

PETERBOROUGH CITY COUNCIL

CIVIL PARKING ENFORCEMENT

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

March 2023

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Introduction

On 19th August 2003 the Secretary of State for Transport, Local Government exercise powers conferred by paragraphs 1(1), 2(1) and 3 (3) of schedule 3 to the Road Traffic Act 1991 and of all other powers enabling them in that behalf, made the following order:-

The Road Traffic (permitted parking area and special parking area) (City of Peterborough) Order 2003.
This order came into force on 22nd September 2003.

The Road Traffic (permitted parking area and special parking area) (City of Peterborough) Order 2003, comprises the entire City of Peterborough with some limited exceptions including the A1M, A1, A47 and some high speed parkway routes.

As a consequence of the above legislation the responsibility of enforcing on-street parking restrictions moved from Cambridgeshire Constabulary to Peterborough City Council.

Legislative changes (effective from 31st March 2008) have superseded the above regulations and Civil Parking Enforcement within Peterborough is now undertaken in accordance with Part 6 of the Traffic Management Act 2004.

Aims and Objectives

Peterborough City Council's Parking Service is committed to enforcing parking regulations fairly without prejudice; to improving conditions for people living, working and visiting Peterborough. This is achieved through effective on-street parking enforcement reducing the dangers posed by illegal, inconsiderate and dangerous parking. Further benefits are improved access for the emergency services, local bus services and reductions in congestion.

Enforcement staff are called Civil Enforcement Officers (CEO)

Peterborough City Council have prepared the following policy guidance in respect of Decriminalised Parking Enforcement. The guidelines in this document are intended to inform the public and provide guidance to council employees working in the enforcement of Parking Service.

This is consistent with current best practice and aims to provide clarity, consistency and transparency within the enforcement process and compliance with the National Parking Adjudication Service.

This Policy represents a foundation upon which fairness and discretion can be applied. The importance of flexibility in these matters has been recognised by Peterborough City Council.

The policy addresses the following:

Observation times for enforcement staff

The statutory grounds upon which representations may be made

Mitigating circumstances

The acceptance or rejection of representations

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

THIS DOCUMENT WILL BE REVIEWED REGULARLY

Contravention Codes

A contravention occurs if the terms of a Traffic Regulation Order (TRO) are not complied with. A penalty charge is then payable. A parking contravention for which a civil penalty charge is payable is not a criminal offence. Councils use a standard system of two-digit codes to refer to parking contraventions. The code appears on the penalty charge notice, together with a description of the contravention.

The differential level system relates to the seriousness of the contravention and the breakdown of the higher and lower penalties are as below:

Higher (Discount)	Lower (Discount)
£70 (£35)	£50 (£25)

A 50% discount rate will only be applied if the penalty charge notice is paid within 14 days of the date the penalty charge notice was issued.

STANDARD CONTRAVENTION CODES, PENALTY CHARGE LEVEL & OBSERVATION TIMES *(not all Contravention Codes are used by Peterborough City Council)*

Code	Observation Time & Notes	Contravention	Differential Penalty Charge level
01	0 min / 5 min *	Parked in a restricted street during prescribed hours	Higher
02	0 min	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	Higher
04	0 min	Parked in a meter bay when penalty time is indicated	Lower
05	0 min	Parked after the expiry of paid for time	Lower
06	0 min**	Parked without clearly displaying a valid pay & display ticket or voucher	Lower
07	0 min	Parked with payment made to extend the stay beyond initial time	Lower
08	0 min	Parked at an out-of-order meter during controlled hours	Lower
09	0 min	Parked displaying multiple pay & display tickets where prohibited	Lower
10	0 min	Parked without clearly displaying two valid pay and display tickets when required	Lower
11	0 min	Parked without payment of the parking charge	Lower
12	5 min	Parked in a residents' or shared use parking place or zone without a valid virtual permit or clearly displaying a valid physical permit or voucher or pay and display ticket issued for that place where required, or without payment of the parking charge	Higher
14	0 min	Parked in an electric vehicles' charging place during restricted hours without charging.	Higher
16	0 min	Parked in a permit space or zone without a valid virtual permit or clearly displaying a valid physical permit where required	Higher
18	0 min	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher

