



Knowsley Council

**KNOWSLEY METROPOLITAN BOROUGH
COUNCIL PARKING ENFORCEMENT POLICY**

Civil Parking Enforcement

**Policy for the Enforcement and
Cancellation of Penalty Charge Notices**

**Policies set out in this document are
providing guidance only.**

**Each case will be considered on its own
merits, taking into account all evidence
available and any mitigating circumstances.**

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1. INTRODUCTION

1.1 Purpose of this Policy Document

The aim of this document is to describe the processes involved in carrying out civil parking enforcement within Knowsley; the training of staff to ensure that a quality service is provided; and the rights of appeal for customers who wish to dispute the issue of a Penalty Charge Notice. The links between Knowsley Council and external agencies which provide services and resources, are also described. These comprise Merseyside Police, the Driver Vehicle Licensing Authority (DVLA), the Traffic Enforcement Centre (TEC), and the Traffic Penalties Tribunal (TPT).

The policies in this document are intended to inform the public and provide guidance to council employees working in the enforcement of parking legislation.

The policies will be updated as necessary to ensure they portray current best practice or legislative changes.

1.2 Background

Prior to 1991, waiting or loading restrictions on roads were subject to regulations made under the Road Traffic Regulation Act 1984 (RTRA1984). Any driver who breached a regulation made using powers in the RTRA1984 was guilty of a criminal offence and subject to prosecution through the Magistrates Court by either the Police or, for a limited range of offences, by the Local Highways Authority. For the most part, the Police exercised their powers by means of the fixed penalty system. Local Authorities exercised their powers by means of the excess charge system, with parking attendants carrying out the enforcement.

By the mid 1980's it was becoming obvious that the police were unable to provide the resources required for effective parking enforcement, and many Highways Authorities, with the support of the Police, sought to obtain enforcement by other means. Initially this led to an increase in Local Authority parking attendants to carry out those functions that were within the powers of a local authority. These powers were however limited to dealing with some offences at parking places, such as meters and residents parking places, but did not extend to enforcement of yellow lines. The resultant enforcement provided by two different agencies caused confusion within the public sector. It also encouraged an increase in yellow line parking, where, due to Police resource constraints, the chances of getting a ticket were lower, compared to the Local Authority patrolled parking places.

In order to address the above inconsistencies and provide for more effective enforcement new legislation was introduced in 1991 in the form of Part II of the Road Traffic Act 1991 (RTA1991). Under this Act, the enforcement process became known as Decriminalized Parking Enforcement (DPE) which gave local authorities powers to adopt Permitted Parking Areas/Special Parking Areas (PPA/SPA) within which they can enforce most stationary parking restrictions, leaving the Police service to deal only with endorsable offences such as parking on a pedestrian crossing or causing obstruction. The endorsable offences remained criminal, whereas non endorsable offences became a civil contravention and the responsibility of the local authority.

Under DPE the Penalty Charge Notice (PCN) replaced excess charge notices and fixed penalty notices used to notify drivers that they have committed an offence and are required to pay a Charge. A PCN has the status of an unpaid bill and, unless the driver takes action to challenge it, payment remains due. If payment is not made, the Council's recourse to County Court is to collect the debt, not to prove the offence.

By law, all London Boroughs were required to take on the new powers by 1 July 1994. Outside London local authorities have the choice whether or not they adopt the powers.

1.2.1 Traffic Management Act 2004

The Traffic Management Act came into force on 1st April 2008. Part II of the Road Traffic Act 1991 enabled local authorities to take over from the Police Service the enforcement of parking regulations. As from 31 March 2008 these regulations were replaced by the parking provisions in Part 6 of the Traffic Management Act 2004 (TMA) which has replaced sections of the London Local Authorities Act 1996 and the London Local Authorities and Transport for London Act 2003, to provide a single framework in England for the civil enforcement of parking, bus lanes, some moving traffic offences and the London lorry ban.

All Local Authorities with DPE powers were required by law to adopt the provisions of the TMA from 31 March 2008.

Under the TMA, Decriminalised Parking Enforcement became known as Civil Parking Enforcement (CPE), and an existing Permitted Parking Area/Special Parking Area became a Civil Enforcement Area (CEA) with the addition of Special Enforcement Area (SEA) for some contraventions. Parking Attendants have a wider remit and became known as Civil Enforcement Officers (CEOs).

The main changes introduced under the TMA are as follows:

- To increase public confidence in parking by providing a system which can be seen to be balanced and fair to the motorist by publication of the Local Authorities' policies on enforcement.
- To improve public understanding of the way in which parking enforcement contributes to a better environment through reduction in congestion and improvements in road safety.
- To introduce differential penalty charge levels based on the Secretary of State's directive on the seriousness of the contravention.
- To extend the list of contraventions currently enforced within London to Local Authorities outside London. These comprise double parking (defined as a vehicle 50 centimetres or more from the kerb) and parking on zig-zag markings at a pedestrian crossing.
- A dropped footway will also be enforceable by the Local Authority.
- To allow the serving of a penalty charge by post, in situations where the CEO is prevented from serving the notice by affixing to the vehicle or handing to the driver.
- To increase compliance with parking restrictions through clear, well designed, legal and enforceable traffic orders, signs and road markings; and the full use of the media to inform the public of changes in parking controls.
- To ensure that staff employed to carry out the enforcement processes are fully trained to a recognised standard.
- To regularly appraise the effectiveness of the scheme in consultation with stakeholders, and take account of views expressed to ensure that parking policies still apply at the right place and time.
- To publish annual reports on the performance of the scheme including financial returns.

Knowsley Metropolitan Borough Council is the Highway Authority for Knowsley and is committed to the adoption of Civil Parking Enforcement under the new TMA powers.

1.3 The Local Authorities Perspective

Illegal and inconsiderate parking affects everyone who uses the roads within Knowsley. Enforcement is necessary to persuade motorists to comply with the regulations in force and achieve the benefits detailed below. To achieve this, Knowsley Council has introduced Civil Parking Enforcement across the borough made up of a Civil Enforcement Area and Special Enforcement Area, which will also enable the enforcement of double parking and obstructing of dropped kerb offences.

The introduction of Civil Parking Enforcement is in keeping with The Third Local Transport Plan for Merseyside (LTP3) which identifies the following benefits as resulting from introduction of Civil Parking Enforcement. LTP 3 has the following vision:-

'A city region committed to a low carbon future, which has a transport network and mobility culture that positively contributes to a thriving economy and the health and wellbeing of its citizens and where sustainable travel is the option of choice'.

It also has six main goals, three of which are:-

- Ensure the transport system promotes and enables improved health and wellbeing and road safety.
- Ensure equality of travel opportunity for all, through a transport system that allows people to connect easily with employment, education, healthcare, other essential services and leisure and recreational opportunities.
- Ensure the transport network supports the economic success of the city region by the efficient movement of people and goods.

Parking enforcement should contribute to the region's transport objectives.

A good enforcement regime is one that uses quality based standards that the public understands, and which are enforced fairly, accurately and expeditiously. This is consistent with current national best practice and the policies described aim to provide clarity, consistency and transparency within the enforcement process, and compliance with the objectives of the Traffic Parking Tribunal and the Local Government Ombudsman. Each of the above Authorities fully support the underlying principles contained within TMA, and are working toward a common approach towards parking enforcement across the borough.

It is a common misconception that schemes such as Civil Parking Enforcement are a means of making money for the local authority, and that Civil Enforcement Officer's work to targets. This is not true. The scheme is self financing. Knowsley Council's Civil Enforcement Officers do not work to targets and any surplus revenue has to be used for transport and environmental improvement purposes, thus making our roads safer and more suitable for everyone.

1.4 Knowsley Metropolitan Borough Council Responsibilities

KMBC is responsible for:

- Making the Traffic Regulation Orders (TRO's) which are the legal basis for the parking restrictions in force throughout the borough.
- The rules for on-street permits allocation.
- Maintenance of traffic signs and road markings relating to on-street parking restrictions.
- The levels and times of operation of charges within those off-street car parks managed by the Council.
- The rules for off-street staff parking permit allocation.
- The signage and surface markings relating to off-street car parks.

