



Building a Better Bournemouth

BOURNEMOUTH BOROUGH COUNCIL

CIVIL PARKING ENFORCEMENT

GUIDANCE FOR THE ENFORCEMENT AND CANCELLATION OF PENALTY CHARGE NOTICES

THIS DOCUMENT PROVIDES GUIDANCE ONLY

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

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BOURNEMOUTH PARKING SERVICES

Introduction

This document is Bournemouth Council Enforcement and Parking Services guidance in respect of its Civil Parking Enforcement under the Traffic Management Act 2004. The guidance in this document is intended to inform the public and Council employees working in the enforcement of parking regulations.

This document aims to provide clarity, consistency and transparency with the enforcement process and compliance with the Department for Transport Parking Policy and Enforcement Operational Guidance to Local Authorities and has regard to the aspirations of the Traffic Penalty Tribunal and Local Government Ombudsman.

This document also aims to provide assistance to motorists wishing to challenge the issue of a Penalty Charge Notice and provide guidance on the types of documentary evidence required to enable us to consider the case.

Please refer to the end of this document for a glossary of the terms used.

When considering cases we will:-

- Recognise that each case is different and consider any mitigating circumstances.
- Check whether any other Penalty Charge Notices have been issued to the vehicle or indeed other vehicles owned by the motorist. We may not extend the same latitude to 2nd and subsequent Penalty Charge Notices, depending on the circumstances.
- Check whether the motorist has made the same challenge/representation previously. For example ticket fell off, did not receive PCN, forgot to display disabled badge etc.
- Consider any documentary evidence provided by the motorist to support the challenge/representation.
- Consider the notes made by the Civil Enforcement Officer and observations made at the time.
- Check that there is a valid Traffic Regulation Order in place.

- Obtain a report from the Civil Enforcement Officer or make a site visit where appropriate depending on the nature of the challenge/representation.

Standard Contravention Codes and Observation Times

Code	On Street Contraventions	Level	Observation time
01	Parked in a restricted street during prescribed hours	Higher	Liveried vehicle 10 mins Un liveried vehicle 5 mins
02	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	Higher	0
04	Parked in a meter bay when penalty time is indicated	Lower	0
05	Parked after the expiry of paid for time	Lower	0
06	Parked without clearly displaying a valid pay & display ticket or voucher	Lower	0
07	Parked with payment made to extend the stay beyond initial time	Lower	0
08	Parked at an out-of-order meter during controlled hours	Lower	0
09	Parked displaying multiple pay & display tickets where prohibited	Lower	0
10	Parked without clearly displaying two**** valid pay and display tickets when required	Lower	0
11	Parked without payment of the parking charge	Lower	0
12	Parked in a residents' or shared use parking place without clearly displaying either a permit or voucher or pay and display ticket issued for that place	Higher	0
13	----- RESERVED FOR TfL USE (LOW EMISSION ZONE) -----	N/A	Not applicable
14	Parked in an electric vehicles' charging place during restricted hours without charging	Higher	0
16	Parked in a permit space without displaying a valid permit	Higher	0
17	--- RESERVED FOR TfL USE (CONGESTION CHARGING) ---	N/A	Not applicable
18	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher	0
19	Parked in a residents' or shared use parking	Lower	Liveried vehicle

	place or zone displaying an invalid permit or voucher or pay & display ticket, or after the expiry of paid for time		10 mins Un liveried vehicle 5 mins
20	Parked in a loading gap marked by a yellow line	Higher	Liveried vehicle 10 mins Un liveried vehicle 5 mins
21	Parked in a suspended bay/space or part of bay/space	Higher	0
22	Re-parked in the same parking place or zone within one hour* after leaving	Lower	0
23	Parked in a parking place or area not designated for that class of vehicle	Higher	0
24	Not parked correctly within the markings of the bay or space	Lower	0
25	Parked in a loading place during restricted hours without loading	Higher	Liveried vehicle 10 mins Un liveried vehicle 5 mins
26	Vehicle parked more than 50 centimetres from the edge of the carriageway and not within a designated parking place.	Higher	0
27	Parked adjacent to a dropped footway	Higher	0
30	Parked for longer than permitted	Lower	0
34	Being in a bus lane	N/A	0
35	Parked in a disc parking place without clearly displaying a valid disc	Lower	0
40	Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge.	Higher	0
41	Parked in a parking place designated for diplomatic vehicles	Higher	0
42	Parked in a parking place designated for police vehicles	Higher	0
45	Parked on a taxi rank	Higher	0
46	Stopped where prohibited (on a red route or clearway)	Higher	0
47	Stopped on a restricted bus stop or stand	Higher	0
48	Stopped in a restricted area outside a school	Higher	0
49	Parked wholly or partly on a cycle track	Higher	0
55	A commercial vehicle parked in a restricted street in contravention of an	Higher	0