19	5 min	Parked in a residents' or shared use parking place or zone with an invalid virtual permit or displaying an invalid physical permit or voucher or pay and display ticket or after the expiry of paid for time	Lower
20	5 min	Parked in a part of a parking place marked by a yellow line where waiting is prohibited	Higher
21	0 min	Parked wholly or partly in a suspended bay or space	Higher
22	0 min	Re-parked in the same parking place or zone within the prescribed time period after leaving	Lower
23	0 min	Parked in a parking place or area not designated for that class of vehicle	Higher
24	0 min	Not parked correctly within the markings of the bay or space.	Lower
25	5 min	Parked in a loading place or bay during restricted hours without loading.	Higher
26	0 min	Parked in a special enforcement area more than 50cm from the edge of the carriageway and not within a designated parking place	Higher
27	0 min	Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway	Higher
28	0 min	Parked in a special enforcement area on part of the carriageway raised to meet the level of a footway, cycle track or verge	Higher
30	0 min	Parked for longer than permitted	Lower
35	0 min	Parked in a disc parking place without clearly displaying a valid disc	Lower
40	0 min	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher
41	0 min	Stopped in a parking place designated for diplomatic vehicles	Higher
42	0 min	Parked in a parking place designated for police vehicles	Higher
45	0 min	Stopped on a taxi rank	Higher
46	0 min	Stopped where prohibited (on a red route or clearway)	Higher

47	0 min	Stopped on a restricted bus stop or stand	Higher
48	0 min	Stopped in a restricted area outside a school, a hospital or a fire, police or ambulance station when prohibited	Higher
49	0 min	Parked wholly or partly on a cycle track or lane	Higher
55	0 min	A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban	Higher
56	0 min	Parked in contravention of a commercial vehicle waiting restriction	Higher
57	0 min	Parked in contravention of a bus ban	Higher
61	0 min	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	Higher
62	0 min	Parked with one or more wheels on any part of a road other than a carriageway	Higher
63	0 min	Parked with engine running where prohibited	Lower
99	0 min	Stopped on a pedestrian crossing or crossing area marked by zigzags	Higher
70	5 min	Parked in a loading place or bay during restricted hours without loading	Higher
71	0 min	Parked in an electric vehicles' charging place during restricted hours without charging	Higher
73	0 min	Parked without payment of the parking charge	Lower
74	0 min	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale goods when prohibited	Higher
80	0 min	Parked for longer than permitted	Lower
81	0 min	Parked in a restricted area in an off street car park or housing estate	Higher
82	0 min	Parked after the expiry of paid for time	Lower
83	0 min**	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower
84	0 min	Parked with payment made to extend the stay beyond initial time	Lower

85	0 min	Parked without a valid virtual permit or clearly displaying a valid physical permit where required	Higher
86	0 min	Not parked correctly within the markings of a bay or space	Lower
87	0 min	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher
89	0 min	Vehicle parked exceeds maximum weight or height or length permitted	Higher
90	0 min	Re-parked in the same car park within one hour after leaving	Lower
91	0 min	Parked in a car park or area not designated for that class of vehicle	Higher
92	0 min	Parked causing an obstruction	Higher
93	0 min	Parked in car park when closed	Lower
94	0 min	Parked in a pay & display car park without clearly displaying two valid pay and display tickets when required	Lower
95	0 min	Parked in a parking place for a purpose other than that designated	Lower
96	0 min	Parked with engine running where prohibited	Lower

An 'instant' PCN may always be issued in circumstances where the Civil Enforcement Officer concerned has evidence, other than a period of observation, which supports the action of issuing the PCN without observing the vehicle for the minimum periods indicated.

* No observation period will be required in instances where it is clear loading/unloading is not taking place (for example at school pick up and drop off, where we have evidence of persistent non-compliance or where no premises exist to load and unload to). In all other instances at least 5 minutes observation will take place.

** Visitors are not permitted time to obtain change away from the immediate area of the P&D machine or car park. Civil Enforcement Officers should observe queues at ticket machines and/or pedestrians who may be seeking change or returning to the vehicle in question, before issuing a Penalty Charge Notice.

From 6 April 2015, the law requires that a penalty charge must not be issued to a vehicle which has stayed parked in a designated parking place on or off street (council pay and display car parks) beyond the permitted parking period for a period of time not exceeding 10 minutes. The 10 minute grace period only applies for designated parking places where a person is permitted to park.