1.5 APCOA (UK) Ltd Responsibilities

As the enforcement and notice processing service provider APCOA (UK) Ltd is responsible for:

- Enforcing the parking regulations on and off street.
- Dealing with disputes to the issue of a PCN for both on and off-street parking.
- Managing the parking permit application process for resident parking schemes on behalf of KMBC.
- Employing the staff required to carry out the enforcement processes for both on and off- street parking.

1.6 Local Authority Accountability

Reporting is an important part of accountability. The transparency given by regular and consistent reporting should help the public understand and accept Civil Parking Enforcement. Monitoring also provides the authority with management information for performance evaluation and helps to identify where improvements are needed. It also provides a framework for performance comparisons between councils.

In line with the Local Government Transparency Code 2015, each enforcement authority will produce and publish an annual report about their on-street and off-street activities within six months of the end of each financial year. Annual returns are also required by the Government about the number and speed of payments of PCN's and by the Traffic Penalty Tribunal on the number of PCN's issued.

The following reports will be produced for publication within the public domain and submission to the Government.

Financial

- Total income and expenditure on the on-street and off-street parking account.
- Breakdown of income by source (i.e. parking charges and penalty charges).
- Total surplus or deficit on the on-street parking account.
- Action taken with respect to a surplus or deficit on the on-street account.
- Details of how any financial surplus has been or is to be spent, including the benefits that can be expected as a result of such expenditure.

Statistical

- Number of higher level PCN's issued.
- Number of lower level PCN's issued.
- Number of PCN's paid.
- Number of PCN's paid within 14 days.
- Number of PCN's against which a challenge or representation has been made.
- Number of PCN's cancelled (i.e. where a challenge or representation is successful).
- Number of PCN's written off

2. CUSTOMER CARE CHARTER

OUR PROMISE TO YOU

Knowsley Council is committed to delivering an excellent level of service to all of its customers and this charter sets out the standards of customer service that you can expect the Council to deliver.

We will ensure that you are dealt with:

- Promptly.
- Fairly.
- In a helpful and courteous manner.
- By well trained staff who are happy to help you.
- In clean and tidy accommodation with private rooms available should you need one.

We will always:

- Be open, honest and explain any decisions we make to you.
- Ensure that our staff take responsibility for dealing with your enquiry and when they can't that they refer it on to someone who can help.
- Allow you to make informed choices by giving you as much information as possible.
- Provide assistance on request to help you to access our services.
- Welcome your feedback and use it to improve what we do.
- Tell you how we are performing.
- Act in accordance of the law and maintain confidentiality at all times.

We would like you to:

- Treat all our staff with respect.
- Provide us with all of the information we need to help you.
- Help us to improve our services by telling us what you think.
- Tell us if you are not happy with the service that we have provided you with.

HAVE YOUR SAY - WE WANT TO LISTEN

WE WILL:

Listen to your complaints, comments and suggestions.

If you make a complaint by letter, email, telephone, online via our website or in person, we will;

- Acknowledge the matter that you have raised by within 3 working days.
- Provide a full response within 15 working days, or if this is not possible, a letter advising you of our timescale for a full reply.
- Respond with a full and clear explanation.
- Apologise if we have made a mistake, and put things right as quickly as possible.
- Provide a contact name and telephone number if you wish to contact us again.

HOW TO CONTACT US

You can contact the Council to “Have your Say” in the following ways:

- Email us at haveyoursay@knowsley.gov.uk
- Visit our website at www.knowsley.gov.uk
- Write to us at Customer Services Contact Centre, Municipal Buildings, Kirkby, Knowsley, Merseyside, L32 1TX.
- Telephone us on 0151 443 4031
- Minicom 0151 443 4749
- Visit us in person at our One Stop Shops:

One Stop Shops are located in Halewood, Prescot, Huyton, and Kirkby town centres and are open as follows:- Huyton and Kirkby - Monday to Friday, 10am to 4pm; Prescot and Halewood – Monday to Friday, 10am to 2pm. You can use our [Online Services](#) in our Self service areas available at all of our One Stop Shops please ask on arrival.

One Stop Shop locations:

- Halewood One Stop Shop, The Halewood Centre, Roseheath Drive, Halewood, L26 9UH.
- Prescot One Stop Shop, The Prescot Centre, Prescot Shopping Centre, Aspinall Street, L34 5GA.
- Huyton One Stop Shop, Archway Road, Huyton, L36 9YU.
- Kirkby One Stop Shop, The Kirkby Centre, Norwich Way, Kirkby, L32 8XY.

3. THE ROLE OF THE CIVIL ENFORCEMENT OFFICER (PARKING)

Civil Enforcement Officers (CEO) play a key role in the enforcement of both on and off-street parking within Knowsley. They represent the public image of the Council, and for many motorists will be the first and only point of contact with the Parking Service. Their role comprises a number of duties such as issues directly related to enforcement, but also to be receptive to members of the public with queries relating to parking. Functioning at the “sharp end” of the enforcement process they are ideally placed to check and report any deficiencies in the infrastructure.

Their duties may be summarised as follows:

- Ensure on and off-street parking regulations are observed and enforced in a fair, accurate and consistent manner. Issue PCN's where vehicles are parked in contravention of the relevant restrictions as detailed in section 3.1.
- Acting as an ambassador for Knowsley Council in any queries.
- Inspecting Pay and Display and Pay on Foot machines to ensure they are fully functional.
- Checking and reporting defective traffic signs and road markings both on and off Street. The CEO should ensure that signs are clearly visible so that the motorist is aware as to what restrictions are in force and if charges apply to that parking place.
- Issuing information leaflets or warning notices.
- Reporting suspected abandoned vehicles.
- Informing the police of suspicious activity.
- Putting in place and removing notices about the suspension of parking places.

Civil Enforcement Officers are required by law to wear a uniform. The uniforms provided are in accordance with national guidance and, are easily distinguishable from Police Officers uniforms. The design and colours are common across Knowsley. Epaulettes are worn which identify the wearer as a CEO for parking and the name of the enforcing authority. A unique CEO Number is also included to identify each CEO (for security reasons CEO's are instructed not to give their names to enquiring motorists). Personal radios, body cameras and mobile phones are carried for the purposes of personal safety.

3.1 How to avoid getting a Penalty Charge

Avoiding a Penalty Charge Notice, or parking ticket as it is commonly known, is easy:

- Always display badges, permits and valid pay & display tickets clearly. A civil enforcement officer must be able to read the details.
- Look for and read the instructions on signs and road markings and follow them. Be aware that temporary signs are just as valid as permanent ones.
- Do not park in a space reserved for motorcycles, blue badge holders, residents only permit holders or spaces reserved for any other specific group unless you are a member of the appropriate group.
- Make sure your entire vehicle is parked wholly within any marked bays. Your vehicle must fit wholly within one marked bay and cannot span multiple bays.
- Make sure you pay for sufficient time you need in a pay& display car park, and make sure you get back to your car before the purchased time runs out.
- If a pay & display machine is not working, either go to the next nearest machine in the car park or park somewhere else.
- If your pay & display ticket has expired, do not buy another one for the same bay
- Make sure you do not return to park in the same parking street within the time shown on the notices/signs.
- If you need to park on-street for longer than the permitted time use a car park instead of parking on street however; you must check the signed terms and conditions for each car park and reserved bays before leaving your vehicle unattended.
- Do not park in a space reserved for Electric or Hybrid vehicles

3.2 Penalty Charge Notice Issue

Before a PCN is issued the CEO must consider if the notice can be enforced. This will include:

- Checking that all road and surface markings and traffic signs in the area of the alleged contravention are clear and visible.
- Within a charged for parking place checking that Pay and Display machine(s) within the vicinity are fully operational.
- Checking for visible evidence of the vehicle having broken down.
- Checking for any special permits (blue disabled badges, resident permits, visitors permits and business permits etc.) that would grant the motorist exemption from the restrictions in place.

Once the CEO believes that the motorist is in contravention of the parking restrictions in force, a PCN may be issued. PCN's are issued using hand held computers (HHC's) which enable contraventions to be accurately recorded and electronically transferred to a central parking management computer system. Integrated cameras are also used to photograph details of the contravention and provide evidence in the event of a dispute over the issue of the PCN. Any other details which the CEO considers relevant are recorded in a pocket notebook.

The notice will be fixed to the vehicle within a sealed plastic envelope or handed to the driver if the driver is present. In exceptional cases where the CEO is prevented from serving the notice for whatever reason, the PCN may be served by post.