	overnight waiting ban		
56	Parked in contravention of a commercial vehicle waiting restriction	Higher	0
57	Parked in contravention of a coach ban	Higher	0
61	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	Higher	0
62	Parked with one or more wheels on any part of an urban road other than a carriageway. (footway parking)	Higher	0
63	Parked with engine running where prohibited	Lower	0
67	---- RESERVED FOR VEHICLE EMISSIONS ----	N/A	
68	---- RESERVED FOR VEHICLE EMISSIONS ----	N/A	
99	Stopped on a pedestrian crossing and/or crossing area marked by zig-zags	Higher	0
	* or other specified time ** Or voucher *** Sometimes applies during term time only **** Or other number		
Code	Off-Street Parking (Car Parks)	Level	
70	Parked in a loading area during restricted hours without reasonable excuse	Higher	Liveried vehicle 10 mins Un liveried vehicle 5 mins
73	Parked without payment of the parking charge	Lower	0
74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher	0
77	- - - RESERVED FOR DVLA USE - - -	N/A	Not applicable
80	Parked for longer than the maximum period permitted	Lower	0
81	Parked in a restricted area in a car park	Higher	0
82	Parked after the expiry of paid for time	Lower	0
83	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower	0

84	Parked with payment made to extend the stay beyond initial time	Lower	0
85	Parked in a permit bay without clearly displaying a valid permit	Higher	0
86	Not parked correctly within the markings of a bay or space	Lower	0
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	Higher	0
89	Vehicle parked exceeds maximum weight and/or height and/or length permitted in the area	Higher	0
90	Re-parked in the same car park within one hour* after leaving	Lower	0
91	Parked in a car park or area not designated for that class of vehicle	Higher	0
92	Parked causing an obstruction	Higher	0
93	Parked in car park when closed	Lower	0
94	Parked in a pay & display car park without clearly displaying two***** valid pay and display tickets when required	Lower	0
95	Parked in a parking place for a purpose other than the designated purpose for the parking place	Lower	0
96	Parked with engine running where prohibited	Lower	0
	* or other specified time ** Or voucher *** Sometimes applies during term time only **** Or other number		

Higher/Lower = There is a perceived unfairness requiring the same penalty regardless of seriousness of the contraventions. For this reason, and in order to emphasise the traffic management purpose of Civil Parking Enforcement the Traffic Management Act 2004 sets 2 levels of Penalty Charge. The higher level applies to what are considered more serious contraventions. Parking in a place where it is ALWAYS prohibited such as on double yellow lines or in a disabled bay without displaying a disabled badge is considered more serious than overstaying where parking is permitted e.g. in a parking place.

STATUTORY GROUNDS TO MAKE REPRESENTATION

(TRAFFIC MANAGEMENT ACT 2004)

All the Statutory Grounds are set out in Statutory Instrument 2007/3482 regulation 4(4), listed at page 34 of the Council's Parking Policy document and are summarised on the following pages, identified by the prefix S

Important note

Although the following listed are Statutory Grounds on which to make a formal representation, full consideration will be given and account taken of all representations received whether or not they fall within the description of "Statutory Grounds". For this reason this document also contains circumstances where the Council will consider mitigating circumstances. Whilst the Council has endeavoured to include a comprehensive list of mitigating circumstances this should not prevent a motorist making a formal representation if none of the listed examples applies.

MITIGATING CIRCUMSTANCES

The most common Mitigating Circumstances are identified on the following pages by the prefix M

Important note

Our guidance on exercising discretion in relation to mitigating circumstances are outlined on the following pages of this document. The majority relate to parking contraventions and therefore may not apply where the vehicle was in a bus lane. We have endeavoured to include most circumstances however if your particular circumstance is not listed this does not prevent you from challenging the Penalty Charge Notice.

