

# **East Sussex County Council**

## Criteria for the Consideration of Challenges

# Table of Contents

## STATUTORY GROUNDS TO MAKE REPRESENTATIONS (Schedule 6 of Road Traffic Act 1991) 1

S1	The contravention did not occur: .....	1
S1.1	where the motorist claims he/she was loading/unloading.....	1
S1.2	where the motorist claims that a pay & display ticket machine was faulty.....	2
S1.3	where the motorist claims that the restriction is not clearly signed or marked.....	3
S1.4	where motorist was carrying out construction or demolition works etc.....	4
S1.5	where the motorist claims that PCN was not served (i.e. PCN not found attached to vehicle or handed to driver) .....	5
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 .....	6
S1.7	where the motorist claims that a valid authorisation to park, had been issued .....	7
S1.8	where the motorist claims that a pay & display ticket was purchased and correctly displayed .....	8
S2	The penalty exceeded the relevant amount .....	9
S3	The Traffic Order was invalid.....	10
S4	The motorist was not the owner/keeper of the vehicle at the time of the contravention:.....	11
S4.1	where the registered (as notified by the DVLA) keeper claims that the vehicle was disposed of before the contravention occurred.....	11
S4.2	where the current registered keeper claims that the vehicle was purchased or acquired after the contravention occurred.....	12
S4.3	where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention .....	13
S4.4	where the motorist claims that they never owned the vehicle .....	14
S5	The vehicle had been taken without owner's consent.....	15
S5.1	where the current registered keeper claims that the vehicle had been stolen .....	15
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) .....	16
S6	the owner is a hire company and they have supplied the name of the hirer .....	17

S7	Any other information that the motorist / vehicle owner wants the Council to take into consideration.....	18
S8	The Notice to Owner should not have been served because PCN was paid.....	21

#### MITIGATING CIRCUMSTANCES

MC1	where the motorist claims to have become unwell while driving .....	20
MC2	where the motorist claims to be a doctor, nurse, health visitor attending a patient.....	21
MC3	where the motorist stopped to use the toilet.....	22
MC4	where the motorist stopped to collect (prescribed) medication from a chemist .....	23
MC5	where the motorist was a patient visiting a doctor’s surgery .....	24
MC6	where the motorist claims to have been recently bereaved .....	25
MC7	where the motorist was delayed in returning to their vehicle and parking time purchased had expired .....	26
MC8	where the motorist “fed” a meter or pay & display machine by buying subsequent time to park in the same place or returned to the same place within a specified and prohibited time period .....	27
MC9	where the motorist left the vehicle parked without a valid ticket on display to obtain change.....	28
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.....	29
MC11	where the motorist claims to have been unaware of recent rise in tariff.....	30
MC12	where the motorist had parked with one or more wheels outside of a marked parking bay in a car park .....	31
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 .....	32
MC14	where the motorist claims to have been unaware of the existence of a Controlled Parking Zone.....	33
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 .....	34
MC16	where the motorist is parked in contravention of a waiting/parking prohibition whilst displaying a residents’ visitor permit. ....	35
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 .....	36
MC18	where the motorist had parked incorrectly in a controlled bay on-street .....	37
MC19	where the motorist assumed that they were entitled to “a period of grace” before the PCN was issued.....	38
MC20	where the motorist claims they were attending a funeral .....	39
MC21	where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings .....	40

MC22	where the motorist claims that their vehicle had broken down.....	41
MC23	where the motorist claims that they were attending an emergency or another vehicle that had broken down .....	42
MC24	where the motorist claims to have put money into the wrong ticket machine.....	43
MC25	where the vehicle in question was on police, fire brigade or ambulance duties .....	44
MC26	where the motorist claims to have been collecting or depositing monies at a bank.....	45
MC27	where the motorist claims to have been unaware of a temporary parking restriction or special event restriction .....	46
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 .....	47
MC29	where the registered keeper liable for payment of the PCN is said to have died.....	48
MC30	where the vehicle driven by the motorist is diplomatically registered.....	49
MC31	where the motorist received a Fixed Penalty Notice (FPN) from a police officer or traffic warden when parked in the same location.....	50
MC32	where a Council officer or Member parked in contravention and claims to have been on Council business.....	51
MC33	where the motorist stopped to drop off someone .....	52
MC34	where motorist was unaware of the Overnight Waiting Ban/Commercial Vehicle waiting restriction .....	53
MC35	where motorist states they were in police custody when PCN issued.....	54
MC36	where motorist states they were visiting a friend or relative in urgent circumstances .....	55
MC37	where motorist claims there was no legal place to park.....	56
MC38	where motorist claims they were parked on private property .....	57
MC39	where motorist was delayed in returning to their vehicle parked in a limited waiting parking place.....	58
MC40	where motorist had parked while asking directions / opening gates to private property .....	59
MC41	where motorist stopped to answer mobile phone.....	60
MC42	where motorist states that the details on the PCN are incorrect, e.g. location .....	61
MC43	where motorist states they were unaware of enforcement on Bank/Public holidays .....	62
MC44	where motorist states that restriction was marked after the vehicle had been parked .....	63
	Record of Amendments .....	64

