

Royal Borough of Windsor & Maidenhead Cancellation Procedure

The 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.

Introduction:

The policies in this document are intended to provide guidance to council employees working in the enforcement of parking regulations.

These policies aim to provide clarity, consistency and transparency within the enforcement process and compliance with the aspirations of the Traffic Penalty Tribunal and the Local Government Ombudsman however once again it is essential to appreciate all mitigating circumstances.

These policies represent a foundation upon which fairness and discretion can be applied.

The policies address the following:

- Observation times for enforcement staff.
- The statutory grounds upon which representations may be made.
- Compelling reasons (mitigating circumstances).
- The acceptance or rejection of representations.

It is important to recognise that each case will be considered on its own merits, objectivity, fairness and reasonableness.

These policies will be subject to ongoing review and individual circumstances will dictate the cancellation of a Penalty Charge Notice.

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Compelling Reasons (Any other information that the motorist / vehicle owner wants the Council to take into consideration)

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STATUTORY GROUNDS TO MAKE REPRESENTATIONS

Important note:

Although the following are the statutory grounds to make representation, in accordance with a directive issued by the Local Government Ombudsman, full consideration will be given and account taken of all representations received, whether or not they fall within the description of "Statutory grounds". It is for this reason that an additional ground (compelling reasons), encompassing any other information the motorist or owner/keeper would like the Council to consider, has been included.

S1 the contravention did not occur

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

May accept representations

On a waiting prohibition or in a controlled bay:

If evidence is available or provided to show:

1. Goods being delivered or collected were heavy, bulky, or numerous and it would be unreasonable to expect them to be carried from a substantial distance.
2. Loading/unloading activity was adjacent to the premises concerned.
- 3 Loading/unloading activity was timely (includes checking goods and paperwork, but not delayed by unrelated activity).

May reject representations

Where no proof of loading is establish.

If parked within any of the following areas:-

On school zigzag markings

On bus stop clearways

On taxi ranks

On Police bays

Where loading is prohibited:-

In car parks: (except when depositing materials in recycling bins)

If a valid pay and display ticket was not purchased first.

S1.2 where the motorist claims that a parking pay and display machine was faulty

May accept representations

If service records confirm a fault or that the machine had been taken out of service at the time of the contravention

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.

May reject representations

If there was another ticket machine nearby that was working correctly at the time.

If there is no record of the machine being faulty or taken out of service or a cash audit error.

If there is reasonable doubt because evidence confirms that visitors had been able to purchase tickets during the relevant period.

S1.3 where the motorist claims that the restriction is not clearly signed or marked

May accept representations

If signs and/or markings are missing or unclear.

If signs and markings are inconsistent with each other and/or Traffic Order or legislation.

May reject representations

If site visit records or photographs establish that signs and/or markings are correct and consistent with each other and the Traffic Regulation Order.

S1.4 where the motorist claims that the PCN was not served (i.e. PCN not found attached to vehicle or handed to driver, or served as a VDA)

May accept representations

If the CEO's pocket book and/or computer notes confirm that the PCN was not served.

May reject representations

If the CEO's notes or photographs confirm that a PCN was correctly served, i.e. handed to the motorist or fixed to their vehicle.

If there is proof that the "PCN" was served by post within the set guidelines.

S1.5 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

May accept representations

Following consideration of all available evidence:

If the motorist provides a copy of their vehicle excise license (tax disc), which was valid at the time of the contravention, and the serial number of which differs from the number noted by the CEO's.

If a witness statement is provided showing it to be implausible for the vehicle to be at said location.

May reject representations

If the motorist does not provide a copy of their tax disc, after being given a further opportunity to submit such a copy.

If the serial number on the copy tax disc provided by a motorist is identical to the serial number noted by the CEO.

If there is no evidence or if the evidence presented does not support the claim or is inconclusive.

S1.6 where motorist claims that a valid authorisation to park has been issued

May accept representations

If records show that the motorist holds a valid authorisation to park.