STATUTORY GROUNDS TO MAKE REPRESENTATIONS

Traffic Management Act 2004 (Part 6)

Important note:

Although the following are the 7 Statutory Grounds to make representation, in accordance with a directive issued by the Local Government Ombudsman, full consideration will be the description of “**Statutory Grounds**”. It for this reason that an 8th ground encompassing any other information the motorist or owner/keeper would like the Council to consider, has been included.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S1 The alleged contravention did not occur:	
S1.1 where the motorist claims he/she was loading/unloading	
<p><u>On a waiting prohibition or in a loading bay:</u></p> <p>If evidence is available or provided to show:</p> <ol style="list-style-type: none"> 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. 2. Loading/unloading activity was timely (includes checking goods and paperwork, but not delayed by unrelated activity) 3. If in the course of business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc. 	<p>on <u>school zigzag markings;</u></p> <p>on <u>clearways</u></p> <p>on <u>bus stop clearways;</u></p> <p>on <u>Taxi ranks</u></p> <p>on <u>Police bays</u></p> <p>where <u>loading is prohibited</u></p> <p>in <u>car parks:</u> (except when depositing materials in recycling bins)</p> <p>in <u>residents permit holders bays without displaying a valid permit or visitor permit/ticket.</u></p> <p>if the vehicle has overstayed in a <u>limited waiting bay</u></p> <p>in a <u>pay and display bay</u>, if a valid pay & display ticket was not purchased first.</p>
<p><u>NOTES</u></p> <p>Please note that a delivery invoice should include date, time and description of goods.</p> <p>Commercial vehicle will be observed to establish whether loading or unloading is taking place for up to a maximum of 15 minutes. Private vehicles will be observed to establish whether loading or unloading is taking place for a maximum of 5 minutes.</p> <p>IMPORTANT: Continuous loading activity must be apparent within the above times.</p>	<p>Permits are available to businesses working within controlled parking zones to facilitate unloading/loading within residents parking bays. Please contact the Parking Services helpline on 01733 452514, alternatively you may be able to obtain a visitors permit from the property you are visiting.</p>