The PCN will contain information relating to the following:

- Unique PCN number.
- Date and Time of issue.
- Date and Time of the alleged contravention.
- The name of the enforcement authority.
- The registration mark of the vehicle involved in the alleged contravention.
- Location of the vehicle.
- Description and Code of alleged contravention.
- Pay and Display Ticket Number (if relevant).
- Observation start and finish times.
- The vehicle's tax disc number and expiry date if applicable).
- Identification Number of CEO issuing the PCN.
- The amount of the penalty charge.
- That if the penalty charge is paid before the end of the period of 14 days beginning with the date on which the notice is served the penalty charge payable will be reduced by 50%.
- Instructions on how and where to pay.
- That a Notice to Owner (NtO) may be served by the enforcement authority on the owner of the vehicle if the penalty charge is not paid before the end of the 28 day period beginning with the date of the alleged contravention.
- That representations received before the issue of the NtO will be considered and the address to which such representations should be sent.
- If a NtO is served despite those representations, further representations against the penalty charge must be made in the form and manner and at the time specified in the NtO.
- That the recipient of the NtO may make representations against the penalty charge and appeal to the adjudicator if those representations are rejected.
- Instructions on where and how to get more information.

Once a CEO has served a PCN he/she cannot retract it. If the motorist contests its issue, even directly with the CEO, then the only recourse is for the motorist to put his/her objections in writing to the Council.

It is worth noting that CEOs are actively encouraged by the Council not to park in contravention of the restrictions in force however; there may be occasions when parking in contravention is necessary in order to ensure the efficient issue of a PCN.

4. THE ROLE OF THE NOTICE PROCESSING SECTION

Penalty Charge Notices recorded on the handheld computers are electronically transferred to the Parking Services Notice processing computer system where they are progressed until paid, cancelled or sent to debt recovery.

Appeals Officers deal with all challenges and/or representations made by motorists against the issue of a penalty charge. There is a clear separation of duty between the staff that decide on the issuing and processing of PCN's and the staff that decide on challenges and/or representations. This is done to preserve impartiality in considering the representation. Appeals Officers are the only staff authorised to deal with challenges and representations made by the motorist; however Knowsley Council's Authorised Officers will be responsible for all decisions relating to any contentious cases.

Knowsley Council's Authorised Officers will be responsible for decisions relating to all appeals progressed beyond Notice to Owner (NtO) stage.

Appeals to an independent adjudicator via the Traffic Penalties Tribunal is a management function and separate from the above functions.

5. STAFF TRAINING AND QUALITY

The Council and its service provider are committed to providing training to recognised national standards in order to provide a quality service. The success of CPE depends on the dedication and quality of the staff that deliver it. It is essential that staff at all levels are given the skills and training to do their job effectively if the service is to command public confidence and respect.

A condition of employment is that staff undergo on the job training and formal course work provided either by the contractor through delivery of their accredited course or via an external agency specialising in the enforcement and office processes involved in CPE. On successful completion of the course staff serve a probation period of 3 months with continual assessments/development reviews and an option to extend the probation period by an additional 3 months in cases where it is deemed suitable for the individuals personal development.

Further training is given as required to ensure staff continue to provide a quality service, and when changes in legislation are introduced.

Complaints against Parking Services staff

In striving towards continual improvement in the service provided by the Council the Council's complaints procedure is available. This enables members of the public, both motorists and non-motorists, to register a complaint against any member of staff connected to the parking service.

Directions on how to complain are detailed in Section 2 of this document and in our Have Your Say Policy and Procedures (Appendix B)

6. PENALTY CHARGE PROCESSING CYCLE

The enforcement process commences with the Civil Enforcement Officer issuing a Penalty Charge Notice (PCN) for what she/he considers to have been a contravention of the regulations in force. The PCN will either be affixed to the vehicle or handed to the driver. In situations where this is not possible e.g. the driver drives off or is abusive/aggressive before the PCN can be served, the PCN will be served by post. See 6.4

The driver can either:

1. Pay the PCN
2. Persist in non-payment of PCN without challenging its issue, resulting in Debt Recovery.
3. Dispute the issue of the PCN (in writing).

Further information can be found at www.knowsley.gov.uk/parkingenforcement

6.1 PCN Payment

If the owner elects to pay promptly then a 50% discount will be offered if payment is received within 14 days from the date of service of the PCN. If payment is not received within 14 days then the full amount is payable.

Various payment options are available. These are detailed on the back of the PCN. Further information on payment options can be found at www.knowsley.gov.uk/parkingenforcement

6.2 Disputes against the issue of a PCN

The motorist has up to three opportunities to dispute the issue of a Penalty Charge Notice. She/he may;

- Informally challenge its issue in writing to the Council.
- If the informal challenge is rejected then a formal representation may be made on receipt of the Notice to Owner.
- If the formal representation is rejected by the Council then a further formal appeal may be made to the Traffic Penalties Tribunal (formerly National Parking Adjudication Service) for consideration by independent adjudicators. This can be dealt with by post or at a telephone/personal hearing if requested.

If the driver elects to informally challenge the PCN this must be done either by post, email or via the web as detailed on the reverse of the PCN. The Council will then respond in writing, either accepting the challenge, in which case the council will cancel the PCN, or reject the challenge with a full explanation of why it was rejected and a request for payment of the outstanding penalty charge. The councils' policy on acceptable reasons for challenge are detailed in sections 9.2 – 9.3 of this policy document. In situations where the challenge is rejected, but was received within the 14 day discount period, the discount period will be extended for a further 14 days from the date of the rejection letter. Challenges initially received outside the 14 day discount period will incur payment of the full Penalty Charge.

If a challenge has been rejected and the Penalty Charge remains unpaid the motorist will be served a Notice to Owner (NtO). This gives the motorist 28 days from the date of issue of the NtO in which to pay the penalty charge or make a formal representation in writing to the Council using the NtO documentation supplied.

The grounds on which the motorist may make a formal representation (statutory representation) to the council are detailed in section 9.2 of this document. The mitigating circumstances which may be considered are detailed in section 9.3. It is important for the motorist to note that if an initial challenge has been rejected but he/she wishes to pursue the challenge further, this must be done formally as a representation via the NtO. In other words the reasons for disputing the PCN issue must be restated on the NtO. If the council accepts the representation the PCN will be cancelled.

If the Council rejects a formal challenge it will serve the motorist a Notice of Rejection (NoR) along with instructions on how to appeal to an independent parking adjudicator. The motorist now has 28 days from the date of the NoR in which to appeal to the adjudicator, or pay the outstanding charge. Failure to do either will result in the service of a Charge Certificate against the motorist.

If the Parking Adjudicator upholds the motorists challenge the PCN will be cancelled. If the challenge is rejected by the Parking Adjudicator the motorist will be allowed 28 days from the date of rejection letter to pay the outstanding charge, otherwise a Charge Certificate will be served against the motorist.

If the motorist withdraws the appeal before it has been considered by the adjudicator then the motorist will be allowed 14 days from the date of the withdrawal letter to pay the outstanding charge, otherwise a Charge Certificate will be served against the motorist.

6.3 Non-payment of PCN

The Council strongly advises motorists who have no reason to challenge a PCN to pay promptly; as the outstanding sum will increase the longer payment is delayed.

If after 28 days from the date of issue of the PCN the PCN remains unpaid, and no challenge against its issue has been received, then a document known as a Notice to Owner (NtO) will be sent to the person or company believed to be the owner of the vehicle. This document has three purposes:

- 1) To remind the motorist of the unpaid penalty charge.
- 2) To warn him or her that if the charge is not paid within a further 28 days it will increase by 50%.
- 3) To give the motorist who wishes to dispute the issue of the PCN the opportunity to make formal representations against the penalty charge, and make him or her aware of their right of appeal to an independent adjudicator if the Council rejects the representations.

If after a further 28 days from the date the NtO is served the Penalty Charge remains unpaid and no representation against its issue has been received then a Charge Certificate will be issued. This certificate informs the motorist that the Penalty Charge has been increased by 50% and that if payment is not received within 14 days action will be taken by the Council to recover the outstanding sum through the County Court, and a warrant subsequently issued to Enforcement Agents (formerly known as bailiffs).