May reject representations

If the motorist cannot provide a copy of the valid authorisation to park or if there is no record of any issue of the authorisation.

If the motorist did not park in accordance with the authorisation.

S1.7 where motorist claims that a pay & display ticket was purchased and displayed. But this had fallen off, been obscured, not been displayed correctly or the motorist displayed the incorrect section of ticket i.e. displayed the refund voucher rather the valid pay and display ticket.

May accept representations

If the motorist produces a pay & display parking ticket that was valid at the time the penalty charge notice was issued and / or the CEO confirms that a face down ticket or a ticket that was displayed but concealed in some way was seen and it is the first contravention of this kind.

If the motorist provides both the refund voucher and the valid pay and display ticket and confirms a genuine error was made in displaying the incorrect portion.

If the motorist confirms that an error was made displaying the incorrect portion of the pay and display ticket and is unable to provide the valid ticket but instead provides a receipt showing a partial refund taking place.

May reject representations

If the motorist is unable to produce a valid pay & display ticket.

If the motorist has made a similar representation before and had a previous PCN cancelled. (after giving them the benefit of the doubt.)

The CEO noted that the motorist obtained their ticket from another motorist in the car park.

Where digits have been entered / altered on the face of the ticket.

If the motorist claims a valid pay and display ticket was clearly displayed within the vehicle but photographs show that refund voucher was only seen to be displayed.

If the motorist makes a false statement with regards to the locality of the said pay and display ticket and the council has evidence to the contrary.

S1.8 Where the motorist claims that the disabled badge was displayed within the vehicle but this may have fallen off or been obscured.

May accept representations

If a copy of the valid disabled badge can be provided.

If notes and photographs taken by the CEO confirm the disabled badge to be partially obscured.

May reject representations

If leniency has been exercised to the previously.

If the motorist provides an expired badge or the badge provided differs from the badge seen to be displayed within the vehicle.

If the motorist makes a false statement with regards to the locality of the badge and the council has evidence to the contrary.

S1.9 Where the motorist claims that they were not parked at a dropped footway or raised carriageway (kerb)

May accept representations

If the vehicle is parked wholly within a designated parking place or any other part of the carriageway where parking is specifically authorised.

If the vehicle is used by the fire, ambulance or police services (emergency services).

If loading / unloading is taking place.

If the vehicle is being used for waste collection, building works or road works.

May reject representations

If a complaint has been received from the resident/owner of the property affected and the call has been correctly logged.

If the motorist claims that they are a blue badge holder.

In all other circumstances

NOTES

The provisions in the TMA mean that an authority can enforce this prohibition without a TRO

A complaint is required from the occupier of the property affected before this contravention is enforced; the request therefore needs to be logged as required, unless the dropped kerb is for pedestrian access.

S2 the penalty exceeded the relevant amount

May accept representations

If the PCN and / or Notice to Owner showed the incorrect amount of penalty charge, i.e. the wrong penalty charge band.

May reject representations

If the PCN or Notice to Owner showed the correct amount of the penalty charge.

S3 the Traffic Regulation Order was invalid

May accept representations

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.

May reject representations

If the Traffic Regulation Order which prescribes the restrictions that the vehicle was parked in contravention of, was constructed and made correctly.

If the motorist merely considers the restrictions to be unfair.

S4 the motorist was not the owner / keeper of the vehicle at the time of the contravention:

S4.1 where the current registered keeper claims that the vehicle was disposed of before the contravention occurred

May accept representations

If the current registered keeper is able to provide proof that the vehicle was disposed of before the contravention, i.e. a bill of sale, registration documents, insurance documents or a letter from the DVLA.

If the current registered keeper is able to provide the full name and address of the person to whom they disposed of the vehicle.

May reject representations

If the current registered keeper is unable to prove that they neither disposed of the vehicle before the contravention nor provide the name and address of the person to whom they disposed of the vehicle.

If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide.

S4.2 where the current registered keeper claims that the vehicle was purchased after the contravention occurred

May accept representations

If the current registered keeper is able to provide proof that the vehicle was purchased after the contravention, i.e. an invoice, registration document, insurance document or a letter from the DVLA.