STATUTORY GROUNDS	
S1 That the alleged contravention did not occur;	
S1.1 Where the motorist claims he/she was loading/unloading	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATION
<p>On a waiting prohibition or in a controlled bay:</p> <p>If evidence is available or provided to show:</p> <p>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.</p> <p>Loading/unloading activity was adjacent to the premises concerned</p> <p>Loading/unloading activity was timely (includes checking goods and paperwork but not delayed by unrelated activity)</p> <p>If in the course of business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc.</p>	<p>On school 'Keep Clear' zig zag markings;</p> <p>On ZigZag approaches to light controlled crossings;</p> <p>Disabled parking bays (Unless a Blue Badge Holder);</p> <p>On bus stop clearways;</p> <p>On Taxi ranks</p> <p>On Police bays</p> <p>Where loading is prohibited -;</p> <p>In car parks; (except when depositing materials in recycling bins)</p> <p>If a valid pay and display ticket was not purchased first.</p> <p>Where a minimum of 5 minutes observation of an un liveried vehicle or 10 minutes observation of a liveried vehicle was carried out but no loading or unloading activity was observed</p>

S1.2 Where the motorist claims that a parking pay and display machines was faulty	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATION
<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 (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>
S1.3 Where the motorist was carrying out building works	
<p>If evidence confirms that the motorist was simply loading/unloading (see policy S1.1).</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 of legislation.</p> <p>If it can be proven that works were an emergency.</p>	<p>In all other circumstances</p>
S1.4 Where motorist claims that PCN was not served (i.e. PCN not found attached to vehicle or handed to driver)	
<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 driver or fixed to the vehicle and a Regulation 10 PCN was not issued.</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>

S1.5 Where the motorist claims that their vehicle was not in the location at the time and on the date alleged on the PCN which was issued

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATION
<p>Following consideration of all available evidence demonstrating vehicle was cloned or was at a different location.</p> <p>For example - 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>

S1.6 Where motorist claims that a valid authorisation to park, had been issued

<p>If records show that the motorist holds a valid authorisation to park.</p>	<p>If a 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>
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S1.7 Where the motorist claims that a pay and display ticket was purchased and displayed

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATION
<p>If the motorist produces a Pay and 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"> • A ticket was displayed 'face down' • A ticket was displayed but partially concealed so that relevant details (expiry time, date, etc) could not be seen and checked • The ticket serial number printed on the back of the 'face down' ticket matches the details of the ticket produced 	<ul style="list-style-type: none"> • If the motorist is unable to produce a valid pay and display ticket • The Civil Enforcement Officer was unable to confirm that a face down ticket or a ticket that was displayed but concealed in some other way was seen. • The serial number of the ticket produced does not match the serial number printed on the back of the ticket seen by the Civil Enforcement Officer • Where the registration number details entered at the time of purchase and printed on the ticket produced, do not match the registration number of the vehicle concerned, subject to some latitude being allowed for errors. • The motorist has made a similar representation before and had a previous PCN cancelled, after giving them the benefit of the doubt; or • The Civil Enforcement Officer noted that the motorist obtained their ticket from another motorist in the car park.

S1.8 Where the motorist claims that the restriction is not clearly signed or marked	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATION
<p>If signs and /or markings are missing or unclear</p> <p>If sign and markings are inconsistent with each other and/or Traffic Regulation 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>If site visit records or photographs establish that a reasonable motorist would have been aware of the restriction at that location</p>
S1.9 Where the vehicle was captured using CCTV evidence parked where a loading or unloading restriction is in place and the motorist claims someone was getting into or out of the vehicle	
<p>If the CCTV evidence shows a door open and/or someone getting into or out of the vehicle</p> <p>Where a taxi driver produces evidence of dropping off or picking up a fare paying passenger</p>	<p>In all other circumstances</p>
S1.10 Where the motorist claims they are permitted to stop on a bus stop	
<p>If the vehicle is a hackney carriage or taxi and the CCTV evidence shows someone getting into or out of the vehicle</p> <p>If the vehicle is being used in the course of a repair to the bus stop e.g. glass repair</p>	<p>In all other circumstances</p>
S1.11 Where the motorist claims they are permitted to use the bus lane	
<p>If records show that the vehicle holds a valid authorisation, or evidence provided shows they should be added to the list of authorised vehicles, or that they were directed to use the bus lane by a Police Officer and this can be confirmed by the Police.</p>	<p>In all other circumstances</p>

