – illegally parked - red route	n/a	Police use only
66	Police removal – illegally parked - non red route	n/a	Police use only

### **Off-Street**

Code	Description	Differential level	Notes
70	Parked in a loading area during restricted hours without reasonable excuse	Higher	Off-street loading areas
73	Parked without payment of the parking charge	Lower	Off-street car parks
74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher	Off-street car parks
77	--- RESERVED FOR DVLA USE ---	n/a	
80	Parked for longer than the maximum period permitted	Lower	Off-street car parks
81	Parked in a restricted area in a car park	Higher	Off-street car parks
82	Parked after the expiry of paid for time	Lower	Off-street car parks
83	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower	Off-street car parks
84	Parked with additional payment made to extend the stay beyond time first purchased	Lower	Off-street car parks
85	Parked in a permit bay without clearly displaying a valid permit	Higher	Off-street car parks
86	Parked beyond the bay markings	Lower	Off-street car parks
87	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher	Off-street car parks
89	Vehicle parked exceeds maximum weight or height or length permitted in the area	Higher	Off-street car parks
90	Re-parked within one hour* of leaving a bay or space in a car park	Lower	Off-street car parks
91	Parked in a car park or area not designated for that class of vehicle	Higher	Off-street car parks
92	Parked causing an obstruction	Higher	Off-street car parks
93	Parked in car park when closed	Lower	Off-street car parks

Code	Description	Differential level	Notes
94	Parked in a pay & display car park without clearly displaying two**** valid pay and display tickets when required	Lower	Off-street car parks
95	Parked in a parking place for a purpose other than the designated purpose for the parking place	Lower	Off-street car parks
96	Parked with engine running where prohibited	Lower	Off-street car parks - this contravention may occur in certain coach bays.

\* = or other specified time

\*\*\*\* = or other number † = or other specified distance

# STATUTORY GROUNDS TO MAKE REPRESENTATIONS

## Traffic Management Act 2004 (Part 6)

**Important note:**

Although the following are the 7 Statutory Grounds to make representation, in accordance with a directive issued by the Local Government Ombudsman, full consideration will be the description of “**Statutory Grounds**”. It for this reason that an 8<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>S1 The alleged contravention did not occur:</b>	
<b>S1.1 where the motorist claims he/she was loading/unloading</b>	
<p><u>On a waiting prohibition or in a loading bay:</u></p> <p>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 a 'legal' parking place.</li> <li>2. Loading/unloading activity was timely (includes checking goods and paperwork, but not delayed by unrelated activity)</li> <li>3. If in the course of business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc.</li> </ol>	<p>on <u>school zigzag markings:</u></p> <p>on <u>clearways</u></p> <p>on <u>bus stop clearways:</u></p> <p>on <u>Taxi ranks</u></p> <p>on <u>Police bays</u></p> <p>where <u>loading is prohibited</u></p> <p>in <u>car parks:</u> (except when depositing materials in recycling bins)</p> <p>in <u>residents permit holders bays without displaying a valid permit or visitor permit/ticket.</u></p> <p>if the vehicle has overstayed in a <u>limited waiting bay</u></p> <p>in a <u>pay and display bay</u>, if a valid pay &amp; display ticket was not purchased first.</p>
<p><b><u>NOTES</u></b></p> <p>Please note that a delivery invoice should include date, time and description of goods.</p> <p>Commercial vehicle will be observed to establish whether loading or unloading is taking place for a maximum of 15 minutes.</p> <p>Private vehicles will be observed to establish whether loading or unloading is taking place for a maximum of 5 minutes.</p> <p><b>IMPORTANT:</b> Continuous loading activity must be apparent within the above times.</p>	<p>Permits are available to businesses working within controlled parking zones to facilitate unloading/loading within residents parking bays. Please contact the Permit Team on (01752) 304021. Alternatively you may be able to obtain a visitors permit from the property you are visiting.</p>

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<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.</p> <p>If there is reasonable doubt because evidence not available to confirm that a machine was working at the time and there was not another ticket machine nearby which was operating correctly</p>	<p>If there was another ticket machine nearby that was working correctly at the time.</p> <p>If there is no record of the machine being faulty or taken out of service.</p> <p>If there is reasonable doubt because evidence confirms that other motorists had been able to purchase tickets during the relevant period</p>
<p><b><u>NOTES</u></b></p>	