If the current registered keeper is able to provide the full name and address of the person from whom they purchased the vehicle.

May reject representations

If the current registered keeper is unable to prove that they neither purchased the vehicle after the contravention nor provide the name and address of the person from whom they bought the vehicle.

If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide.

S4.3 where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention

May accept representations

Only when a hire agreement exists (see policy [S6](#)).

May reject representations

In all other circumstances because the registered keeper is always liable, including where the vehicle was left in the care of a garage.

S4.4 where the motorist claims that they never owned the vehicle

May accept representations

If the DVLA confirm that the motorist was not the registered keeper at the time of the contravention.

May reject representations

If the DVLA confirms that the motorist was the registered keeper of the vehicle at the time of the contravention.

If the previous registered keeper provides proof that the motorist bought the vehicle before the contravention, or the subsequent registered keeper provides proof that the motorist sold the vehicle after the contravention.

If the motorist is proven to have hired the vehicle for the day on which the contravention occurred and signed an agreement to take responsibility for PCN's Incurred, subject to the time of hire (see policy [S6](#)).

S5 the vehicle had been taken without the owner's consent

S5.1 where the current registered keeper claims that the vehicle had been stolen:

May accept representations.

If the registered keeper provides a valid police crime report reference number.

May reject representations.

If the current keeper is unable to provide any proof of theft.

If the police crime report reference number provided by the current registered keeper does not exist or it does not match the theft or date of the alleged theft.

S5.2 where the current registered keeper claims that the vehicle was driven by a third party (i.e. a friend, relative or estranged partner)

May accept representations

In no circumstances.

May reject representations

In all circumstances because the registered keeper is always liable, except for when a hire agreement exists (see policy [S6](#)).

NOTES

The Council may accept the discounted charge in some circumstances

S6 the owner is a hire company and have supplied the name and address of the hirer

May accept representations

If the hire company are able to provide proof that the vehicle was hired at the time of the contravention, i.e. a signed agreement.

If the hire company are able to provide the full name and address of the person to whom they hired the vehicle.

May reject representations

If the hire company are 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.

If the person named by the hire company as the person to whom they hired the vehicle, without proof, either does not exist, cannot be traced or denies responsibility for the contravention.

If the vehicle was being used as a courtesy car without an agreement signed to accept responsibility for penalty charge notices issued.

S7 procedural impropriety on the Council's part

May accept representations

If the Council has served a document or a charge certificate in advance of the time scale set out in the TMA regulations.

If the registered keeper provides proof that the Council has not sent the document out by 1st class post and the franked date on the envelope does not match the date on the document.

If the motorist claims that the incorrect vehicle registration mark has been recorded and photographic evidence confirms this. If photographs are not available request copy of vehicle registration document from keeper.

If the motorist claims the CEO has recorded the vehicle at an incorrect location and GPRS data or photographic evidence confirms this is the case.

May reject representations

Where the Council considers that all documents have been served in the correct time.

If the vehicle registration document shows that the vehicle registration mark has been incorrectly recorded or DVLA records confirm no trace of vehicle.

If the CEO's notes confirm correct location.

S8 that the NtO should not have been served because the penalty charge had already been paid in full or by the reduced amount of any discount set within the set period

May accept representations

If evidence is provided (i.e. a receipt or copy of both sides of the cheque from the bank) to show that the payment was received and cashed by the Council.

May reject representations

In all other circumstances.

S9 Compelling Reasons (Any other information that the motorist / vehicle owner want the Council to take into consideration)

May accept representations

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

CR1 where the motorist claims to have become unwell whilst driving

May accept representations

If the motorist provides proof of a medical condition, temporary or permanent, that is consistent with the conditions described.

When the notes made by the CEO support the motorists representations.

May reject representations

If the motorist cannot provide some proof of a medical condition, temporary or permanent, consistent with the conditions described.

Where other evidence contradicts the motorists claims.