Annex 1

STANDARD CONTRAVENTION CODES .....	67
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**STATUTORY GROUNDS TO MAKE REPRESENTATIONS  
(Schedule 6 of Road Traffic Act 1991)**

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S1 the 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 controlled 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> </ol> <p>and</p> <ol style="list-style-type: none"> <li>2. Loading/unloading activity was as close as practicable to the premises concerned.</li> </ol> <p>and</p> <ol style="list-style-type: none"> <li>3. Loading/unloading activity was timely (includes checking goods and paperwork, but not delayed by unrelated activity)</li> </ol> <p>If in the course of business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc.</p>	<p><u>on school 'keep clear' zig zag markings;</u></p> <p><u>on bus stop clearways;</u></p> <p><u>on Taxi ranks</u></p> <p><u>on Police bays</u></p> <p><u>where loading is prohibited-;</u></p> <p><u>in car parks:</u> (except when depositing materials in recycling bins)</p> <p>If a valid pay &amp; display ticket was not purchased first</p>
<p><b><u>NOTES</u></b></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S1.2 where the motorist claims that a pay &amp; display ticket 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 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</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 visitors had been able to purchase tickets during the relevant period</p>
<p><b><u>NOTES</u></b></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S1.3 where the 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>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S1.4 where motorist was carrying out construction or demolition works etc.</b>	
<p>If evidence confirms that the motorist was simply loading/unloading (see policy S1.1, above)</p> <p>If a valid waiver to park at the location in question had been issued and was on display in the vehicle.</p> <p>If works are of a statutory nature or are exempted from restrictions by a Traffic Order or legislation</p> <p>If it can be proven that works were an emergency affecting risk to human life or serious damage to property.</p>	<p>In all other circumstances</p>
<p><b><u>NOTES</u></b></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<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>	
<p>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.</p> <p>If the PCN was not issued by post</p>	<p>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</p> <p>If the PCN was issued by post</p>
<p><b><u>NOTES</u></b></p>	

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>	
<p>Following consideration of all available evidence, paying particular attention to the make, model and colour of the vehicle:</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>	

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<b>S1.7 where the motorist claims that a valid authorisation to park, had been issued</b>	
<p>If the motorist can produce a valid authorisation to park or records show that the motorist held a valid authorisation to park.</p>	<p>If the motorist cannot provide a copy of the valid authorisation to park or if there is no record of any issue of the authorisation</p> <p>If the motorist did not park in accordance with the authorisation</p>
<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 correctly displayed</b>	
<p>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:</p> <ul style="list-style-type: none"> <li>▪ <b>The ticket serial number printed on the back of the 'face down' ticket matches the details of the ticket produced</b></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 was 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 parking attendant.</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>
<p><b><u>NOTES</u></b></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S2 The penalty exceeded the relevant amount</b>	
If the PCN and/or Notice to Owner showed the incorrect amount of penalty charge, i.e. the wrong penalty charge band	If the PCN or Notice to Owner showed the correct amount of penalty charge
<b><u>NOTES</u></b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S3 The Traffic Order was invalid</b>	
<p>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.</p>	<p>If the relevant Traffic Regulation Order is sound and accurate in all respects</p> <p>If the motorist merely considers the restrictions to be unfair</p>
<p><b><u>NOTES</u></b></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p><b>S4 The motorist was not the owner/keeper of the vehicle at the time of the contravention:</b></p>	
<p><b>S4.1 where the registered (as notified by the DVLA) keeper claims that the vehicle was disposed of before the contravention occurred</b></p>	
<p>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; and/or</p> <p>If the registered keeper is able to provide the full name and address of the person to whom they disposed of the vehicle</p> <p>ACTION - send a new Notice to Owner to the person named by the registered keeper</p>	<p>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</p> <p>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</p>
<p><b><u>NOTES</u></b></p>	

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>	
<p>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; 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 or acquired the vehicle</p>	<p>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</p> <p>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</p>
<p><b><u>NOTES</u></b></p>	

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S4.4 where the motorist claims that they never owned the vehicle</b>	
<p>If the DVLA confirm the motorist was not the registered keeper at the time of the contravention</p>	<p>If the DVLA confirm 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 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</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 PCNs incurred, subject to the time of hire (see policy S6, below)</p>
<p><b><u>NOTES</u></b></p>	