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S1.2 where the motorist claims that a parking pay & display machine was faulty or method of payment as not available	
<p>If service records confirm a fault or that the machine had been taken out of service at the time of the contravention.</p> <p>If there is reasonable doubt because evidence not available to confirm that a machine was working at the time and there was not another ticket machine nearby which was operating correctly.</p> <p>If records confirm pay by phone service Ringo was not available.</p>	<p>If there was another ticket machine nearby that was working correctly at the time.</p> <p>If there is no record of the machine being faulty or taken out of service.</p> <p>If there is reasonable doubt because evidence confirms that other motorists had been able to purchase tickets during the relevant period.</p> <p>If other means of payment where available (Ringo) and there was no reason why these could not be used.</p>
<p><u>NOTES</u></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S1.3 where motorist claims that the restriction is not clearly signed or marked	
<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><u>NOTES</u></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S1.4 where the motorist was carrying out building works	
<p>If satisfactory evidence confirms that the motorist was simply loading/unloading.</p> <p>If works are of a statutory nature or are exempted from restrictions by a Traffic Regulation Order or legislation. If it can be proven that works were an emergency. (please see below)</p>	<p>In all other circumstances</p>
<p><u>NOTES</u></p> <p>Examples could include the laying, erection, alteration or repair of any sewer or any main, pipe, or apparatus for the supply of gas, water electricity or telecommunications.</p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S1.5 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 notes and/or computer notes do not confirm that the Penalty Charge Notice was served to the vehicle</p>	<p>If the Civil Enforcement Officer's pocket book notes and/or computer notes confirm that the Penalty Charge Notice was served to the vehicle</p>
<p><u>NOTES</u></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S1.6 where the motorist claims that their vehicle was not parked in the location at the time and on the date alleged on the PCN which was issued	
<p>Following consideration of all available evidence:</p> <p>If the motorist provides photographs of their vehicle and details of where the vehicle was parked at the time of the contravention with a witness statement from a third party where possible.</p> <p>If the photographs confirm differences between the two vehicles, if the keeper is not resident in Peterborough and the vehicle has been confirmed in a location more keeping with the registered address at the time of the contravention, or when a crime number has been provided reporting the vehicle as cloned and this has been confirmed with the police by PCC via telephone or email.</p>	<p>If the motorist does not provide photographs of their vehicle and witness statement</p> <p>Or</p> <p>If the vehicle in the photographs looks identical.</p> <p>Or</p> <p>If there is no police report number provided or if the police are not able to confirm that the vehicle has been reported as cloned.</p>
<p><u>NOTES</u></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>S1.7 where motorist claims that a valid parking permit, or dispensation had been issued and was either clearly displayed or active virtually whilst parked within the appropriate parking space</p>	
<p>If the motorist produces a valid parking permit that was valid for the place parked and at the time the Penalty Charge Notice was issued and the vehicle has not previously had a PCN cancelled under similar circumstances.</p> <p>If the permit system or enforcement system show that a virtual permit or dispensation was active at the time of the contravention for that vehicle and valid in that place.</p>	<ul style="list-style-type: none"> • If the motorist is unable to produce a valid residents parking permit, visitor permit. • Where digits have been entered on the face of the ticket that do not match those of the motorist's vehicle registration or date of use. • Where digits have been scratched off on the face of the ticket that do not match the date of use. • The motorist has made a similar representation before and had a previous Penalty Charge Notice cancelled, after giving them the benefit of the doubt <p>In the event of more than one vehicle registration included on season ticket or permit, subsequent production of the season ticket or permit will not necessarily cause automatic cancellation of the Penalty Charge Notice as the season ticket or permit may have been used on the other vehicle.</p>
<p><u>NOTES</u></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S1.8 where the motorist claims that a pay & display ticket was purchased and displayed	
<p>If the motorist produces a Pay & Display, Ringo session or season ticket that was valid at the time the Penalty Charge Notice was issued and the vehicle has not previously had a PCN cancelled under similar circumstances.</p>	<ul style="list-style-type: none"> • If the motorist is unable to produce a valid pay & display ticket • Where digits have been entered on the face of the ticket that do not match those of the motorist's vehicle registration or date of use. • Where digits have been scratched off on the face of the ticket that do not match the date of use. • The motorist has made a similar representation before and had a previous Penalty Charge Notice cancelled, after giving them the benefit of the doubt • the Civil Enforcement Officer noted that the motorist obtained their ticket from another motorist in the car park; or
<p><u>NOTES</u></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S2 That the recipient:	
S2.1 was 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 Penalty Charge Notices incurred, subject to the time of hire.</p>
<p><u>NOTES</u></p>	

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S2.3 became its owner after that date	
<p>If the current registered keeper is able to provide proof that the vehicle was purchased after the contravention, i.e. an invoice, registration documents or a letter from the DVLA; and/or</p> <p>If the current registered keeper is able to provide the full name and address of the person from whom they purchased the vehicle which can be successfully verified.</p>	<p>If the current registered keeper is unable to prove that they purchased the vehicle after the contravention nor provide the name and address of the person from whom they bought the vehicle</p> <p>If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide</p>
<p><u>NOTES</u></p>	

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S3.2 where the current registered keeper claims that the vehicle was driven by a third party (i.e. a friend, relative or estranged partner)	
In no circumstances.	In all circumstances because the registered keeper is always liable, except for when a hire agreement exists.
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S4 the recipient is a vehicle-hire firm	
<p>If the hire company is able to provide proof that the vehicle was on hire at the time of the contravention, i.e. a signed agreement detailing the full name and address of the person to whom they hired the vehicle to.</p>	<p>If the hire company is unable to prove that they neither hired out the vehicle on the date of the contravention nor provide the name and address of the person to whom they hired the vehicle to.</p> <p>If the person named by the hire company as the person to whom they hired the vehicle, without proof, either does not exist, cannot be traced or denies responsibility for the contravention</p> <p>If the vehicle was being used as a courtesy car without an agreement signed to accept responsibility for Penalty Charge Notices issued.</p>
<p><u>NOTES</u></p>	<p>In these cases the hire agreement usually contains a clause allowing the hire company to debit the card of the hirer to pay any fines.</p>

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

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S7 that the Order which is alleged to have been contravened in relation to the vehicle concerned is invalid	
<p>If the Traffic Regulation Order which prescribes the restrictions that the vehicle was parked in contravention of was either not constructed correctly, i.e. is ultra vires, or was not made or implemented correctly.</p>	<p>If the Traffic Regulation Order which prescribes the restrictions that the vehicle was parked in contravention of was constructed and made correctly</p> <p>If the motorist merely considers the restrictions to be unfair.</p>
<p><u>NOTES</u></p>	