If the Penalty Charge still remains unpaid 14 days after a Charge Certificate has been served on the motorist the Council will register the Charge Certificate with the Traffic Enforcement Centre (TEC) at Northampton County Court. A fee of £8 will be added to the outstanding charge to cover the cost of registration. Within seven days of a sealed court order being received by the Council from the TEC an Order of Recovery (Form TE3) will be issued to the motorist for payment of the outstanding amount. The motorist must then pay the outstanding charge plus associated fees and registration, or send a Witness Statement (Form TE9 and/or TE7) that the registration of the unpaid penalty charge should be revoked because the motorist did not receive a Notice to Owner document and hence was unable to appeal at that stage of the process. The Witness Statement must be signed by the motorist as a true statement of events.

Where the motorist has been served with an Order for Recovery of the unpaid Penalty Charge and fails to pay or complete a Witness Statement, the Council will ask the TEC for authority to prepare a Warrant of Execution. The Council will then instruct appointed bailiffs/enforcement agents to pursue the debt (this could result in the seizure and sale of goods), although the Council will actively encourage the resolution of all cases at the compliance stage of the process. All cases issued to the bailiffs/enforcement agents will incur additional fees in accordance with The Taking Control of Goods (Fees) Regulations 2014.

6.4 Penalty Charges served by post

In situations where the CEO is unable to affix the PCN to the vehicle or hand it to the motorist, either because the motorist drives off or is threatening towards the CEO, or the motorist drives off before the CEO has completed input of the PCN details, the penalty charge will be posted to the registered keeper. In these situations the PCN also serves as the Notice to Owner, and the motorist will be offered a 50% discount if payment received within 14 days from date of posting of the PCN/NtO.

7. EXEMPTIONS, WAIVERS and DISPENSATIONS

7.1 Exemptions/Dispensations

Certain categories of vehicle user may be exempt from some parking restrictions as long as they do not park indiscriminately or cause obstruction and correctly display the relevant documentation, in which case they may be reported to the police.

Exempt categories comprise the following:

- Vehicles properly displaying a Disabled Persons Blue Badge (including the clock element of the badge). Holders of a Blue Badge may park:
 - a) On single or double yellow lines for up to three hours except where there is a ban on loading or unloading;
 - b) Vehicles displaying a valid disabled persons parking badge for that vehicle may be left in any off-street parking place i.e, a Council owned car park for up to one hour longer than the expiry time detailed on the displayed parking ticket in relation to that parking place and;

Dispensations may be granted for the following:

- The hearse and chief mourners' vehicle at funerals.
- The bridal and attendants' vehicles at weddings.
- Any other reason accepted by the council.

General exemptions also apply to waiting on restricted roads or lengths of restricted road for so long as may be necessary to enable:

- (a) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
 - (i) building, shop fitting, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths or sides of road; and
 - (iv) the laying, erection, alteration or repair in or on land adjacent to the said lengths or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications system,
- (b) the vehicle, not being a passenger vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority or its contractors in pursuance of that authority's statutory powers or duties;
- (c) the vehicle of the Royal Mail or other universal service provider (as defined in section 4(3) and (4) of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail; or
- (d) in any case where the person in control of the vehicle,
 - (i) is required by law to stop;
 - (ii) is obliged to stop so as to prevent an accident, or
 - (iii) is prevented from proceeding by circumstances outside his/her control.

With the exception of vehicles displaying a Blue Badge or under instruction from a police officer or waiting in order to avoid an accident, all vehicles should be liveried to indicate their owners and not be private cars or unmarked vans.

8. PARKING RESTRICTIONS EXPLAINED

This section is intended to help you park properly and reduce the likelihood of you receiving a Penalty Charge Notice. Advice is given on how to avoid getting a penalty charge.

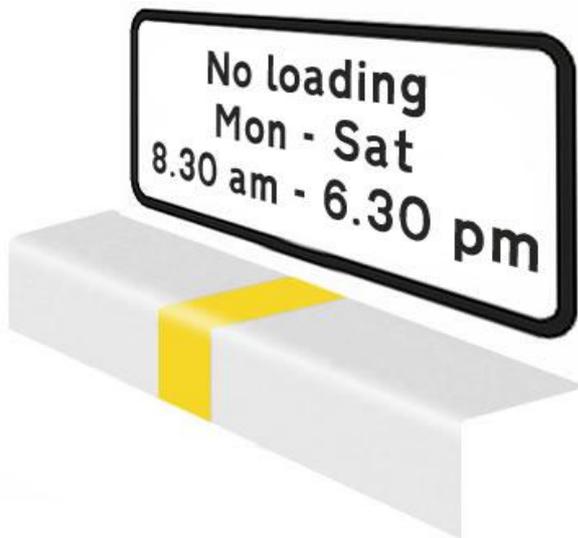
8.1 Single and Double yellow lines

Single and double lines indicate that parking restrictions are in place. Parking on single yellow lines is prohibited within the hours indicated on adjacent or nearby signs; parking on double yellow lines is prohibited at all times (i.e. 24 hours daily). If you park in contravention of the regulations you may receive a Penalty Charge Notice.

8.2 Kerb Markings

These are markings on pavement kerbs that accompany single and double yellow lines. They direct motorists to look for parking signs that display additional loading and unloading restrictions that apply to the yellow lines in that area.

Single line yellow kerb markings mean that loading or unloading is restricted during the times shown on the timeplate. See picture:



Double line yellow kerb markings mean no loading or unloading at any time.
See picture:



If you park in contravention of the regulations you may receive a Penalty Charge Notice.

8.3 Pay and Display Spaces

Pay and Display spaces are off-street parking spaces for which parking time can be purchased from a pay and display machine. Full guidance regarding payment, hours of operation and maximum stay periods are stated on the front of the machine and/or on adjacent signage. The machine indicates the time allotted upon payment and prints a ticket giving the expiry time for your stay. This ticket should be clearly displayed in the vehicle. Pay and Display machines do not give change if the amount tendered exceeds the required tariff. If you park for longer than the period purchased or do not purchase a ticket you may receive a Penalty Charge. Parking in a Pay and Display space is restricted to the certain classes of vehicle as follows:- a motor vehicle (including electric / hybrid vehicles), light goods vehicle, a vehicle displaying a disabled person's badge, motor cycle and / or a class specifically prescribed in the (OFF-STREET PARKING PLACES)(CIVIL ENFORCEMENT AND CONSOLIDATION) 2015 Order (and any subsequent amendments) or nearby car park signage. If parking bays are marked out in a parking place you should ensure that your vehicle is parked wholly within the markings and not parked beyond the parking bay markings or across multiple bays. Failure to do so may result in you receiving a Penalty Charge Notice. Do not park in a bay reserved for Electric or Hybrid vehicles or; Blue Badge holders unless you meet the necessary criteria detailed on adjacent signage.



8.4 Resident Zones / Permit Parking Areas

Residents can apply for on-street resident parking permits for the zone/area in which they live. Generally residents can apply for one permit per vehicle registered at the eligible property. Residents can also apply for up to one visitors permit per household.

Businesses that fall within a relevant zone or area can also apply for business or visitor permits however; eligibility and number of permits allowed can vary from scheme to scheme. Associated permit eligibility criteria is contained in the relevant Traffic Regulation Orders. These can be viewed at www.knowsley.gov.uk/parkingenforcement

If you park in contravention of the regulations you may receive a Penalty Charge Notice.

Blue Badge holders are not exempt from the restrictions in force within these zones or areas. Where yellow lines exist within the zone or area then the usual single and double yellow line exemption rules for Blue Badge holders **DO NOT** apply.

8.5 Disabled Parking Spaces

These are parking spaces reserved both on and off-street for Blue Badge holders. The Blue Badge must be clearly and correctly displayed with the badge holder's clock in the vehicle when parking in a on-street disabled parking space. The badge holder must either be the driver or a passenger in the vehicle at the time the vehicle is parked. There are no exemptions applicable to disabled parking spaces. Blue Badge holders are not exempt from parking charges in off-street parking spaces however; they are allowed to park for up to one additional hour after the parking ticket expiry time without additional charge or risk of receiving a PCN. It is also worth noting that some parking spaces are time limited, even for Blue Badge holders, so it is vital that drivers check all signage in the vicinity to confirm whether or not a time limit is applicable.

8.6 Motorcycle Bays

Motorcycle bays are not currently provided in the Council's off-street car parks. Motorcyclists must pay for the use of an off-street parking place and display a ticket accordingly.