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

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S1.4 where the motorist was carrying out building works</b>	
<p>If evidence confirms that the motorist was simply loading/unloading (see policy S1.1, above)</p> <p>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. (please see below)</p>	<p>In all other circumstances</p>
<p><b><u>NOTES</u></b></p> <p>Examples could include the laying, erection, alteration or repair of any sewer or any main, pipe, or apparatus for the supply of gas, water electricity or telecommunications.</p>	

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<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 Civil Enforcement Officer's pocket book notes and/or computer notes do not confirm that the Penalty Charge Notice was served to the vehicle	If the Civil Enforcement Officer's pocket book notes and/or computer notes confirm that the Penalty Charge Notice was served to the vehicle
<b><u>NOTES</u></b>	

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<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>	
<p>Following consideration of all available evidence:</p> <p>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.</p>	<p>If the motorist does not provide a copy of their tax disc, after being given a further opportunity to submit such a copy</p> <p>Or</p> <p>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.</p> <p>Or</p> <p>If there is no evidence or if the evidence presented does not support the claim or is inconclusive</p>
<p><b><u>NOTES</u></b></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p><b>S1.7 where motorist claims that a valid residents parking permit, visitor permit/ticket or beat message had been issued and clearly displayed whilst parked within the appropriate parking space.</b></p>	
<p>If the motorist produces a <b>valid residents parking permit or beat message</b> that was valid at the time the Penalty Charge Notice was issued and the Civil Enforcement Officer has recorded that it was concealed in some way, <b>as long as the serial numbers correspond to that of the Civil Enforcement Officer records</b> and it is the first contravention of this kind, a warning will be issued.</p>	<ul style="list-style-type: none"> <li>• If the motorist is unable to produce a valid residents parking permit, visitor permit/ticket or beat message.</li> <li>• If the Civil Enforcement Officer did not record or observe a valid permit, visitor permit/ticket or beat message being concealed in some way.</li> <li>• If the Civil Enforcement Officer was unable to confirm the serial number of the valid permit, visitor permit/ticket or beat message as it was displayed in such a way to obscure the details.</li> <li>• Where digits have been entered on the face of the ticket that do not match those of the motorist's vehicle registration or date of use.</li> <li>• Where digits have been scratched off on the face of the ticket that do not match the date of use.</li> <li>• The motorist has made a similar representation before and had a previous Penalty Charge Notice cancelled, after giving them the benefit of the doubt</li> </ul>
<p><b><u>NOTES</u></b></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S1.8 where the motorist claims that a pay &amp; display ticket was purchased and displayed</b>	
<p>If the motorist produces a Pay &amp; Display ticket that was valid at the time the Penalty Charge Notice was issued and the Civil Enforcement Officer has recorded either a face down ticket or a ticket concealed in some way, <b>as long as the serial numbers correspond to that of the Civil Enforcement Officer records</b> and it is the first contravention of this kind, a warning will be issued.</p>	<ul style="list-style-type: none"> <li>• If the motorist is unable to produce a valid pay &amp; display ticket</li> <li>• If the Civil Enforcement Officer did not record or observe a face down ticket or a ticket being concealed in some other way was seen.</li> <li>• If the Civil Enforcement Officer was unable to confirm the serial number of the pay and display ticket as it was displayed in such a way to obscure the details.</li> <li>• Where digits have been entered on the face of the ticket that do not match those of the motorist's vehicle registration or date of use.</li> <li>• Where digits have been scratched off on the face of the ticket that do not match the date of use.</li> <li>• The motorist has made a similar representation before and had a previous Penalty Charge Notice cancelled, after giving them the benefit of the doubt</li> <li>• the Civil Enforcement Officer noted that the motorist obtained their ticket from another motorist in the car park; or</li> </ul>
<p><b><u>NOTES</u></b></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S2 That the recipient:</b>	
<b>S2.1 was never the owner of the vehicle in question</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.</p> <p>If the previous registered keeper provides proof that the motorist bought the vehicle before the contravention, or the subsequent registered keeper provides proof that the motorist sold the vehicle after the contravention</p> <p>If the motorist is proven to have hired the vehicle for the day on which the contravention occurred and signed an agreement to take responsibility for Penalty Charge Notices incurred, subject to the time of hire (see policy S4, below)</p>
<p><b><u>NOTES</u></b></p>	