CR2 where the motorist claims to be a doctor, nurse, or health visitor attending a patient

May accept representations

If the motorist concerned possesses a carer's permit that the Council recognises and approves and / or is exempt under the relevant order.

If the motorist produces evidence that they were responding to an urgent medical call and there was no nearby legal parking place.

May reject representations

If the motorist was not attending a patient in urgent circumstances or if there were parking spaces nearby.

If the motorist was parked outside their practice or other place of work for any reason other than to collect supplies for an urgent call.

If the 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.

CR3 where the motorist stopped to use the toilet

May accept representations

On production of medical evidence confirming a relevant medical condition and in support of the circumstances described in a representation.

If the CEO's notes support the motorist's claim.

May reject representations

In all other circumstances

CR4 where the motorist stopped to collect prescribed medication from a chemist

May accept representations

Only in the most grave, urgent and exceptional of circumstances and the use of a “legal” parking place would have caused an unacceptable delay.

May reject representations

In any lesser circumstances.

CR5 where the motorist was a patient visiting a Doctors or Dentists surgery

May accept representations

If the motorist can provide a letter from a doctor to confirm that the visit was an emergency and that they were unable to walk from the nearest legal parking space.

May reject representations

If the motorist was not the patient but only driving the vehicle carrying the patient.

If the motorist was attending a pre-arranged, non-urgent appointment.

If the motorist could reasonably have been expected to parked legally elsewhere.

CR6 where the motorist claims to have been recently bereaved.

May accept representations

If it can be established that parking in contravention would have been necessary given the circumstances.

May reject representations

Only if there is a significant reason to doubt the sincerity of representations, i.e. the CEO’s notes indicating that the motorist was going about a normal day, say shopping or working, or the bereavement considered to be a long time ago.

CR7 where the motorist claims they were attending a funeral

May accept representations

If Council was notified to confirm that a funeral was taking place.

If not notified review the circumstances.

If no evidence exists to the contrary, taking into account the sensitivity of this issue.

May reject representations

If there is significant reason to doubt the sincerity of representations, i.e. the CEO's notes indicating that the motorist was going about a normal day, say shopping or working.

CR8 where the motorist was delayed in returning to their vehicle and parking time purchased had expired

May accept representations

If supported by appropriate evidence, the motorist's representations claims that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseen, unavoidable and exceptional.

If motorist's vehicle had broken down subject to concurrence with policy [CR30](#)).

If the motorist was unable to drive, since parking the vehicle.

May reject representations

If the delay described by the motorist was entirely avoidable, i.e. queuing in a shop.

If the motorist simply underestimated the time needed and could have reasonably purchased more time, i.e. when conducting business, shopping or commuting.

If the motorist was unable to drive since parking due to excess alcohol in the body or had been detained and charged by the police.

CR9 where a motorist "fed" a 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.

May accept representations

In no circumstances.

May reject representations

If the motorist overstays initial period of time purchased or returns within a period of "No return".

CR10 where the motorist left the vehicle parked without a valid ticket on display to obtain change

May accept representations

If the motorist had returned to the car park, or on-street pay and display area, after obtaining change and a ticket was purchased within the observation period.

May reject representations

If the CEO's notes indicate that the motorist returned to their vehicle, having completed their purpose for parking, while the PCN was being issued, i.e. carrying shopping, or had left vehicle in car park, or on-street pay & display area, while obtaining change.

In all other circumstances.

CR11 where the motorist claims to have been unaware of charges or restriction in the car park or on-street relating to vehicles class or weight.

May accept representations

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

May reject representations

In all other circumstances.

CR12 where the motorist claims to have been unaware of tariff increase or misread tariff.

May accept representations

If statutory notices were not erected in accordance with procedural regulations.

If revised tariff is not on tariff board(s).

May reject representations

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

CR13 where the motorist had parked with one or more wheels outside of a marked bay in a car park

May accept representations

Only in the most exceptional of circumstances that were outside the motorists' control and are supported by incontrovertible evidence.

Otherwise - In no circumstances.