8.7 Coach Bays

Coach bays are not currently provided in the Council's off-street car parks nor is there provision to utilize the parking spaces available.

8.8 Suspended Parking Spaces

These are on-street parking spaces which have been suspended for a temporary period for a variety of reasons to ensure traffic movement and safety, essential building/maintenance works, special events etc. Applications for suspension of parking spaces must be received by the Council for consideration no later than 8 weeks before the required date however; wherever possible the procedure for Temporary Traffic Regulation Orders should be applied. The Highways Authority and Police may suspend parking places immediately and without notice in the interests of security and public safety. Suspended parking places should be clearly signed to inform the motorist that parking is prohibited for the duration of the suspension. Failure to observe the suspension may result in the issue of a Penalty Charge or a Fixed Penalty Notice in the case of police suspensions. Fees apply for the suspension of parking spaces therefore please contact the Council on 0151 443 3100 and ask to speak to someone in Traffic Management for further details.

8.9 Double Parking

It is an offence to Double Park a vehicle on-street. Motorists who park such that no part of the vehicle is within 50 centimeters from the kerb are contravening the regulations and may receive a Penalty Charge Notice unless the vehicle is parked wholly within a designated parking place or any other part of the carriageway where parking is specifically authorised.

8.10 Parking on zig-zags at a pedestrian crossing

Vehicles must not park on or adjacent to the zig-zags at a pedestrian crossing under any circumstances. Motorists who contravene this regulation may receive a Penalty Charge Notice.

8.11 Footway Parking

Waiting and loading restrictions cover the whole highway, including public footways and verges, if the street is subject to a waiting/loading restriction (in which case the PCN should be issued for contravention of the restriction) or the footway/verge is subject to a Traffic Regulation Order (TRO) restricting parking.

8.12 Dropped Kerbs

It is an offence to park a vehicle on-street alongside dropped kerbs. Motorists who park such that they obstruct access to an off-street property or premises by parking across any part of a dropped kerb may receive a Penalty Charge Notice unless the vehicle is parked wholly within a designated parking place or any other part of the carriageway where parking is specifically authorised. Generally however; the Council will enforce dropped footway contraventions in accordance with the Department for Transport's Operational Guidance to Local Authorities: Parking Policy and Enforcement.

9. POLICY FOR THE ENFORCEMENT AND CANCELLATION OF PENALTY CHARGE NOTICES

There are 11 Statutory Grounds on which to make representation, in accordance with Part 6 of the Traffic management Act 2004. However full consideration will be given and account taken off all representations received, whether or not they fall within the description of “**Statutory Grounds**” (identified by the prefix S). It for this reason that an 11th Ground, encompassing any other information the motorist or owner/keeper would like the Council to consider has been included.

These comprise the **Mitigating Circumstances** and are identified by a prefix “MC”

The enforcement and cancellation policies adopted by Knowsley address the following:-

- 9.1 Standard Contravention codes and Observation Times.
- 9.2 Mitigating circumstances upon which representations may be made.
- 9.3 Statutory Grounds upon which representations may be made.
- 9.4 Mitigating Circumstances.
- 9.5 Criteria for acceptance or rejection of representations.

9.1 Standard Contravention Codes and Observation Times

There is a single, nationwide list of contraventions and associated codes although not all contravention codes apply in all council areas. CEO's will allow a period to undertake and record observations for genuine attempts to park, load and unload, before they may issue a PCN. These observation times are subject to local variation and will be found by visiting the Council website www.knowlsey.gov.uk

The following table shows the standard contravention code which is shown on the PCN.

* = or other specified time ***** = or other number + = or other specified distance

Please see definitions for **, *PMC, *GV at the base of the below table.

On Street Contraventions

Code	Observation Time	Contravention	Notes
01	Local variations apply (GV 10mins, PMC 5mins)	Parked in a restricted street during prescribed hours	
02	0 min	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	
04	0 min	Parked in a meter bay when penalty time is indicated	
05	0 min	Parked after the expiry of paid for time at a pay & display bay	
06	0 min**	Parked without clearly displaying a valid pay & display ticket or voucher	
07	0 min	Parked with payment made to extend the stay beyond initial time ('meter feeding')	
08	0 min	Parked at an out-of-order meter during controlled hours	
09	0 min	Parked displaying multiple pay & display tickets where prohibited	
10	0 min	Parked without clearly displaying two***** valid pay and display tickets when required	
11	Local variations apply	Parked without payment of the parking charge	
12	Local variations Apply	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	

14	0 min	Parked in an electric vehicles' charging place during restricted hours without charging	
16	0 min	Parked in a permit space without displaying a valid permit	

Code	Observation Time	Contravention	Notes
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	
19	0 min	Parked in a resident' or shared use parking place or zone displaying an invalid permit, an invalid voucher or an invalid pay and display ticket	
20	Local variations apply (GV 10mins, PMC 5mins)	Parked in a loading gap marked by a yellow line	
21	0 min	Parked in a suspended bay/space or part of bay/space	
22	0 min	Re-parked in the same parking place within one hour* of leaving	
23	0 min	Parked in a parking place or area not designated for that class of vehicle	
24	0 min	Not parked correctly within the markings of the bay or space	
25	Local variations apply (GV 10mins, PMC 5mins)	Parked in a loading place during restricted hours without loading	
26	0 min	Vehicle parked more than 50 cm from the kerb and not within a designated parking place	
27	0 min	Parked adjacent to a dropped footway	
30	0 min	Parked for longer than permitted	
35	0 min	Parked in a disc parking place without clearly displaying a valid disc	
36	0 min	Parked in a disc parking place for longer than permitted	
40	0 min	Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge.	
41	0 min	Parked in a parking place designated for diplomatic vehicles	

42	0 min	Parked in a parking place designated for police vehicles	
45	0 min	Parked on a taxi rank	
46	0 min	Stopped where prohibited (on a red route or clearway)	
47	0 min	Parked on a restricted bus stop/stand	
48	0 min	Stopped in a restricted area outside a school	

Code	Observation Time	Contravention	Notes
49	0 min	Parked wholly or partly on a cycle track	
55	0 min	A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban	
56	0min	Parked in contravention of a commercial vehicle waiting restriction	
57	0 min	Parked in contravention of a coach ban	
61	0 min	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	
62	0 min	Parked with one or more wheels on any part of an urban road other than a carriageway (footway parking)	
63	0 min	Parked with engine running where prohibited	
99	0 min	Stopped on a pedestrian crossing and/or crossing area marked by zig-zags	

Off Street Contraventions

Code	Observation Time	Contravention	Notes
70	Local variations apply (GV 10mins, PMC 5mins)	Parked in a loading area during restricted hours without reasonable excuse	
73	Local variations apply **	Parked without payment of the parking charge	
74	0 min	Using a vehicle in a parking place in connection with the sale or offering for sale of goods when prohibited	
80	0 min	Parked for longer than the maximum period permitted	
81	0 min	Parked in a restricted area in a car park	
82	0 min	Parked after the expiry of paid for time	
83	0 min	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking Clock	
84	0 min	Parked with additional payment made to extend the stay beyond time first purchased	
85	0 min	Parked in a permit bay without clearly displaying a valid permit	
86	0 min	Parked beyond the bay markings	
87	0 min	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	
89	0 min	Vehicle parked exceeds maximum weight and/or height permitted in the area	

Code	Observation Time	Contravention	Notes
90	0 min	Re-parked within one hour* of leaving a bay or space in a car park	
91	0 min	Parked in an area not designated for that class of vehicle	
92	0 min	Parked causing an obstruction	
93	0 min	Parked in car park when closed	
94	0 min	Parked in a pay & display car park without clearly displaying two**** valid pay and display tickets when required.	
95	0 min	Parked in a parking place for a purpose other than the designated purpose for the parking place	
96	0 min	Parked with engine running where prohibited	
<p>*GV = Goods Vehicle - 10 min observation. *PMC = Private Motor Car including estate cars – 5 min observation. 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.</p>			
<p>** 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.</p>			

Please see Appendix A for the Local Contravention Codes and Observation Periods that will apply along with a copy of the Legal Notice that has set the level of Penalty Charges to be applied in Knowsley.