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S2.2 had ceased to be its owner before the date on which the alleged contravention occurred</b>	
<p>If the current registered keeper is able to provide written evidence that the vehicle was disposed of before the contravention, i.e. a bill of sale, registration documents or a letter from the DVLA; and/or</p> <p>If the current registered keeper is able to provide written evidence as above of the full name and address of the person to whom they disposed of the vehicle</p> <p><b>ACTION</b> – send a new Notice to Owner to the person named by the current registered keeper</p>	<p>If the current registered keeper is unable to prove that they disposed of the vehicle before the contravention nor provide the name and address of the person to whom they disposed of the vehicle</p> <p>If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide</p>
<p><b><u>NOTES</u></b></p> <p>See S2.3</p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S2.3 became its owner after that date</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 or a letter from the DVLA; and/or</p> <p>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</p> <p>If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide</p>
<p><b><u>NOTES</u></b></p> <p>See S2.2</p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p><b>S3 that the vehicle had been permitted to remain at rest in the place in question by a person who was in control of the vehicle without the consent of the owner:</b></p>	
<p><b>S3.1 where the current registered keeper claims that the vehicle had been stolen</b></p>	
<p>If the registered keeper submits a valid police crime reference number on police headed paper including details of the crime and date/time of the alleged crime which must be prior to the Penalty Charge Notice was issued.</p>	<p>If the current registered keeper is unable to provide any proof of theft</p> <p>If the police crime reference number provided by the current registered keeper does not exist or it does not match the theft or if the date/time of the theft alleged occurred after the Penalty Charge Notice was issued. If the crime was reported after the Penalty Charge Notice was issued.</p>
<p><b><u>NOTES</u></b></p>	

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S3.2 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 circumstances	In all circumstances because the registered keeper is always liable, except for when a hire agreement exists (see policy S4, below)
<b><u>NOTES</u></b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S4 the recipient is a vehicle-hire firm</b>	
<p>If the hire company is able to provide proof that the vehicle was on hire at the time of the contravention, i.e. a signed agreement detailing the full name and address of the person to whom they hired the vehicle to.</p> <p><b>ACTION</b> – send a new Notice to Owner to the person named by the hire company</p>	<p>If the hire company is unable to prove that they neither 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 to.</p> <p>If the person named by the hire company as the person to whom they hired the vehicle, without proof, either does not exist, cannot be traced or denies responsibility for the contravention</p> <p>If the vehicle was being used as a courtesy car without an agreement signed to accept responsibility for Penalty Charge Notices issued.</p>
<p><b><u>NOTES</u></b></p>	

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S5 the penalty charge exceeded the amount applicable in the circumstances of the case</b>	
If the Penalty Charge Notice and/or Notice to Owner showed the incorrect amount of penalty charge, i.e. the wrong penalty charge band	If the Penalty Charge Notice or Notice to Owner showed the correct amount of penalty charge
<b><u>NOTES</u></b>	

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S6 that there has been a procedural impropriety on the part of the enforcement authority</b>	
<p>If the Council failed to observe any requirement or regulations imposed on it by the Traffic Management Act 2004.</p> <p>If documents are served in advance of the time scales set out in the Traffic Management Act 2004 regulations.</p>	<p>If the Council has complied with any requirement or regulations imposed on it by the Traffic Management Act 2004.</p> <p>If documents are served in compliance with the time scales set out in the Traffic Management Act 2004 regulations.</p> <p>If the motorist merely considers the Requirements and regulations to be unfair</p>
<b><u>NOTES</u></b>	

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S7 that the Order which is alleged to have been contravened in relation to the vehicle concerned is invalid</b>	
<p>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</p>	<p>If the Traffic Regulation Order which prescribes the restrictions that the vehicle was parked in contravention of was constructed and made correctly</p> <p>If the motorist merely considers the restrictions to be unfair</p>
<p><b><u>NOTES</u></b></p>	

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S8 Any other information that the motorist / vehicle owner want the Council to take into consideration</b>	
<p>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</p>	
<p><b><u>NOTES</u></b></p>	