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

MITIGATING CIRCUMSTANCES

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

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

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

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC5 where the motorist was a patient visiting a doctor's surgery	
<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><u>NOTES</u></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC6 where the motorist claims to have been recently bereaved	
<p>If the motorist can provide a copy of a death certificate or if no evidence exists to the contrary, taking into account the sensitivity of this issue on first occasion.</p>	<p>Only if there is a significant reason to doubt the sincerity of representations, i.e. the Civil Enforcement Officer 's notes indicating that the motorist was going about a normal day, say, shopping or working, or the bereavement considered to be a long time ago.</p>
<p><u>NOTES</u></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC7 where the motorist was delayed in returning to their vehicle and parking time purchased had expired	
<p>If supported by appropriate evidence such as proof of breakdown on letter headed paper from the garage, for example an invoice detailing the location of the vehicle and date of recovery. Or the motorist's supported representations claims that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseen, unavoidable, exceptional and beyond their control.</p> <p>If motorist's vehicle had broken down (subject to concurrence with policy MC25, below)</p> <p>If the motorist was unable to drive, since parking the vehicle and is supported by satisfactory documentary evidence.</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><u>NOTES</u></p>	

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC9 where the motorist left the vehicle parked without a valid ticket on display to obtain change.	
<p>If the motorist had not left the car park, or on-street pay and display area, while obtaining change and a ticket was purchased.</p>	<p>If the Civil Enforcement Officer's notes indicate that the motorist returned to their vehicle, having completed their purpose for parking, while the Penalty Charge Notice was being issued, i.e. carrying shopping, or had left vehicle in car park, or on-street pay and display area, while obtaining change</p>
<p><u>NOTES</u></p>	

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

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC12 where the motorist had parked with one or more wheels outside of a marked bay in a car park.	
Only in the most exceptional of circumstances that were outside the motorists control and are supported by incontrovertible evidence.	When clear and incontrovertible supporting evidence (photographs/sketch plan) is available.
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>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</p>	
<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. They must produce a copy of both sides of the valid Blue Badge.</p>	<p>If the motorist has previously had a Penalty Charge Notice cancelled for the same contravention and has been warned to display a valid badge / time clock, correctly in the future</p> <p>If the motorist was parked on a waiting restriction beyond the 3 hour time limit permitted by the Blue Badge Scheme, or on another restriction for which the Blue Badge does not provide an exemption.</p> <p>If the Civil Enforcement Officers notes detail the driver/passengers of the vehicle and these do not match the badge holder or collaborate the motorist's version of events. I.e. the badge holder was not actually present.</p>
<p><u>NOTES</u></p>	

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC15 where the motorist has an expired authorisation to park, i.e. waiver, parking place suspension, season ticket, residents permit, business permit or visitors permit	
<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>If a virtual parking permit has expired or been cancelled and no notification has been sent to the holder</p>	<p>In all other circumstances.</p>
<p><u>NOTES</u></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC16 where the motorist is parked in contravention of a waiting/parking prohibition whilst displaying a valid resident's parking permit or valid visitor permit/ticket.	
In no circumstances.	On all occasions.
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
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	
In no circumstances.	On all occasions.
<p><u>NOTES</u></p>	

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

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC20 where the motorist claims they were attending a funeral	
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>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC21 where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings	
<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><u>NOTES</u></p>	

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC23 where the motorist claims that they were attending an emergency or another vehicle that had broken down	
<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><u>NOTES</u></p>	

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

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC26 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 Policy S1.1, above</p> <p>Or</p> <p>If specific arrangements have been agreed and are documented.</p>	<p>In all other circumstances.</p>
<p><u>NOTES</u></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC27 where the motorist claims to have been unaware of a temporary parking restriction or special event restriction	
<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><u>NOTES</u></p>	