9.2 Mitigating Circumstances upon which representations may be made (S8)

The following table details challenges which **may** be accepted by the Council on production of supporting evidence. There is no legal obligation to take account of these mitigating circumstances, but from the aspect of reasonableness, they will be considered according to the 'rules; detailed in Section 9.4

MITIGATING CIRCUMSTANCES

- MC1 where the motorist claims to have become unwell while driving
- MC2 where the motorist claims to be a doctor, nurse, health visitor attending a patient (also see MC47)
- MC3 where the motorist stopped to use the toilet
- MC4 where the motorist stopped to collect (prescribed) medication from a chemist
- MC5 where the motorist was a patient visiting a doctor's surgery
- MC6 where the motorist claims to have been recently bereaved
- MC7 not applicable
- MC8 where the motorist "fed" a pay & display machine by buying subsequent time to park in the same place or returned to the same place within a specified and prohibited time period
- MC9 where the motorist left the vehicle parked without a valid ticket on display to obtain change.
- MC10 where the motorist claims to have been unaware of charges or restriction in the car park relating to vehicle's class or weight
- MC11 where the motorist claims to have been unaware of recent rise in tariff
- MC12 where the motorist had parked with one or more wheels outside of a marked bay in a car park
- 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
- MC14 where the motorist claims to have been unaware of the existence of a controlled parking zone or permit parking scheme
- MC15 where the motorist was displaying an expired authorisation to park, i.e. residents permit, business permit, visitors permit or Blue Badge
- MC16 where the motorist is parked in contravention of a waiting/parking prohibition whilst displaying a resident's visitor permit
- MC17 where the motorist is a new resident within a residents parking scheme or permit parking area or permit parking scheme and had parked in a parking place without displaying a valid residents permit
- MC18 where the motorist had parked incorrectly in a parking bay on-street
- MC19 where the motorist assumed that they were entitled to "a period of grace" before the PCN was issued
- MC20 where the motorist claims they were attending a funeral

- MC21 where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings
- MC22 where the motorist claims that their vehicle had broken down
- MC23 where the motorist claims that they were attending an emergency or another vehicle that had broken down
- MC24 where the motorist claims to have put money into the wrong ticket machine
- MC25 where the vehicle in question was on police, fire brigade or ambulance duties
- MC26 where the motorist claims to have been collecting or depositing monies at a bank
- MC27 where the motorist claims to have been unaware of a temporary parking restriction or special event restriction
- 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
- MC29 where the registered keeper liable for payment of the PCN is said to have died
- MC30 not applicable
- MC31 where the motorist received a Fixed Penalty Notice (FPN) from a police officer or traffic warden when parked in the same location
- MC32 where a Council officer or Member parked in contravention and claims to have been on Council business
- MC33 where the motorist stopped to drop off someone
- MC34 where motorist was unaware of the Overnight Waiting Ban/Commercial Vehicle waiting restriction
- MC35 where motorist states they were in police custody when PCN Issued
- MC36 where motorist states they were visiting a friend or relative in urgent circumstances
- MC37 where motorist claims there was no legal place to park MC38 where motorist claims they were parked on private property
- MC39 where motorist was delayed in returning to their vehicle parked in a limited waiting parking place
- MC40 where motorist had parked while asking directions / opening gates to private property
- MC41 where motorist stopped to answer mobile phone
- MC42 where motorist states that the details on the PCN are incorrect, e.g. location

MC43 where motorist states they were unaware of enforcement on Bank/Public holidays

MC44 where motorist states that restriction was marked after the vehicle had been parked

MC45 where the motorist is a resident within a Permit Parking Area or Residents Parking Scheme and had parked in a parking place without displaying a valid residents permit

MC46 where the motorist is a Knowsley Council member of staff parked within a staff permit holders parking place without displaying a valid staff permit

MC47 where the motorist is visiting a resident within a Permit Parking Area or Residents Parking Scheme and had parked in a parking place without displaying a valid visitor permit

MC48 where the motorist claims that a pay & display ticket was purchased and displayed but the vehicle was parked in permit holders car park

MC49 where the motorist is a Knowsley Council Market Trader parked within a permit holders parking place without displaying a valid Market Trader permit

9.3 Statutory grounds upon which representations may be made

Reference	Description
S1	The contravention did not occur.
S1.1	Where the motorist claims he/she was loading/unloading.
S1.2	Where the motorist claims that a parking pay and display machine was faulty.
S1.3	Where motorist claims that the restriction is not clearly signed or marked.
S1.4	Where motorist was carrying out building works.
S1.5	Where motorist claims that PCN was not served (i.e. PCN not found attached to vehicle or handed to driver).
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.
S1.7	Where motorist claims that a valid authorisation to park, had been issued.
S1.8	Where the motorist claims that a pay and display ticket was purchased and displayed.
S2	I was never the owner of the vehicle in question.
S2.1	Where the motorist ceased to be the vehicle owner before the date on which the alleged contravention occurred.
S2.2	Where the motorist became the owner of the vehicle after the date on which the alleged contravention occurred.
S2.3	Where the motorist has never owned the vehicle. (If you have bought or sold the vehicle, you must give the new owner or former owners name and address if you have it. Please also provide the date of the transaction and any other details, and include copies of any documents such as an invoice or bill of sale)
S3	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. (If your vehicle was stolen or taken without your consent please provide any supporting information that you may have, for example any crime reference or insurance claim reference).
S4	We are a vehicle hire firm and the vehicle was on hire under a hiring agreement and the hirer had signed a statement acknowledging liability for any PCN issued during the hiring period. (The hiring agreement must be one which qualifies by containing prescribed particulars. You must supply the name and address of the hirer. Please also supply a copy of the signed agreement.

S5	The Penalty Charge Notice exceeded the amount applicable in the circumstances of the case. (If you think that you are being asked to pay more than is required by law. Please explain why.)
S6	There has been procedural impropriety by the enforcement Authority. (If you believe that the Authority has failed to comply with any requirement imposed by the Traffic Management Act 2004, by the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 or by the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 Regulations. Please set out the statutory requirement, time limit or other procedural step with which you believe that the Council has failed to comply.)
S7	The Order which is alleged to have been contravened in relation to the vehicle concerned is invalid. (Please explain why you believe that the Order in question is invalid. <i>Please note that this ground will not apply in respect of a provision in an Order to which Part VI of Schedule 9 to the Road Traffic Regulation Act 1984 applies.</i>)
S8	This Notice should not have been served because the Penalty Charge had already been paid: I. In full: or II. At the discounted rate set in accordance with Schedule 9 of the Traffic Management Act 2004 and within the time specified in paragraph 1(h) of the Schedule to the Civil Enforcement of Parking Contraventions (England) General Regulations 2007. (Please indicate the amount of payment made and when and how the payment was made and include a copy of any supporting documentary information such as a receipt or bank statement. N.B The discounted rate was 50% of the Penalty Charge and should have been paid not later than the last day of the period of 14 days beginning with the date which the PCN was served.
S9	If there are any other reasons why you consider the Council should cancel the Penalty Charge Notice and refund any sum already paid. (These reasons must be set out in full.)

The acceptance or rejection of representations

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

9.4 MITIGATING CIRCUMSTANCES

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC1 where the motorist claims to have become unwell while driving	
If the motorist provides proof of a medical condition, temporary or permanent, that is consistent with the conditions described. When the notes made by the Parking Attendant support the motorist's representations.	If the motorist cannot provide some proof of a medical condition, temporary or permanent, consistent with the conditions described. Or Where other evidence contradicts the motorists claims
NB for the time and date in question	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC2 where the motorist claims to be a doctor, nurse, health visitor attending a patient	
If the motorist produces evidence, in the form of a signed letter on headed paper from their employers, that they were responding to an urgent medical call and there was no nearby legal parking place.	If motorist was not attending a patient in urgent circumstances or if there were legal parking spaces nearby. If motorist was parked outside their practice or other place of work for any reason other than to collect supplies for an urgent call 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
NB for the time and date in question	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC3 where the motorist stopped to use the toilet	
On production of medical evidence confirming a relevant medical condition and in support of the circumstances described in a representation.	In all other circumstances
NB for the time and date in question	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC4 where the motorist stopped to collect (prescribed) medication from a chemist	
Only in the most grave, life threatening and exceptional of circumstances and the use of a 'legal' parking place would have caused an unacceptable delay. – medical evidence	In any lesser circumstances. No medical evidence.
NB for the time and date in question	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
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.	If the motorist was not the patient but only driving the vehicle carrying the patient If the motorist was attending a pre-arranged, non-urgent appointment. If the motorist could reasonably have been expected to parked legally elsewhere.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC6 where the motorist claims to have been recently bereaved	
On the submission of evidence.	Only if there is a significant reason to doubt the sincerity of representations, i.e. the parking attendant'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
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
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	
In no circumstances	If the motorist overstays initial period of time purchased or returns within a period of 'No return'
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC9 where the motorist left the vehicle parked without a valid ticket on display to obtain change.	
If the motorist had not left the car park, or on-street pay and display area, while obtaining change and a ticket was purchased.	If the parking attendant's notes indicate that the motorist returned to their vehicle, having completed their purpose for parking, while the PCN was being issued, i.e. carrying shopping, or had left vehicle in car park, or on-street pay and display area, while obtaining change
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
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC11 where the motorist claims to have been unaware of recent rise in tariff	
If statutory notices were not erected in accordance with procedural regulations. If revised tariff is not on tariff board(s)	If statutory notices were erected in accordance with procedural regulations and tariff board(s) were correct