## MITIGATING CIRCUMSTANCES

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC1 where the motorist claims to have become unwell while driving</b>	
<p>If the motorist provides proof of a medical emergency, temporary or permanent, that is consistent with the conditions described.</p> <p>When the notes made by the Civil Enforcement Officer support the motorist's representations.</p>	<p>If the motorist cannot provide proof written by a GP or Medical Consultant of a medical condition, temporary or permanent, consistent with the conditions described.</p> <p>Or</p> <p>Where other evidence contradicts the motorists claims</p>
<p><b><u>NOTES</u></b></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC2 where the motorist claims to be a doctor, nurse, health visitor attending a patient</b>	
<p>If the motorist concerned possesses a permit to park that the Council concerned recognises and approves and/or is exempt under the relevant Order.</p> <p>Or</p> <p>If the motorist produces evidence that they were responding to an urgent medical call and there was no nearby legal parking place.</p>	<p>If motorist was not attending a patient in urgent circumstances or if there was legal parking spaces nearby.</p> <p>If motorist was parked outside their practice or other place of work for any reason other than to collect supplies for an urgent call.</p> <p>If motorist is parked in the area adjacent or near to the address they use an office base for any reason other than to collect documents or equipment for visits to clients.</p> <p>If permit holder parks for longer than the permitted hours allowed by the permit</p> <p>If clock disc provided for use with the permit is not clearly set and displayed</p> <p>If motorist was parked in an area which does not correspond with claims made in representations, i.e. far from patients property, say, in a car park</p>
<p><b><u>NOTES</u></b></p>	

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

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC5 where the motorist was a patient visiting a doctor's surgery</b>	
<p>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.</p>	<p>If the motorist was not the patient but only driving the vehicle carrying the patient</p> <p>If the motorist was attending a pre-arranged, non-urgent appointment.</p> <p>If the motorist could reasonably have been expected to parked legally elsewhere.</p>
<p><b><u>NOTES</u></b></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC6 where the motorist claims to have been recently bereaved</b>	
<p>If the motorist can provide a copy of a death certificate or If no evidence exists to the contrary, taking into account the sensitivity of this issue on first occasion.</p>	<p>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, say, shopping or working, or the bereavement considered to be a long time ago.</p>
<p><b><u>NOTES</u></b></p>	

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<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 such as proof of breakdown on letter headed paper from the garage, for example an invoice detailing the location of the vehicle and date of recovery. Or the motorist's supported representations claims that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseen, unavoidable and exceptional.</p> <p>If motorist's vehicle had broken down (subject to concurrence with policy MC25, below)</p> <p>If the motorist was unable to drive, since parking the vehicle.</p>	<p>If the delay described by the motorist was entirely avoidable, i.e. queuing in a shop.</p> <p>If the motorist simply underestimated the time needed and could have reasonably purchased more time, i.e. when conducting business, shopping or commuting.</p> <p>If the motorist was unable to drive since parking due to excess alcohol in the body or had been detained and charged by the police.</p>
<p><b><u>NOTES</u></b></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p><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>	
<p>In no circumstances</p>	<p>If the motorist overstays initial period of time purchased or returns within a period of ‘No return’</p>
<p><b><u>NOTES</u></b></p>	

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<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.</p>	<p>If the Civil Enforcement Officer's notes indicate that the motorist returned to their vehicle, having completed their purpose for parking, while the Penalty Charge Notice was being issued, i.e. carrying shopping, or had left vehicle in car park, or on-street pay and display area, while obtaining change</p>
<p><b><u>NOTES</u></b></p>	

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

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>MC11 where the motorist claims to have been unaware of recent rise in tariff.</b>	
<p>If statutory notices were not erected in accordance with procedural regulations.</p> <p>If revised tariff is not on tariff board(s)</p>	<p>If statutory notices were erected in accordance with procedural regulations and tariff board(s) were correct</p>
<p><b><u>NOTES</u></b></p>	

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>MC12 where the motorist had parked with one or more wheels outside of a marked bay in a car park.</b>	
<p>Only in the most exceptional of circumstances that were outside the motorists control and are supported by incontrovertible evidence.</p> <p>Otherwise</p> <p>In no circumstances</p>	<p>When clear and incontrovertible supporting evidence (photographs/Sketch plan) is available</p>
<p><b><u>NOTES</u></b></p>	