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>	
<p>If the registered keeper provides a valid police crime report reference number.</p>	<p>If the current registered keeper is unable to provide any proof of theft</p> <p>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</p>
<p><b><u>NOTES</u></b></p>	

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>	
In no circumstance	In all circumstances because the registered keeper is always liable, save for when a hire agreement exists (see policy S6, below)
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S6 the owner is a hire company and they have supplied the name of the hirer</b>	
<p>If the hire company are able to provide proof that the vehicle was hired at the time of the contravention, i.e. a signed agreement</p> <p>If the hire company are able to provide the full name and address of the person to whom they hired the vehicle</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 are unable to prove that they hired out the vehicle on the date of the contravention nor provide the name and address of the person to whom they hired the vehicle</p> <p>If the person named by the hire company as the person to whom they hired the vehicle, without proof, either does not exist, cannot be traced or denies responsibility for the contravention</p> <p>If the vehicle was being as a courtesy car without an agreement signed to accept responsibility for Penalty Charge Notices issued.</p>
<b><u>NOTES</u></b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>S7 Any other information that the motorist / vehicle owner wants 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>	

S8 The Notice to Owner should not have been served because the Penalty Charge Notice was paid.

*Description required*

**NOTES**

## 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 evidence of a medical condition rendering the motorist unable to drive, 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 some evidence of a medical condition rendering the motorist unable to drive, 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 Medical Dispensation badge (BMA, HEBS) that the Council concerned recognises and approves and/or is exempt under the relevant Order.</p> <p>Or</p> <p>If the motorist produces evidence that they were responding to an urgent medical call and there was no nearby legal parking place.</p>	<p>If motorist was not attending a patient in urgent circumstances or if there was a legal parking space nearby.</p> <p>If motorist was parked outside their practice or other place of work for any reason other than to collect supplies for an urgent call</p> <p>If motorist was parked in an area which does not correspond with the claim made, i.e. far from patients location, 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>	
On production of medical evidence confirming a relevant medical condition and in support of the circumstances described.	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 and evidence of the prescription is supplied.</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 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>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC7 where the motorist was delayed in returning to their vehicle and parking time purchased had expired</b>	
<p>If supported by appropriate evidence, the motorist's claims that the delay returning to the vehicle was caused by circumstances that were entirely unforeseeable, 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 rendered 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</b> 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</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>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC9</b> where the motorist left the vehicle parked without a valid ticket on display to obtain change.	
In no circumstances	<p>If the Civil Enforcement Officers notes indicate that the motorist returned to the vehicle while the PCN was being issued:</p> <ul style="list-style-type: none"> <li>▪ Having apparently completed the purpose which led to the vehicle being parked in the first place, i.e. carrying shopping etc</li> </ul>
<b><u>NOTES</u></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>	
<p>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.</p>	<p>In all other circumstances</p>
<p><b><u>NOTES</u></b></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<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>	

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>	
<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 a badge had been seen in the vehicle and if a valid badge is subsequently produced and if the parking would have been permitted under the terms of the Blue Badge scheme had it been correctly displayed and it is the first such occasion on which the badge holder has been issued with a PCN</p>	<p>In all other circumstances.</p>
<p><b><u>NOTES</u></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>	
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	In all other circumstances
<b><u>NOTES</u></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>	
<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 the case of season tickets and residents / business parking permits only, if the authorisation had expired by less than 7 days</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 will not necessarily cause automatic cancellation of the PCN as the season ticket 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 residents' visitor permit.</b>	
In no circumstances	On all occasions
<b><u>NOTES</u></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>	
In no circumstances	On all occasions
<b><u>NOTES</u></b>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC18 where the motorist had parked incorrectly in a controlled bay on-street</b>	
If it can be established that the motorist was genuinely loading or unloading, subject to compliance with guidance provided in S1.1, above.	On all occasions
<b><u>NOTES</u></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>	
In no circumstances.	In all circumstances.
<b><u>NOTES</u></b>	

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

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 satisfactory 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 satisfactory 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>If the vehicle is parked exceeding 24 hours</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 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 in the same place, previously.</p>
<p><b><u>NOTES</u></b></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC25 where the vehicle in question was on police, fire brigade or ambulance duties</b>	
If a senior officer of the service concerned supports the representations and there is no reason to doubt that the vehicle was engaged on operational activities.	In all other circumstances
<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>Or</p> <p>It is a dedicated cash collection vehicle</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 parking attendant'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>	

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<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).	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>ESCC should be informed of all penalty charges that are not paid by 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>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC32 where a Council officer parked in contravention and claims to have been on Council business</b>	
If the officer was carrying out emergency or other statutory work and the vehicle could not have been reasonably parked elsewhere.	If it can be established that the officer 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 disabled person home.</p>	<p>If motorist was parked/stopped on school keep clear markings, pedestrian crossing, bus stop clearway</p>
<p><b><u>NOTES</u></b></p>	