S2 That the motorist was not the owner/keeper of the vehicle at the time of the contravention:

S2.1 Where the current registered keeper claims that they had ceased to be its owner before the date on which the alleged 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; and or

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

ACTION - Send a new Notice to Owner to the person named by the current registered keeper

MAY REJECT REPRESENTATION

If the current registered keeper is unable to prove that they disposed of the vehicle before the contravention nor provide the name and address of the person to whom they disposed of the vehicle

If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced,

or is for some other reason evidence provided is not considered to be bona fide

S2.2 Where the registered keeper claims that they became its owner after that date

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATION
<p>If the current registered keeper is able to provide proof that the vehicle was purchased after the contravention, i.e. an invoice, registration documents, insurance documents or a letter from the DVLA; and/or If the current registered keeper is able to provide the full name and address of the person from whom they purchased the vehicle</p>	<p>If the current registered keeper is unable to either prove that they purchased the vehicle after the contravention or 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 from whom they purchased the vehicle, does not exist, cannot be traced or is for some other reason not considered to be bone fide.</p>

S2.3 Where the motorist claims they were never the owner of the vehicle in question

<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 PCNs incurred, subject to the time of hire (see policy below)</p>
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S3 The owner is a vehicle-hire firm and have supplied the name of the hirer

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATION
<p>If the hire company are able to provide the full name and address of the person to whom they hired the vehicle and provide proof that the vehicle was hired at the time of the contravention, i.e. a signed agreement</p> <p>the person hiring it had signed a statement of liability acknowledging his liability in respect of any penalty charge notice served in respect of any parking contravention involving the vehicle during the currency of the hiring agreement</p> <p>ACTION - 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 used as a courtesy car without an agreement signed to accept responsibility for Penalty Charge Notices issued.</p>

S4 That the vehicle had been taken without the consent of the owner

S4.1 Where the current registered keeper claims that the vehicle had been stolen

<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>
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S4.2 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 REPRESENTATION	MAY REJECT REPRESENTATION
Only when an approved, signed, formal hire agreement exists see policy S3	In all circumstances because the registered keeper is always liable, including where the vehicle was left in the care of a garage
S5 The Penalty exceeded the relevant amount	
If the PCN and/or Notice to Owner showed the incorrect amount of the Penalty Charge, i.e. the wrong Penalty Charge Band	If the PCN or Notice to Owner showed the correct amount of Penalty Charge
S6 The Traffic Order is Invalid	
If the Traffic Regulation Order prescribing the restrictions that the vehicle 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.	If the Traffic Regulation Order is sound and accurate in all respects. If the motorist merely considers the restriction to be unfair.

S7 There has been a procedural impropriety on the part of the enforcement authority

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If Enforcement and Parking Services have failed to observe any requirement imposed on it by the Traffic Management Act, Transport Act 2000 or any other relevant regulations in relation to the imposition or recovery of a PCN. In particular the service of a document for example a Charge Certificate in advance of the time scale set out in the regulations.</p> <p>This ground will also apply if the representation is that a Fixed Penalty Notice under section 52 of the Road Traffic offenders Act 1988 has been given. This is likely only to be the case on or near pedestrian crossings. In such circumstances the FPN under criminal law jurisdiction will have primacy.</p>	<p>Where there has not been a procedural impropriety as requirements of the TMA has been observed.</p> <p>Where a Fixed Penalty Notice has not been issued.</p>

S8 The NtO should not have been served because the PCN had already been paid in full or by the amount reduced by any discount set within the discount period

<p>If the full payment has been received or the discounted amount was received within the set period and not recorded against the PCN</p> <p>If documentary evidence supplied such as a bank statement indicates that payment has been made</p>	<p>If the full payment has not been received or if a discounted amount was received outside the set discounted period either as prescribed within the Traffic Management Act or any other additional discretionary period set out in any correspondence.</p>
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S9 Where a PCN was served by post (Regulation 10 PCN) on the basis that a CEO was prevented from issuing it to the vehicle or handing it to the owner or person in charge, and the CEO was not so prevented

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If the pocket book and CEO evidence would support the representation and an error has been made.	Where the pocket book notes and evidence indicate that the CEO was prevented from issuing the PCN

S10 Any other information that the motorist/vehicle owner want the Council to take into consideration.

