

PARKING SERVICES

PARKING GUIDANCE & PROCEDURES FOR THE ISSUING, ENFORCEMENT AND CANCELLATION OF PENALTY CHARGE NOTICES

**PROCEDURES SET OUT IN THIS DOCUMENT ARE FOR GUIDANCE ONLY
EACH CASE WILL BE CONSIDERED ON ITS OWN MERITS, TAKING INTO
ACCOUNT ALL THE EVIDENCE AVAILABLE AND THE EXCEPTIONALITY OF
THE CIRCUMSTANCES**

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1. INTRODUCTION

The procedures set out in this document provide guidance only. Each case is considered on its own merits taking into account all of the available evidence and the unique circumstances involved in each case.

The procedures are intended to inform the public and provide guidance to Council employees in the enforcement of parking regulations. The aim is to provide clarity, consistency and transparency within the enforcement process and compliance with the aspirations of the Traffic Penalty Tribunal and the Local Government Ombudsman.

The guidance covers the following:

- Parking restrictions and what they mean.
- Observation times for enforcement staff.
- Detail of contravention codes and the differential charges applied to each code.
- The statutory grounds upon which representations can be made.
- Examples of mitigating circumstances.
- The acceptance or rejection of representations.

Harrogate Borough Council, as the Enforcement Authority, carry out Civil Parking Enforcement throughout the Harrogate, Craven and Selby Districts under the Traffic Management Act 2004. Where the Penalty Charge Notice was issued for a contravention in an off-street car park in the borough of Harrogate, the Enforcement Authority is Harrogate Borough Council. Where the Penalty Charge Notice was issued for a contravention in an off-street car park in the district of Craven, the Enforcement Authority is Craven District Council. Where the Penalty Charge Notice was issued for a contravention in an off-street car park in the district of Selby, the Enforcement Authority is Selby District Council. For all on-street contraventions, the Enforcement Authority is North Yorkshire County Council (NYCC). Harrogate Borough Council acts as the agent for NYCC, Craven District Council and Selby District Council.

The enforcement duties are carried out by Civil Enforcement Officers (Parking) who have the powers to issued Penalty Charge Notices (PCNs) to vehicles that contravene the parking restrictions which are empowered by Traffic Regulation Orders. Parking restrictions can never be effective without the appropriate levels of enforcement which in turn bring benefits to the residents, businesses and visitors to the Districts.

The procedures involved when dealing with appeals and challenges against penalty charge notices are defined by the Traffic Management Act 2004 and the Department for Transport issues guidance to Local Authorities to support this.

Observation times and the acceptance or rejection of representations against penalty charge notices are local decisions. It is understandable that occasionally a motorist may not agree with a Council's decision and the legislation allows for the motorist to appeal to an Independent Adjudicator after the Council has rejected their representation.

Full details of the process are available at:

www.trafficpenaltytribunal.gov.uk or www.patrol-uk.info

For clarification or comments on this document please contact:

Parking Services
Harrogate Borough Council
PO Box 377
Harrogate
HG1 2WN

To reiterate, each case is considered on its own merits with objectivity, fairness and reasonableness.

COMPLAINTS PROCEDURE

Dissatisfaction with an officer's decision (e.g. rejection of an challenge/representation) is not a complaint. If a motorist is not satisfied with the service they have received from Harrogate Borough Council they can make a complaint using the "Help Us to Help You" forms however, the complaints procedure cannot be used as an alternative appeal mechanism against a PCN. Following a complaint, if they are not satisfied with the Council's response they can make a complaint to the Local Government Ombudsman.

The procedures and guidance are the subject of on-going review and will be revised when necessary.

2. PARKING RESTRICTIONS AND WHAT THEY MEAN

ON STREET PARKING

There are a number of different types of parking places (bays) provided throughout the Harrogate, Craven and Selby Districts.

Pay & Display – The driver must purchase a parking ticket from the ticket machines which will be located on or adjacent to the street(s) in which the driver is going to park. Details of the charges and the permitted stay time are displayed on the front of the ticket machine, there are also signs displayed on the street informing drivers of the parking restrictions and the location of the ticket machine.

Charges apply between the hours of 8am-6pm Monday to Saturday of each week including Public Holidays except in Knaresborough where charges apply all days including Public Holidays. Drivers are responsible for ensuring that the correct amount of parking time is purchased and to check their parking ticket for the correct expiry time.

If a Pay & Display machine is not working the driver must purchase a ticket from a nearby machine.