May reject representations

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

CR14 Where the motorist is a blue badge holder or transporting a blue badge holder and they did not have the blue badge and/or clock on display or it could not be read or had expired or parked within a restricted area.

May accept representations

If it can be established that this is the motorist's first contravention of this type and they can provide evidence that they are a valid blue badge holder or were transporting a valid blue badge holder. (with the exception of parking in restricted areas)

If there is a subsequent PCN issued and there are compelling reasons due to mental or physical capabilities of the blue badge holder.

May reject representations

If the motorist has previously had a PCN cancelled for the same contravention and has been warned to display a valid badge / time clock, correctly in the future.

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 i.e. a loading ban or dropped kerb.

If the motorist was parked displaying a blue badge within either a resident permit area, loading bay or other restricted zone.

CR15 where the motorist is parked in a disabled bay and claims that they were not aware it was a disabled bay.

May accept representations

If it is established that the signing and marking is incorrect or non-existent.

May reject representations

If signing and marking is correct.

CR16 where the motorist claims to have been unaware of the existence of a controlled parking zone or claims to be an estate agent.

May accept representations

If it can be established that the signing and marking of the CPZ is at fault.

May reject representations

In all other circumstances.

CR17 where the motorist was displaying an expired authorisation to park, i.e. waiver, parking dispensation, season ticket, residents permit, business permit or visitors permit

May accept representations

If the renewal of the authorisation was delayed by the Council's administrative processes'.

If it can be established that other reasonably unforeseen circumstances delayed the renewal of an authorisation to park, e.g. sickness on the part of the applicant or a postal dispute/delays (supported by appropriate evidence).

If a delay in the permit renewal was caused by the Councils administrative processes or a postal dispute/delay.

May reject representations

In all other circumstances.

CR18 where a resident / visitor parked within a controlled zone was not displaying a valid permit or visitors permit for that vehicle or was using a courtesy car.

May accept representations

If the resident provides proof that a courtesy car was being used or they had just changed their vehicle and this was the first contravention only.

In no other circumstances.

May reject representations

On all occasions.

CR19 where the motorist was parked in a controlled zone and was displaying incorrectly completed visitors permits.

May accept representations

In no circumstances

May reject representations

In all circumstances

CR20 Where a health visitor was displaying a carer's permit but was parked on a no waiting restriction.

May accept representations

If an emergency was taking place and supporting evidence is provided.

May reject representations

In all other circumstances

CR21 where the motorist is parked in contravention of a waiting / parking prohibition whilst displaying a residents or visitors permit

May accept representations

In no circumstances

May reject representations

On all occasions

CR22 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

May accept representations

If a valid residents permit had been obtained successfully and was in transit.

May reject representations

On all other occasions.

CR23 where the motorist had parked incorrectly in a controlled bay on-street

May accept representations

If it can be established that the motorist was genuinely loading / unloading, subject to compliance with policy [S1.1](#).

May reject representations

On all occasions.

CR24 where the motorist assumed that they were entitled to a “period of grace” before the PCN was issued

May accept representations

If the CEO has not allowed the appropriate observation periods as agreed by the Council, see below:

In no other circumstances.

May reject representations

In all other circumstances.

NOTES

Car Parks:

10 minutes observation where no valid ticket displayed or after expiry of time paid for.

On-Street P&D bays / resident & shared use bays: - 10 minutes observation where no valid ticket / resident permit or voucher is displayed.

Single / Double Yellow lines: - 5 minute observation period

Loading bays: - 5 minutes or 10 minutes for commercial / sign written vehicles.

PCN's are issued instantly for all other contraventions.

CR25 where the motorist claims to have lost their car keys

May accept representations

If the motorist is able to provide evidence of losing keys or new key purchase.

If CEO's notes confirm that motorist lost keys.

May reject representations

If no evidence can be provided.

CR26 where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings

May accept representations

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.

May reject representations

If it can be established that such conditions did not cause lines and signs to be obscured as claimed.

If the CEO's notes and photographic evidence etc directly contradict the motorist's version of events.