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.	
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MITIGATING CIRCUMSTANCES

Our policies on exercising discretion in relation to mitigating circumstances are outlined on the following pages of this document. The majority apply to parking contraventions and therefore may not apply where the vehicle is in a bus lane. We have endeavoured to include most circumstances however if your particular circumstance is not listed this does not prevent you from challenging the Penalty Charge Notice.

MC1 Where the motorist claims to have become unwell while driving	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATIONS
<p>If the motorist provides proof of a medical condition, 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 proof of a medical condition, temporary or permanent, consistent with the conditions described.</p> <p>Or</p> <p>Where other evidence contradicts the motorist's claims.</p>
MC2 Where the motorist claims to be a doctor, nurse, health visitor attending a patient	
<p>Where the motorist concerned possesses a Medical Dispensation Badge (BMA, HEB) 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 the motorist was not attending a patient in urgent circumstances or if there were legal parking spaces nearby.</p> <p>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.</p> <p>If the motorist was parked in an area which does not correspond with claims made in the representations, i.e. far from patient's property, say, in a car park.</p>

MC3 Where the motorist stopped to use the toilet.	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATIONS
On production of medical evidence confirming a relevant medical condition and in support of the circumstances described in a representation.	In all other circumstances.
MC4 Where the motorist stopped to collect (prescribed) medication from a chemist.	
Only in the most grave, urgent and exceptional of circumstances and the use of a 'legal' parking place would have caused an unacceptable delay.	In any lesser circumstances.
MC5 Where the motorist was a patient visiting a doctor's surgery.	
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>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 park legally elsewhere</p>
MC6 Where the motorist claims to have been recently bereaved	
If no evidence exists to the contrary, taking into account the sensitivity of this issue on first occasion.	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.

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

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATIONS
<p>If supported by appropriate evidence, the motorist’s representations claims that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseen, unavoidable and exceptional.</p> <p>If the motorist’s vehicle had broken down subject to concurrence with Policy MC22.</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>Where the initial paid for parking period had been purchase via the phone payment system and a reminder text had been sent.</p>

MC8 Where the motorist ‘fed a meter or pay and display machine beyond the maximum stay permitted by buying subsequent time to park in the same place or returned to the same place within a specified and prohibited time period.

In no circumstances	If the motorist overstays initial period of time purchased or returns within a period of ‘No return’.
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MC9 Where the motorist left the vehicle parked without a valid ticket on display to obtain change.

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATIONS
<p>The general position in law is that going for change is not a ground for allowing an appeal. The driver is expected to have sufficient change on arrival, or alternative means of payment such as a mobile phone, where a phone payment system is in place.</p> <p>However, we may accept representation, if the motorist had left the car park, or on-street pay and display area, while obtaining change and a ticket was purchased which is supported by the CEO evidence confirming returning to the vehicle after the PCN had been issued.</p>	<p>If the Civil Enforcement Officer's notes indicate that the motorist returned to the vehicle while the PCN was being issued:</p> <ul style="list-style-type: none"> • Having apparently completed the purpose which led to the vehicle being parked in the first place i.e. carrying shopping etc • There was either no one in the car park who may have been obtaining or trying to obtain change, queuing for or purchasing a car park ticket from a machine or that any individuals seen who may have been doing so, having been allowed sufficient time to do so did not return to the vehicle under observation

MC10 Where the motorist claims to have been unaware of charges payable or restriction/prohibitions applicable to vehicles relating to vehicle's class or weight.

If signing relating to the parking charges payable, restriction or prohibitions in force applicable to a vehicle of that class or weight are incorrect or missing	In all other circumstances
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MC11 Where the motorist claims to have been unaware of recent rise in tariff

<p>If statutory notices were not erected in accordance with procedural regulation.</p> <p>If revised tariff is not on tariff board(s)</p>	<p>If statutory notices were erected in accordance with procedural regulation and tariff board(s) were correct.</p>
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MC12 Where the motorist had parked with one of more wheels outside of a marked bay in a car park.

<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>
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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.