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. Otherwise In no circumstances	When clear and incontrovertible supporting evidence (photographs) available
NB for the time and date in question	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
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	
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.	If the motorist has previously had a PCN cancelled for the same contravention and has been warned to display a valid badge /time clock, correctly in the future If the motorist was parked on a waiting restriction beyond the 3 hour time limit permitted by the Blue Badge Scheme, or on another restriction for which the Blue Badge does not provide an exemption. If there is evidence to show that this is not the motorists first contravention of this type, where the first contravention has occurred within the previous two years.
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC14 where the motorist claims to have been unaware of the existence of a controlled parking zone or permit parking scheme	
If it can be established that the signing and marking of the CPZ of permit parking scheme is at fault, see policy	In all other circumstances

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC15 where the motorist was displaying an expired authorisation to park, i.e. waiver, parking place suspension, season ticket, residents permit, business permit or visitors permit	
If the renewal of the authorisation was delayed by the Council's administrative processes. If it can be established that other reasonably unforeseen circumstances delayed the renewal of an authorisation to park, e.g. sickness on the part of the applicant or a postal dispute/delays (supported by appropriate evidence) or; if it can be established that this is the motorist's first contravention of this type.	In all other circumstances. In the event of more than one vehicle registration included on permit.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC16 where the motorist is parked in contravention of a waiting/parking prohibition whilst displaying a resident's visitor permit.	
In no circumstances unless inadequate signage	On all occasions
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC17 where the motorist is a new resident within a Residents Parking Scheme or Permit Parking Area and had parked in a parking place without displaying a valid residents permit	
If the permit application was delayed by the Council's administrative processes. If it can be established that other reasonably unforeseen circumstances delayed the application of an authorisation to park, e.g. sickness on the part of the applicant or a postal dispute/delays (supported by appropriate evidence) or; if it can be established that this is the motorist's first contravention of this type.	On all occasions If there is evidence to show that this is not the motorists first contravention of this type, where the first contravention has occurred within the previous two years.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC18 where the motorist had parked incorrectly in a parking bay on-street	
If it can be established that the motorist was genuinely loading or unloading, subject to compliance with policy S1.1, above.	On all occasions
NB for the time and date in question	
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.
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC20 where the motorist claims they were attending a funeral	
If prior consent had been gained through the Police or the Council.	Only if there is a significant reason to doubt the sincerity of the representations.
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC21 where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings	
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.	If it can be established that such conditions did not cause lines and signs to be obscured as claimed. If the parking attendant’s notes photographic evidence etc. directly contradict the motorist’s version of events. If any reasonable alternative indication of the restriction was available to the motorist. 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
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC22 where the motorist claims that their vehicle had broken down	
If the motorist is able to provide evidence of a breakdown, i.e. proof of vehicle recovery or a bill of sale for repair or parts.	If the motorist is unable to provide evidence of any kind that their vehicle had broken down 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 If the parking attendant’s notes contradict the motorist’s version of events.
NB for the time and date in question	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC23 where the motorist claims that they were attending an emergency or another vehicle that had broken down	
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.	If the motorist is unable to provide evidence of any kind that they were attending an emergency or another vehicle which had broken down If the parking attendant'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
NB for the time and date in question	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC24 where the motorist claims to have put money into the wrong ticket machine	
If after a site visit it is agreed that the position could cause confusion and remedial action is taken.	If the ticket machine used by the motorist is positioned in such a place that confusion is not likely. If the motorist has had representations accepted for a similar contravention previously.
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC25 where the vehicle in question was on police, fire brigade or ambulance duties	
If a senior officer of the service concerned supports the representations and there is no reason to doubt that the vehicle was engaged on operational activities.	In all other circumstances
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC26 where the motorist claims to have been collecting or depositing monies at a bank	
If the procedure explained in the motorist's representations is consistent with the allowance for loading and unloading, see Policy S1.1, above or If specific arrangements have been agreed with the Council	In all other circumstances

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC27 where the motorist claims to have been unaware of a temporary parking restriction or special event restriction	
If the motorist claims that there was no indication of the restriction, and the parking attendant's notes/photographs do not confirm that appropriate signing was in place. If the process followed to make the temporary order was defective in some way.	If the parking attendant'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.
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	
In prison	On all occasions
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).	Only if there is a significant evidence to doubt the sincerity of the representations.
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC30 where the vehicle driven by the motorist is diplomatically registered	
In all circumstances. A Notice to Owner should never be sent to the keeper of a diplomatically registered vehicle the Council should be informed of all penalty charges unrecovered from keepers of diplomatically registered vehicles. They will pass information concerning these debts on to the Foreign and Commonwealth Office [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...]	In no circumstances

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

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 duties or; it can be established that the Council officer or Member is in possession of a valid staff parking permit and it can be established that this is the motorist's first contravention of this type.	If it can be established that the officer/Member could have reasonably parked elsewhere. If there is evidence to show that this is not the motorists first contravention of this type, where the first contravention has occurred within the previous two years.
NB for the time and date in question	

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC33 where the motorist stopped to drop off someone	
If the circumstances are seen by the parking attendant. If, in exceptional circumstances and subject to observations times, the motorist had to escort a passenger, (infirmity)	If motorist was parked/stopped on school keep clear markings, pedestrian crossing, bus stop or taxi clearway

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 or the Council	In all other circumstances

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC35 where motorist states they were in police custody when PCN issued	
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 restriction started	If no proof provided If vehicle could have been legally parked before arrest
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC36 where 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.	If motorist has already received a PCN, which has been cancelled for the same reason If the Parking Attendant's Pocket Book notes provides significant reason to doubt sincerity of representation
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC37 where motorist claims there was no legal place to park	
Under no circumstances	In no circumstances
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC38 where motorist claims they were parked on private property	
If land search maps confirm location is private property & not subject of the relevant Traffic Regulation Order. If there is insufficient evidence to establish location of Vehicle	In all other circumstances
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC39 where motorist was delayed in returning to their vehicle parked in a limited waiting parking place	
If supported by appropriate evidence, the motorist's representations claim that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseen, unavoidable and exceptional. If motorist's vehicle had broken down, subject to concurrence with policy MC25, above). If the motorist was unable to drive, since parking the vehicle.	If the delay described by the motorist was not exceptional, i.e. queuing in a shop. If the motorist simply underestimated the time needed and could have reasonably purchased more time. If the motorist was unable to drive since parking due to excess alcohol in the body or had been were detained by the police for any reason, unless subsequently released without charge or proven innocent

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC40 where motorist had parked while asking directions / opening gates to private property	
If evidence provided by the CEO does not contradict representations.	In all other circumstances
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC41 where motorist stopped to answer mobile phone	
In no circumstances	On all occasions
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC42 where 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 CEO	If the Penalty Charge Notice was fully and correctly completed.
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
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC44 where 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.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>MC45 where the motorist is a resident within a Permit Parking Area or Residents Parking Scheme and had parked in a parking place without displaying a valid residents permit</p>	
<p>If the permit application was delayed by the Council's administrative processes. If it can be established that other reasonably unforeseen circumstances delayed the application of an authorisation to park, e.g. sickness on the part of the applicant or a postal dispute/delays (supported by appropriate evidence) or; if it can be established that this is the motorist's first contravention of this type.</p>	<p>If there is evidence to show that this is not the motorists first contravention of this type, where the first contravention has occurred within the previous two years.</p>
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>MC46 where the motorist is a Knowsley Council member of staff parked within a staff permit holders parking place without displaying a valid staff permit</p>	
<p>If the permit application was delayed by the Council's administrative processes. If it can be established that other reasonably unforeseen circumstances delayed the application of an authorisation to park, e.g. sickness on the part of the applicant or a postal dispute/delays (supported by appropriate evidence) or; if it can be established that the said member of staff is in possession of a valid permit and this is the motorist's first contravention of this type.</p>	<p>If there is evidence to show that this is not the motorists first contravention of this type, where the first contravention has occurred within the previous two years.</p>