Residents – Where residents parking controls are in place, unlimited parking time is available to residents whose vehicles display a Residents permit for that location. These can be purchased from Harrogate Borough (HBC) Council through the reception at the Council Offices, Crescent Gardens, Harrogate or by contacting the Council's Customer Services Unit on 0845 300 6091. To purchase a Residents parking permit you must provide proof of residency in the location you wish to park and proof of ownership of your vehicle. In most cases, guest permits are available for purchase by holders of Residents permits.

HBC does not administer permits on behalf of other districts and the relevant district should be contacted direct. In Craven and Selby districts the contact information is as follows:

Craven DC	Email	contactus@cravenc.gov.uk
	Post	Craven District Council, 1 Belle Vue Square, Broughton Road, Skipton, BD23 1FJ.
	Tel	01756 700600
Selby DC	Email	info@selby.gov.uk
	Post	Selby District Council, Civic Centre, Doncaster Road, Selby, YO8 9FT
	Tel	01757 705101

Disc – Where disc parking controls are in place, by displaying a clock disc motorists can park free of charge for differing periods between 5 minutes and 10 hours depending on the location in which motorists wish to park. The on street signage will inform motorists of the maximum stay time together with the restrictions prohibiting

return to the same zone. Discs should be set to show the driver's **arrival time** and be clearly displayed on the vehicle windscreen or dashboard.

Discs can be obtained from the Harrogate International Centre, Tourist Information Centres and various shops in the towns where disc parking is in operation or from Harrogate Borough Council. Drivers should read the on street signage to make themselves aware of the restrictions in force in the bay in which they park their vehicle.

Loading – Only vehicles being used for the delivery or collection of goods (i.e. loading/unloading) can park in a loading bay. Loading/unloading means the delivery or collection of bulky, heavy or cumbersome items.

Hackney Carriages (Taxi Ranks) – Only registered Hackney carriages displaying a valid black and white licence plate are allowed to park or wait in these spaces. Private Hire vehicles (red and white plate) are not allowed to use these ranks.

Blue Badge Parking Bays – A vehicle can only be parked in a 'disabled parking bay' if it has been used to convey a disabled person and if the vehicle is displaying a valid Blue Badge. The Blue Badge must be displayed with the side showing the expiry date and serial number face up (not the photograph side). Generally there are no time restrictions in these bays. However, drivers should check the signage when they park.

Permits – There are a number of parking bays designated for use by permit holders only, for example Doctors or Emergency Services. These bays can only be used by the designated permit holders with a valid permit displayed.

Single/Double Yellow Lines – The areas or lengths of these parking restrictions are clearly displayed on the carriageway. For further information on how the restrictions apply to vehicle drivers, you should read the Highway Code. Generally, single yellow lines will only apply at certain times or days and the information on when the restrictions apply will be displayed on time plates usually fixed to a pole adjacent to the section of road where the parking restrictions apply. Drivers should not park on Double Yellow lines at all, but there are exemptions for loading/unloading, Blue Badge holders and to allow the drop off or pick up of passengers.

Double Yellow lines with kerb markings indicate that restrictions are in place which prohibit vehicles from stopping or parking during the periods indicated on the accompanying sign. These restrictions also prohibit loading and unloading.

Note: Blue Badge holders must display the blue badge together with the clock disc (that has been set at the time of arrival) and can only park for up to 3 hours on yellow lines whilst the restrictions are in operation. They must not be parked so that the vehicle causes an obstruction of the highway or a danger to other road users. Blue Badge holders are not permitted to park on double yellow lines with kerb markings.

OFF STREET PARKING

Harrogate Borough Council owns and operates a number of car parks throughout Harrogate District, the charges and maximum stay times vary depending on the location of the car park and the types of payment system in operation (i.e. pay and

display or pay on foot) also varies between individual car parks. Information with regard to charges, operating times, length of stay etc. is on www.harrogate.gov.uk/parking.

Season tickets offering discounted parking are available for most Harrogate car parks. Information is on www.harrogate.gov.uk/cs/Pages/Season%20Tickets.aspx Conditions of use which apply at individual car parks are displayed within the car park on the Welcome and Tariff Boards. It is the driver's responsibility to make themselves aware of the conditions which apply to motorists using the car park and to ensure that their parking ticket or permit is clearly displayed either on the vehicle dashboard or windscreen.

Please refer to Craven District Council's website for information on Craven car parks at www.cravencd.gov.uk and Selby District Council's website at www.selby.gov.uk for information on Selby's car parks.

OTHER SERVICES

Waiver of Parking Restrictions - A waiver is issued to allow specified vehicles to park where waiting restrictions apply at a specified location.