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATIONS
<p>If it can be established that this is the motorist's first contravention of this type and they can provide evidence that they are a Blue Badge holder or were transporting a Blue Badge holder.</p>	<p>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 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 apply.</p>

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

<p>If it can be established that the signing and marking of the CPZ is at fault, (missing and/or unclear) see Statutory Ground Policy reference S1.8</p>	<p>In all other circumstances</p>
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MC15 Where the motorist was displaying an expired authorisation to park, i.e. waiver parking place suspension, car park permit, resident permit, visitor permit, or business permit

<p>If the renewal of the authorisation was delayed by the Council's administrative process.</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 car park permits and resident's/ business permits only, if the authorisation had expired by less than 14 days and the person has now renewed the permit</p>	<p>In all other circumstance</p> <p>In the event of more than one vehicle registration included on a permit or resident permit, subsequent production of the permit will not necessarily cause automatic cancellation of the PCN as the permit may have been used on the other vehicle.</p>
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MC16 Where the motorist is parked in contravention of a waiting/parking prohibition whilst displaying a resident/ visitor or business permit

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATIONS
In no circumstances The motorist must park in accordance with the conditions of the permit	On all occasions If the motorist had parked in contravention of the permit conditions of use or in contravention of waiting restrictions for example on double yellow lines or parked longer than permitted.

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

If the motorist produces evidence that they have moved in within the last 14 days and purchase a permit back dated prior to the issue of the PCN	On all other occasions
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MC18 Where the motorist had parked incorrectly in a controlled bay on-street

If it can be established that the motorist was genuinely loading or unloading subject to compliance with Statutory Ground Policy reference S1.1	On all other occasions
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MC19 Where the motorist assumed that they were entitled to ‘a period of grace’ before the PCN was issued

In no circumstances	In all circumstances
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MC20 Where the motorist claims they were attending a funeral

Depending on the circumstances, taking into account the sensitivity of this issue	If there is a reason to doubt the sincerity of the representations, depending on the circumstances and taking into account the sensitivity of this issue.
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MC21 Where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATIONS
<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>

MC22 Where the motorist claims that their vehicle had broken down.

<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. had run out of petrol or water.</p> <p>If the Civil Enforcement Officer's notes contradict the motorists version of events.</p>
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MC23 Where the motorist claims that they were attending an emergency or another vehicle that had broken down.

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATIONS
<p>If the motorist is able to provide reasonable proof of the emergency, i.e. a credible report of an accident, 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 attending an emergency or another vehicle, which was broken down.</p>

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

<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>
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MC25 Where the vehicle in question was on police, Fire brigade or ambulance duties

<p>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.</p>	<p>In all other circumstances</p>
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M26 Where the motorist claims to have been collecting or depositing monies at a bank

<p>If the procedure explained in the motorist's representations is consistent with the allowance for loading and unloading, see Statutory Grounds Policy reference S1.1</p> <p>If specific arrangements have been agreed</p>	<p>In all other circumstances</p> <p>Where a minimum of 5 mins observation of an un liveried vehicle or 10 mins observation of a liveried vehicle was carried out but no loading or unloading activity was observed</p>
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MC27 Where the motorist claims to have been unaware of a temporary parking restriction or special event restriction.

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATIONS
<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>If the process of making the temporary order was not defective.</p>

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.

In no circumstances	On all occasions
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MC29 Where the registered keeper liable for payment of the PCN is said to have died.

Where the circumstances can be confirmed (by sensitive enquiry)	Only if there is a significant evidence to doubt the sincerity of the representations.
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MC30 Where the vehicle driven by the motorist is diplomatically registered

<p>In all circumstances. <u>A Notice to Owner should never be sent to the keeper of a diplomatically registered vehicle.</u></p> <p>Inform the Enforcement and Parking Services Manager of all Penalty Charges unrecovered from keepers of diplomatically registered vehicles to enable information to be passed 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>	In no circumstances
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MC31 Where the motorist received a Fixed Penalty Notice (FPN) from a Police Officer when parked in the same location.