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>MC47 where the motorist is visiting a resident within a Permit Parking Area or Residents Parking Scheme and had parked in a parking place without displaying a valid visitor permit</p>	
<p>If the permit application was delayed by the Council's administrative processes. If it can be established that other reasonably unforeseen circumstances delayed the application of an authorisation to park, e.g. sickness on the part of the applicant or a postal dispute/delays (supported by appropriate evidence) or; if it can be established that the said resident is in possession of a valid visitor permit and it can be established that this is the motorist's first contravention of this type or; if the motorist is a medical/health care professional and a letter (on headed paper) is provided by their employer justifying the reasons why the vehicle cannot conveniently be used for such purpose in any other road or off-street car park</p>	<p>If there is evidence to show that this is not the motorists first contravention of this type, where the first contravention has occurred within the previous two years.</p>
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>MC48 where the motorist claims that a pay & display ticket was purchased and displayed but the vehicle was parked in permit holders car park</p>	
<p>If the motorist produces a Pay & Display parking ticket that was valid at the time the Penalty Charge Notice was issued and it is the motorist's first contravention of this kind.</p>	<p>If there is evidence to show that this is not the motorists first contravention of this type, where the first contravention has occurred within the previous two years.</p>

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>MC49 where the motorist is a Knowsley Council Market Trader parked within a permit holders parking place without displaying a valid Market Trader permit</p>	
<p>If the permit application was delayed by the Council's administrative processes. If it can be established that other reasonably unforeseen circumstances delayed the application of an authorisation to park, e.g. sickness on the part of the applicant or a postal dispute/delays (supported by appropriate evidence) or; if it can be established that the said Market Trader is in possession of a valid permit and this is the motorist's first contravention of this type.</p>	<p>If there is evidence to show that this is not the motorists first contravention of this type, where the first contravention has occurred within the previous two years.</p>

9.5 Criteria for Acceptance or Rejection of Representations

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S1 The contravention did not occur:	
S1.1 where the motorist claims he/she was loading/unloading	
<p>On a waiting prohibition or in a controlled bay: If evidence e.g. delivery note, job sheet etc., 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 school and pedestrian crossing zig zag markings; on bus stop clearways; on taxi ranks; in car parks (except when depositing materials in recycling bins)</p>

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S1.2 where the motorist claims that a parking pay & display machine was faulty	
<p>If service records confirm a fault, or that the machine had been taken out of service at the time of the contravention, and there was not another ticket machine nearby on the same car park which was operating correctly</p>	<p>If there was another ticket machine nearby in the same street or car park that was working correctly at the time. If there is no record of the machine being faulty or taken out of service. If other motorists had been able to purchase tickets during the relevant period. If the civil enforcement officer's pocket notebook confirms that the machine was working at the relevant time</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, incorrect or unclear If signs and markings are inconsistent with each other and/or Traffic Order or legislation</p>	<p>If photographs and/or site visits establish that signs and/or markings are correct and consistent with each other and the Traffic Regulation Order.</p>

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S1.4 where motorist was carrying out building works	
If evidence confirms that the motorist was simply loading/unloading (see policy S1.1, above) If valid waiver/permit to park at the location in question had been issued and was clearly on display in the vehicle. If works are of a statutory nature or are exempted from restrictions by a Traffic Order or legislation If it can be proven that works were an emergency via submission of job sheets/invoices.	In all other circumstances

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 and /or photographs confirm that the vehicle drove away before a PCN could be served, or the driver was abusive/aggressive i.e. PCN not handed to the driver or fixed to the vehicle, then the penalty charge will be posted to the registered keeper as a Notice to Owner.</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 a duplicate PCN will be sent to the appellant. The 14 day discount period will be offered from the date of reissue of the PCN.</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	
When clear and incontrovertible supporting evidence available	When clear and incontrovertible supporting evidence (photographs) available

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S1.7 where motorist claims that a valid authorisation to park, had been issued	
If records show that the motorist holds a valid authorisation to park. Proof must be provided.	If the motorist cannot provide a copy of the valid authorisation to park, or if there is no record of any issue of the authorisation If the motorist did not park in accordance with the authorisation

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S1.8 where the motorist claims that a pay & display ticket was purchased and displayed	
If the motorist produces a Pay & Display parking ticket that was valid at the time the Penalty Charge Notice was issued and it is the motorist's first contravention of this kind.	<ul style="list-style-type: none"> • If the motorist is unable to produce a valid pay & display ticket • 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.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S2 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 the vehicle was disposed of before the contravention occurred	
If the current registered keeper is able to provide proof that the vehicle was disposed of before the contravention, e.g. a bill of sale, 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 A new Notice to Owner will be sent to the person named by the current registered keeper	If the current registered keeper is unable to prove that they disposed of the vehicle before the contravention occurred nor provide the name and address of the person to whom they disposed of the vehicle If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be genuine.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S2.2 where the current registered keeper claims that the vehicle was purchased after the contravention occurred	
If the current registered keeper is able to provide proof that the vehicle was purchased after the contravention, i.e. a bill of sale or registration documents, 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	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.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S2.3 where the motorist claims that they never owned the vehicle	
If the DVLA confirm that the motorist was not the registered keeper at the time of the contravention	If the DVLA confirms that the motorist was the registered keeper of the vehicle at the time of the contravention. If the previous registered keeper provides proof that the motorist bought the vehicle before the contravention, or the subsequent registered keeper provides proof that the motorist sold the vehicle after the contravention If the motorist is proven to have hired the vehicle for the day on which the contravention occurred and signed an agreement to take responsibility for PCN's incurred, subject to the time of hire (see policy S6, below)

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S3 the vehicle had been taken without owner's consent	
S3.1 where the current registered keeper claims that the vehicle had been stolen	
If the registered keeper provides a valid police crime report reference number and the police station where theft reported.	If the current registered keeper is unable to provide any proof of theft If the police crime report reference number provided by the current registered keeper

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S4 the owner is a hire company and have supplied the name of the hirer	
If the hire company is able to provide proof that the vehicle was hired at the time of the contravention, i.e. a signed agreement. If the hire company are able to provide the full name and address of the person to whom they hired the vehicle	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 If the person named by the hire company as the person to whom they hired the vehicle, without proof, either does not exist, cannot be traced or denies responsibility for the contravention If the vehicle

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S5 The penalty exceeded the relevant amount	
If the PCN and/or Notice to Owner showed the incorrect amount of penalty charge, i.e. the wrong penalty charge band	If the PCN or Notice to Owner showed the correct amount of penalty charge

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S6 That there has been a procedural impropriety on the part of the enforcement authority	
Any failure by the enforcement authority to observe the requirements imposed on it by the TMA, or the TMA regulations in relation to the imposition or recovery of a penalty charge or other sums. In particular this includes the serving of any document outside of the timescales set out in the regulations as described under Penalty Charge Processing Cycle.	In all other circumstances.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S7 The Traffic Order was invalid	
If the Traffic Regulation Order which prescribes the restrictions that the vehicle was parked in contravention of was either not constructed correctly, i.e. is ultra vires, or was not made correctly, i.e. not consulted on properly	If the Traffic Regulation Order which prescribes the restrictions that the vehicle was parked in contravention of was correct. If the motorist merely considers the restrictions to be unfair

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
S9 Any other information that the motorist / vehicle owner want the Council to take into consideration. These are detailed under the following mitigating circumstances to be considered. Please see mitigating circumstances highlighted previously	
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.	. 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.

APPENDIX A

**LOCAL CONTRAVENTION CODES
AND SETTING OF PENALTY CHARGE LEVELS NOTICE**

APPENDIX B

HAVE YOUR SAY POLICY AND PROCEDURES

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RECORD OF AMENDMENTS

Date	Section	Amendment	Notes
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