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.

CR27 where the motorist claims that their vehicle had broken down

May accept representations

If the motorist is able to provide evidence of a breakdown, i.e. proof of vehicle recovery or a bill of sale for repair or parts.

If CEO's notes confirm that vehicle had broken down.

May reject representations

If the motorist is unable to provide evidence of any kind that their vehicle had broken down.

If the CEO's notes contradict the motorist's version of events.

CR28 where the motorist claims that they were attending an emergency or another vehicle had broken down

May accept representations

If the motorist is able to provide reasonable proof of the emergency, i.e. a credible report or an accident or incident, or that they were attending to another vehicle that had broken down.

May reject representations

If the motorist is unable to provide evidence of any kind that they were attending an emergency or another vehicle which had broken down.

If the CEO's notes contradict the motorist's version of events, i.e. the motorist was not seen attending an emergency or another vehicle which was broken down.

CR29 Where the motorist claims to have put money into the ticket machine but the resident permit holders only restriction had come into force.

May accept representations

If the signage in place is not in accordance with regulations.

May reject representations

In all other circumstances.

CR30 where the vehicle in question was on police, fire brigade or ambulance duties

May accept representations

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.

May reject representations

In all other circumstances.

CR31 where the vehicle in question was on an emergency call out for gas, electricity, or water etc.

May accept representations

If the motorist is able to provide evidence of the call out.

In no other circumstances.

May reject representations

If the motorist is unable to provide evidence of any kind.

CR32 where the motorist claims to have been collecting or depositing monies at a bank

May accept representations

If the procedure explained in the motorists' representations is consistent with the allowance for loading and unloading, see Policy S1.1.

If specific arrangements have been agreed.

May reject representations

In all other circumstances.

CR33 where the motorist claims to have been unaware of a temporary parking restriction or special event restriction

May accept representations

If the motorist claims that there was no indication of the restriction, and the CEO's notes / photographs do not confirm that appropriate signing was in place.

If the process followed to make the temporary order was defective in some way.

May reject representations

If the CEO's notes / photographs confirm that the vehicle was parked in an area restricted by the Temporary Order or Notice, and that appropriate signing was in place and clearly visible.

CR34 where the registered keeper liable for payment of the PCN is expected to be absent for a long period of time, e.g. living abroad or in prison

May accept representations

In no circumstances.

May reject representations

On all occasion.

CR35 where the registered keeper liable for the payment of the PCN is said to have died

May accept representations

Where the circumstances can be confirmed (by sensitive enquiry).

May reject representations

Only if there is significant evidence to doubt the sincerity of the representations.

CR36 where the motorist received a fixed penalty notice (FPN) from a Police Officer or Traffic warden when parked in the same location

May accept representations

In no circumstances.

May reject representations

In all other circumstances.

CR37 where a Council Officer or Member parked in contravention and claims to have been on Council business

May accept representations

If a valid permit/ticket is provided covering the time of the contravention and this is the first contravention.

If the Officer was carrying out emergency or other statutory work.

May reject representations

All other circumstances

CR38 where the motorist stopped to drop off / pick up someone

May accept representations

If the circumstances are seen by the CEO.

If, in exceptional circumstances and subject to observations times, the motorist had to escort a passenger (child, elderly or disabled person) to home, or school.

May reject representations

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

CR39 where the motorist was unaware of the overnight waiting ban / commercial vehicle waiting restriction

May accept representations

If motorist was instructed / authorised to park in contravention by the Police.

May reject representations

In all other circumstances.

CR40 where the motorist states they were in Police custody when the PCN was issued

May accept representations

If proof (from the Police) has been provided that the Police had instructed the motorist to leave the vehicle.

If the time of arrest (proof required from the Police) provides confirmation that the motorist was legally parked and was unable to move the vehicle before the restriction started.

May reject representations

If no proof provided.

If vehicle could have been legally parked before arrest.