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATIONS
To prevent 'double jeopardy', if confirmation is provided by the police that proceedings for a criminal offence in connection with the same parking/waiting incident have been instituted in accordance with Statutory Policy S7	In all other circumstances

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

If the officer was carrying out emergency or statutory work at the time and there was no other reasonable alternative.	If it can be established that the officer/member was not carrying out emergency or statutory work at the time or could have reasonably parked/elsewhere.
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MC33 Where the motorist stopped to drop off someone

<p>If the circumstances are seen by the Civil Enforcement Officer.</p> <p>If, in exceptional circumstances and subject to observation times, the motorist had to escort a passenger to a nearby destination and there was no other reasonable alternative option.</p> <p>In accordance with Statutory Policy S1.10 and S1.11</p>	If the motorist was parked/stopped on school keep clear markings, pedestrian crossing bus stop clearway.
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MC34 Where the motorist was unaware of the Overnight Waiting Ban/ Commercial Vehicle waiting restriction.

<p>If motorist was instructed/authorised to park in contravention of the restriction by the Police</p> <p>In accordance with Statutory Policy S1.8</p>	In all other circumstances
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MC35 Where the motorist states they were in Police custody when the PCN was issued

MAY ACCEPT REPRESENTATION

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

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

MAY REJECT REPRESENTATIONS

If no proof provided

If vehicle could have been legally parked before the arrest.

If the motorist was unable to drive since parking due to excess alcohol in the body, unless subsequently released without charge or proven innocent.

MC36 Where the motorist states they were visiting a friend or relative in urgent circumstances

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

Depending on the circumstances if the motorist has already received a PCN, which has been cancelled for the same reason.

If the Civil Enforcement Officer's pocket book notes provide significant reason to doubt sincerity of representation.

MC37 Where motorist claims there was no legal place to park

Only in the most exceptional of circumstances.

In the absence of exceptional circumstances.

MC38 Where motorist claims they were parked on private property

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

In all other circumstances.

MC39 Where the motorist was delayed in returning to their vehicle parked in a limited waiting parking place.	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATIONS
<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 the motorist's vehicle had broken down, subject to concurrence with policy MC22.</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>
MC40 Where motorist had parked while asking directions/opening gates to private property.	
If evidence provided by the Civil Enforcement Officer does not contradict representations.	In all other circumstances
MC41 Where the motorist stopped to answer a mobile phone.	
In no circumstances	In all circumstances
MC42 Where the motorist states that the details on the PCN are incorrect, e.g. location.	
If there is reason to doubt that the PCN was issued correctly, taking into account evidence provided by the Civil Enforcement Officer.	If the Penalty Charge Notice was fully and correctly completed.
MC43 Where the motorist states they were unaware of enforcement on Bank/Public holidays.	
In no circumstances	On all occasions.
MC44 Where the motorist states that restriction was marked after the vehicle had been parked.	
If records confirm that signing/lining/placement of cones or suspension notices was likely to have taken place after the vehicle parked.	If there is evidence to show that markings were already in place at the time of parking.

GLOSSARY OF TERMS USED

Term or Abbreviation	Explanation
PCN	Penalty Charge Notice.
Challenge	The word used to describe an informal appeal made prior to the issue of a Notice to Owner.
Representation	The word used to describe the formal appeal process when completing a Notice to Owner.
Appeal	The word used to describe an appeal against the issue of a PCN made to the Traffic Penalty Tribunal (TPT).
Traffic Penalty Tribunal (TPT)	The independent adjudication body set up to hear appeals against PCN.
CEO	Civil Enforcement Officer.
Traffic Regulation Order (TRO)	The legal order setting out the parking restriction. For example No Waiting At Any Time.
Off Street Parking Order	The document that sets out the conditions of use and charges in Bournemouth Borough Council operated off street parking places.
Statutory Grounds	The grounds set out in the Traffic Management Act 2004 on which the motorist may wish to challenge the PCN.
Exceptional Circumstances	Any other reason or mitigation leading to the issue of the PCN on which the motorist wishes to challenge.
Notice to Owner	The document sent by the Council to the person believed to be the owner/keeper of the vehicle. It is this person who should complete, sign and return the form if wishing to make a formal representation.
Traffic Management Act 2004	The legislation under which the Penalty Charge Notice was issued.
Charge Certificate	The official notice issued to the keeper of the vehicle if no formal representation or payment is received at Notice to Owner stage or there remains a sum outstanding/amount owing
Fixed Penalty Notice (FPN)	The Notice issued by the Police for traffic offences such as parking on approaches to pedestrian crossings. A FPN will always take primacy over a PCN.