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
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) i.e. a copy of a death certificate.	Only if there is a significant evidence to doubt the sincerity of the representations.
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
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>“LetterSmarti” should be informed of all penalty charges unrecovered from keepers of diplomatically registered vehicles. They will pass information concerning these debts on to the Foreign and Commonwealth Office.</p>	<p>In no circumstances.</p>
<p><u>NOTES</u></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC31 where the motorist received a Fixed Penalty Notice (FPN) from a police officer or traffic warden when parked in the same location	
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.
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC32 where a Council officer or Member parked in contravention and claims to have been on Council business	
If the officer was carrying out emergency or other statutory or emergency work supported by satisfactory evidence.	If it can be established that the officer/Member could have reasonably parked elsewhere.
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
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 observations times, the motorist had to escort a passenger (young child, elderly or disabled person) to home, or school.</p>	<p>If motorist was parked/stopped on 'no stopping restrictions' such as school keep clear markings, pedestrian crossing, taxi rank, bus stop clearway or clearway.</p>
<p><u>NOTES</u></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC34 where motorist was unaware of the Overnight Waiting Ban/Commercial Vehicle waiting restriction	
If motorist was instructed/authorised to park in contravention of the restriction by the Police and supported by satisfactory evidence.	In all other circumstances.
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC35 where motorist states they were in police custody when PCN issued	
<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><u>NOTES</u></p>	

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

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC38 where motorist claims they were parked on private property	
<p>If the motorist produces title from Land Registry which confirm the location is private property and not subject of the relevant Traffic Regulation Order.</p> <p>If there is insufficient evidence to establish the location of vehicle.</p>	<p>In all other circumstances.</p>
<p><u>NOTES</u></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC39 where motorist was delayed in returning to their vehicle parked in a limited waiting parking place	
<p>If supported by appropriate evidence, the motorist's representations claim that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseen, unavoidable and exceptional.</p> <p>If motorist's vehicle had broken down, subject to concurrence with policy MC25, above.</p> <p>If the motorist was unable to drive, since parking the vehicle.</p>	<p>If the delay described by the motorist was not exceptional, i.e. queuing in a shop, delayed at a meeting.</p> <p>If the motorist simply underestimated the time needed and could have reasonably purchased more time.</p> <p>If the motorist was unable to drive since parking due to excess alcohol in the body or had been were detained by the police for any reason, unless subsequently released without charge or proven innocent.</p>
<p><u>NOTES</u></p>	

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

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

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

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC44 where motorist states that restriction was marked after the vehicle had been parked	
<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><u>NOTES</u></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC45 where motorist claims to have purchased a valid electronic session but under the wrong location	
First occasion when the location is within the Peterborough City Council area and the charge tariff is the same.	In all other circumstances.
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC46 where motorist claims to have purchased a valid electronic session but under a different vehicle registration mark	
First occasion upon the subject vehicle being registered on the motorists RingGo account at the time of the PCN being issued, and confirmation of a valid session having been purchased on the other VRM is found.	In all other circumstances.
<u>NOTES</u>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC47 where motorist claims to have forgotten to switch the active registration over on their virtual parking permit	
<p>First occasion upon the subject vehicle being registered on the motorists parking permit and no evidence to suggest the other vehicle has been parked under that same permit at the same time.</p>	<p>Where the subject vehicle is not already on the permit or was added at a later time after the contravention.</p> <p>The subject vehicle or subject permit has had another PCN cancelled in similar circumstances previously.</p> <p>In all other circumstances.</p>
<p><u>NOTES</u></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC48 where motorist made an error entering the vehicle registration into their virtual parking permit.	
<p>First occasion upon a vehicle registration similar (max 1 or 2 digits out) to the subject vehicle being on the permit and active at the time of the contravention.</p>	<p>Where the permit holder has already been made aware that the registration is entered incorrectly and has not corrected it.</p> <p>The subject vehicle or subject permit has had another PCN cancelled in similar circumstances previously.</p> <p>In all other circumstances.</p>
<p><u>NOTES</u></p>	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>MC49 where motorist claims to have been unable to activate or modify a virtual parking permit session before a PCN had been issued.</p>	
<p>First occasion provided an active session was achieved within 5 minutes of the PCN being issued.</p> <p>It can be proven there was a problem with internet connectivity or data service at the time of the contravention– statement from supplier must be provided.</p>	<p>The subject vehicle or subject permit has had another PCN cancelled in similar circumstances previously.</p> <p>No active session was achieved after the PCN was issued.</p> <p>There is no evidence to collaborate a claim that there was no internet/data service available</p> <p>In all other circumstances.</p>
<p><u>NOTES</u></p>	