CR41 where the motorist claims that they were visiting a friend or relative in urgent circumstances

May accept representations

If due to an emergency the parking contravention could not be avoided due to the exceptional nature of the incident.

May reject representations

If motorist has already received a PCN, which has been cancelled for the same reason.

If the CEO's pocket book notes provides sufficient reason to doubt sincerity of representation.

CR42 where the motorist claims there was no 'legal' place to park

May accept representations

In no circumstances

May reject representations

On all occasions

CR43 where the motorist claims they were parked on private property

May accept representations

If land search maps confirm location is private property and not subject to a relevant Traffic Regulation Order.

If there is sufficient evidence to establish location of vehicle.

May reject representations

In all other circumstances.

CR44 where the motorist was delayed in returning to their vehicle parked in a limited waiting parking place

May accept representations

If supported by appropriate evidence, the motorist's representations claim that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseen, unavoidable and exceptional.

If motorist's vehicle had broken down, subject to concurrence with policy [CR30](#).

If the motorist was unable to drive, since parking the vehicle.

May reject representations

If the delay described by the motorist was not exceptional, i.e. queuing in a shop.

If the motorist simply underestimated the time needed and could have reasonably purchased more time.

If the motorist was unable to drive since parking due to excess alcohol in the body or had been detained by the Police for any reason, unless subsequently released without charge or proven innocent.

CR45 where the motorist had parked whilst asking directions

May accept representations

In no circumstances.

May reject representations

In all other circumstances.

CR46 where the motorist stopped to answer mobile phones

May accept representations

In no circumstances.

May reject representations

On all occasions.

CR47 where the motorist claims they were unaware of enforcement on Sundays / Bank / Public holidays

May accept representations

Check signs are in place to confirm enforcement at these times.

May reject representations

On all other occasions.

CR48 where the motorist claims that the restriction was marked after the vehicle had been parked

May accept representations

If records confirm that signing / lining / placement of cones or suspension notices was likely to have taken place after the vehicle parked.

May reject representations

If there is evidence to show that markings were already in place at the time of parking.

CR49 where the motorist was carrying out building works or works of a statutory nature

May accept representations

If evidence confirms that the motorist was simply loading / unloading (see policy [S1.1](#) on page).

If a valid waiver/ permit to park at the location in question had been issued and was on display in the vehicle.

If works are of a statutory nature or are exempted from restrictions by a Traffic Order or legislation e.g. Utility Companies.

If it can be proven that works were an emergency.

May reject representations

In all other circumstances.

CR50 where motorcyclist was not parked in a motorcycle bay and was not displaying a relevant permit / P&D ticket

May accept representations

Where a motorcycle is parked in a car bay and a P&D ticket was purchased but not displayed.

May reject representations

In all other circumstances.

CR51 where motorist was parked on wrong level of multi storey car park for the tariff paid

May accept representations

If the signing is not in place.

May reject representations

In all other circumstances.

CR52 where the motorist has changed car park from long stay to short stay

May accept representations

If there are significant mitigating circumstances.

May reject representations

In no other circumstances.

CR53 where the vehicle driven by the motorist is diplomatically registered

May accept representations

In all circumstances. A Notice to Owner should never be sent to the keeper of a diplomatically registered vehicle.

KCC should be informed of all penalty charges recovered from keepers of diplomatically registered vehicles. They will pass information n concerning these debts on to the Foreign and commonwealth Office.

May reject representations

In no circumstances.

CR54 where motorist claims that they left the vehicle parked whilst away on holiday and they had parked the vehicle in a suspended parking place or failed to display a permit in a residents parking zone

May accept representations

If the suspension notice was displayed after the motorist departed on holiday and appropriate documentation is provided to confirm holiday dates and records confirm the date suspension notices were erected was after the start of the holiday.

If confirmation is received that the resident was away on holiday during the period the penalty charge was issued.

May reject representations

In all other circumstances.

CR55 where motorist claims that they were unaware that they were not allowed to park on a grass verge

May accept representations

If there is evidence of loading / unloading.

If TRO is incorrect.

May reject representations

In all other circumstances.