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>	
<p>If the Civil Enforcement Officer has recorded the blue badge displayed face down with the expiry details obscured or the blue badge has recently expired (maximum consideration is 1 week after expiry) and 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.</p>	<p>If it has been established that the blue badge was not displayed in accordance with the blue badge scheme there will be no grounds for cancellation.</p> <p>If it has been established that the blue parking disc (clock) was not displayed or set correctly in accordance with the blue badge scheme there will be no grounds for cancellation.</p> <p>If the motorist has previously had a Penalty Charge Notice cancelled for the same contravention and has been warned to display a valid badge / time clock, correctly in the future</p> <p>If the motorist was parked on a waiting restriction beyond the 3 hour time limit permitted by the Blue Badge Scheme, or on another restriction for which the Blue Badge does not provide an exemption.</p>
<p><b><u>NOTES</u></b></p>	<p>To obtain the parking benefit the disabled badge must be clearly displayed in the vehicle along with the blue parking disc (clock) set to show the time of arrival.</p>

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

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<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>If the renewal of the authorisation was delayed by the Council's administrative processes</p> <p>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</p> <p>In the event of more than one vehicle registration included on season ticket or permit, subsequent production of the season ticket or permit will not necessarily cause automatic cancellation of the Penalty Charge Notice as the season ticket or permit may have been used on the other vehicle.</p>
<p><b><u>NOTES</u></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 valid resident's parking permit or valid visitor permit/ticket.</b>	
In no circumstances	On all occasions
<p data-bbox="191 562 293 594"><b><u>NOTES</u></b></p>	

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<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
<p data-bbox="191 562 292 592"><b><u>NOTES</u></b></p>	

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

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>MC19 where the motorist assumed that they were entitled to “a period of grace” before the PCN was issued</b>	
In no circumstances	In all circumstances
<b><u>NOTES</u></b>	

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<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.
<b><u>NOTES</u></b>	

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>	
<p>If it can be established that such conditions prevailed and it is likely that signs and markings were obscured as claimed and there was no alternative indication of the restriction</p>	<p>If it can be established that such conditions did not cause lines and signs to be obscured as claimed</p> <p>If the Civil Enforcement Officer's notes photographic evidence etc. directly contradict the motorist's version of events</p> <p>If any reasonable alternative indication of the restriction was available to the motorist</p> <p>If the location of the contravention was unlikely to be subject to the natural conditions described by the motorist, i.e. it was under cover</p>
<p><b><u>NOTES</u></b></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC22 where the motorist claims that their vehicle had broken down</b>	
<p>If the motorist is able to provide evidence of a breakdown, i.e. proof of vehicle recovery or a bill of sale for repair or parts.</p>	<p>If the motorist is unable to provide evidence of any kind that their vehicle had broken down</p> <p>If the cause of the vehicle “breaking down” was due to negligence on the part of the motorist, i.e. the vehicle had not been properly maintained, had run out of petrol or water or a similar reason</p> <p>If the Civil Enforcement Officer’s notes contradict the motorist’s version of events.</p>
<p><b><u>NOTES</u></b></p>	

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>	
<p>If the motorist is able to provide reasonable proof of the emergency, i.e. a credible report of an accident or incident, or that they were attending to another vehicle that had broken down.</p>	<p>If the motorist is unable to provide evidence of any kind that they were attending an emergency or another vehicle which had broken down</p> <p>If the Civil Enforcement Officer 's notes contradict the motorist's version of events, i.e. the motorist was not seen attending an emergency or another vehicle which was broken down</p>
<p><b><u>NOTES</u></b></p>	

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

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<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
<b><u>NOTES</u></b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC26 where the motorist claims to have been collecting or depositing monies at a bank</b>	
<p>If the procedure explained in the motorist's representations is consistent with the allowance for loading and unloading, see Policy S1.1, above</p> <p>Or</p> <p>If specific arrangements have been agreed</p>	<p>In all other circumstances</p>
<p><b><u>NOTES</u></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>	
<p>If the motorist claims that there was no indication of the restriction, and the Civil Enforcement Officer's notes/photographs do not confirm that appropriate signing was in place.</p> <p>If the process followed to make the temporary order was defective in some way.</p>	<p>If the Civil Enforcement Officer 's notes/photographs confirm that the vehicle was parked in an area restricted by the Temporary Order or Notice, and that appropriate signing was in place and clearly visible.</p>
<p><b><u>NOTES</u></b></p>	