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

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<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>	

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<b>MC42 where motorist states that the details on the PCN are incorrect, e.g. location</b>	
If there is reason to doubt that the PCN was issued correctly, taking into account evidence provided by the Civil Enforcement Officer	If the Penalty Charge Notice was fully and correctly completed.
<b><u>NOTES</u></b>	

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<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>

## STANDARD CONTRAVENTION CODES

Code	Contravention	Notes
01	Parked in a restricted street during prescribed hours	
02	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	
04	Parked in a meter bay when penalty time is indicated	
05	Parked after the expiry of paid for time at a pay & display bay	
06	Parked without clearly displaying a valid pay & display ticket	
07	Parked with payment made to extend the stay beyond initial time ('meter feeding')	
08	Parked at an out-of-order meter during controlled hours	
09	Parked displaying multiple pay & display tickets where prohibited	
10	Parked without clearly displaying two valid pay and display tickets when required	
15	Parked in a residents' parking space without clearly displaying a valid residents' parking permit	
16	Parked in a permit space without displaying a valid permit	
17	Parked in a parking place without clearly displaying the required permit or pay & display ticket	
18	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	
20	Parked in a loading gap marked by a yellow line	
21	Parked in a suspended bay/space or part of bay/space	
22	Re-parked in the same parking place within the no-return time	
23	Parked in a parking place or area not designated for that class of vehicle	
24	Not parked correctly within the markings of the bay or space	
25	Parked in a loading place during restricted hours without loading	
26	Vehicle parked more than 50 cm from the kerb and not within a designated parking place	Not used

<b>Code</b>	<b>Contravention</b>	<b>Notes</b>
27	Parked adjacent to a dropped footway	Not used
30	Parked for longer than permitted	
31	Entering and stopping in a box junction when prohibited	Not used
32	Failing to drive in the direction shown by the arrow on a blue sign	Not used
33	Using a route restricted to certain vehicles	Not used
34	Being in a bus lane	
35	Parked in a disc parking place without clearly displaying a valid disc	
36	Parked in a disc parking place for longer than permitted	
37	Failing to comply with a give way to oncoming vehicles sign	Not used
40	Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge.	
41	Parked in a parking place designated for diplomatic vehicles	
42	Parked in a parking place designated for police vehicles	
45	Parked on a taxi rank	
46	Stopped where prohibited (on a red route or clearway)	
47	Parked on a restricted bus stop/stand	
48	Stopped in a restricted area outside a school	
49	Parked wholly or partly on a cycle track	
50	Failing to comply with a sign indicating a prohibited turn	Not used
51	Failing to comply with a no entry sign	Not used
52	Failing to comply with a sign indicating a prohibition on certain types of vehicle	Not used
53	Failing to comply with a sign indicating a restriction on vehicles entering a pedestrian zone	Not used
54	Failing to comply with a sign indicating a restriction on vehicles entering and waiting in a pedestrian zone	Not used
55	A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban	
56	Parked in contravention of a commercial vehicle waiting restriction	
57	Parked in contravention of a coach ban	
58	Using a vehicle on a restricted street during prescribed	Not used

<b>Code</b>	<b>Contravention</b>	<b>Notes</b>
	hours without a valid permit	
59	Using a vehicle on a restricted street during prescribed hours in breach of permit conditions	Not used
61	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	
62	Parked with one or more wheels on any part of an urban road other than a carriageway (footway parking)	
63	Parked with engine running where prohibited	
70	Parked in a loading area during restricted hours without reasonable excuse	
99	Stopped on a pedestrian crossing and/or crossing area marked by zigzags	
77	<b>--- RESERVED FOR DVLA USE ---</b>	
80	Parked for longer than the maximum period permitted	
81	Parked in a restricted area in a car park	
82	Parked after the expiry of time paid for in a pay & display** car park	
83	Parked in a pay & display** car park without clearly displaying a valid pay & display ticket	
84	Parked with additional payment made to extend the stay beyond time first purchased	
85	Parked in a permit bay without clearly displaying a valid permit	
86	Parked beyond the bay markings	
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	
88	<b>--- DELETED ---</b>	
89	Vehicle parked exceeds maximum weight and/or height permitted in the area	
90	Re-parked within one hour of leaving a bay or space in a car park	
91	Parked in an area not designated for that class of vehicle	
92	Parked causing an obstruction	
93	Parked in car park when closed	
94	Parked in a pay & display car park without clearly displaying two valid pay and display tickets when required.	
95	Parked in a pay & display car park without clearly displaying two valid pay & display tickets when required	
96	Parked with engine running where prohibited	