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<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
<b><u>NOTES</u></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>	
Where the circumstances can be confirmed (by sensitive enquiry) i.e. a copy of a death certificate	Only if there is a significant evidence to doubt the sincerity of the representations.
<b><u>NOTES</u></b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC30 where the vehicle driven by the motorist is diplomatically registered</b>	
<p>In all circumstances. <u>A Notice to Owner should never be sent to the keeper of a diplomatically registered vehicle</u></p> <p>Plymouth City Council 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</p> <p>[Source – Secretary of State’s Traffic Management and Parking Guidance, Vienna Convention on Diplomatic Relations, Diplomatic Privileges Act 1964 and Government Report on Review of Vienna Convention...]</p>	<p>In no circumstances</p>
<p><b><u>NOTES</u></b></p>	

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>	
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
<b><u>NOTES</u></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>	
If the officer was carrying out emergency or other statutory or emergency work.	If it can be established that the officer/Member could have reasonably parked elsewhere.
<b><u>NOTES</u></b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC33 where the motorist stopped to drop off someone</b>	
<p>If the circumstances are seen by the Civil Enforcement Officer</p> <p>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.</p>	<p>If motorist was parked/stopped on school keep clear markings, pedestrian crossing, bus stop clearway or clearway</p>
<p><b><u>NOTES</u></b></p>	

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<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
<b><u>NOTES</u></b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC35 where motorist states they were in police custody when PCN issued</b>	
<p>If proof (from the Police) has been provided that the police had instructed the motorist to leave the vehicle.</p> <p>If the time of arrest (proof required from the Police) provides confirmation that motorist was legally parked and was unable to move vehicle before the restriction started</p>	<p>If no proof provided.</p> <p>If vehicle could have been legally parked before arrest.</p>
<p><b><u>NOTES</u></b></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC36 where motorist states they were visiting a friend or relative in urgent circumstances</b>	
<p>If due to an emergency the parking contravention could not be avoided due to the exceptional nature of the incident.</p>	<p>If motorist has already received a Penalty Charge Notice, which has been cancelled for the same reason</p> <p>If the Civil Enforcement Officer 's Pocket Book notes provides significant reason to doubt sincerity of representation</p>
<p><b><u>NOTES</u></b></p>	

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<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
<b><u>NOTES</u></b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC38 where motorist claims they were parked on private property</b>	
<p>If land search maps confirm location is private property &amp; not subject of the relevant Traffic Regulation Order.</p> <p>If there is insufficient evidence to establish location of vehicle</p>	<p>In all other circumstances</p>
<p><b><u>NOTES</u></b></p>	

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>	
<p>If supported by appropriate evidence, the motorist's representations claim that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseen, unavoidable and exceptional.</p> <p>If motorist's vehicle had broken down, subject to concurrence with policy MC25, above.</p> <p>If the motorist was unable to drive, since parking the vehicle.</p>	<p>If the delay described by the motorist was not exceptional, i.e. queuing in a shop, delayed at a meeting.</p> <p>If the motorist simply underestimated the time needed and could have reasonably purchased more time.</p> <p>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</p>
<p><b><u>NOTES</u></b></p>	

<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 Civil Enforcement Officer does not contradict representations.	In all other circumstances
<b><u>NOTES</u></b>	

<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><u>NOTES</u></b>	

<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>	
<p>If there is reason to doubt that the Penalty Charge Notice was issued correctly, taking into account evidence provided by the Civil Enforcement Officer</p>	<p>If the Penalty Charge Notice was fully and correctly completed.</p>
<p><b><u>NOTES</u></b></p>	

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

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

**RECORD OF AMENDMENTS**

<b>Date</b>	<b>Section</b>	<b>Amendment</b>	<b>Notes</b>
01 March 2010		Please refer to Cancellation Policy Traffic Management Act 2004 Version 2 for amendments.	