The Council may exercise its discretion and issue waivers only in exceptional circumstances, where it is decided that the vehicle is required to park near to or adjacent to a specified property. The decision made by the Council will be final and where an application is rejected, alternative parking arrangements will have to be made.

The Council is not required to provide waivers to allow drivers to park their vehicles in the vicinity of their location of work. This service is provided to assist bona fide operations for contractors and individuals where it is necessary for a vehicle to be parked contravening the parking regulations.

Charges will apply and waivers can be applied for by contacting the Harrogate Council's Customer Services Unit on 0845 300 6091.

Any waiver issued should be displayed on the vehicle in accordance with the conditions imposed so that it is clearly visible to a Civil Enforcement Officer (Parking) from the outside of the vehicle. Failure to do so may result in the issue of a Penalty Charge Notice. No person shall exhibit on any vehicle any waiver which has been altered, defaced, mutilated or added to or upon which figures or particulars have become illegible.

Suspension of Parking Restrictions A suspension may be implemented after a request from any person who is intending to undertake work in the highway or on premises adjacent to the highway that necessitates the temporary reservation of a particular parking space for their exclusive use and for a parking bay to be coned off to restrict parking by any other motorist.

- Where a contractor is undertaking work on a property adjacent to a parking bay and because of the nature and type of work, parking in the bay may cause a

hindrance to the continuation of that work, a suspension can be requested to prevent other drivers from parking in that bay. In certain cases a waiver may also be required to enable a particular vehicle to park in a suspended bay. (i.e. A glazier needs to have a vehicle close by but all other vehicles need to be kept away from the area of work for Health and Safety reasons).

- Where a removal company wishes to undertake the delivery/removal of furniture from a property located within a Controlled Parking Zone and without a suspension, it could not be guaranteed that the parking bay would be available to enable the removal vehicle to park in reasonable proximity to the property.

Suspensions may be applied for by post, telephone or in person at Level 1, Jubilee multi storey car park, Cheltenham Road, Harrogate, HG1 1DJ between 7.30am and 6.00pm. You can email to parkingservices@harrogate.gov.uk, fax your request to 01423 556320 or telephone 01423 556693. Charges will apply.

Highway Coning Service - Harrogate Borough Council offer a service to place cones which prohibit parking on streets for various reasons i.e. house removals, weddings, funerals etc. The service is offered on a customer request basis and can only be used on sections of road/areas where there are no existing parking restrictions for a maximum period of one day. Please note that there may be a charge for this service. We can also arrange for cones to be collected and put out in agreed locations to support events etc.

For information with regard to all parking matters including charges, locations of car parks in Harrogate, maximum stay times etc. can be found on the Harrogate Borough Council's website www.harrogate.gov.uk/parking.

3. STANDARD CONTRAVENTION CODES AND OBSERVATION TIMES

(Not all contravention codes are used in all Council areas)

Code	Observation Times	On-Street		Differential level
		Description		
01	5 mins	Parked in a restricted street during prescribed hours		Higher
02	Instant PCN	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force		Higher
05	Instant PCN (Obs for 10 mins after the ticket expired time)	Parked after the expiry of paid for time		Lower
06	5 mins	Parked without clearly displaying a valid pay & display ticket or voucher		Lower
07	Instant PCN	Parked with payment made to extend the stay beyond initial time		Lower
12	5 mins	Parked in a residents' or shared use parking place or zone without either clearly displaying either a valid permit or voucher or pay and display ticket issued for that place, or without payment of the parking charge		Higher
16	5 mins	Parked in a permit space without clearly displaying a valid permit		Higher
18	Instant PCN	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited		Higher
19	5 mins (10 mins after expiry of paid for time)	Parked in a residents' or shared use parking place or zone either displaying an invalid permit or voucher or pay & display ticket, or after the expiry of paid for time		Lower
20	5 mins	Parked in a part of a parking place marked by a yellow line where waiting is prohibited		Higher
21	Instant PCN	Parked wholly or partly in a suspended bay or space		Higher
22	Instant PCN	Re-parked in the same parking place or zone within one hour of leaving*		Lower
23	Instant PCN	Parked in a parking place or area not designated for that class of vehicle		Higher
24	Instant PCN	Not parked correctly within the markings of the bay or space		Lower
25	5 mins	Parked in a loading place during restricted hours without loading		Higher
26	Instant PCN	Parked in a special enforcement area more than 50 cm from the edge of the carriageway and not within a designated parking place		Higher
27	Instant PCN	Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway		Higher
30	Instant PCN (obs for 10 mins after permitted parking or 15 mins after disc has expired)	Parked for longer than permitted		Lower
35	5 mins	Parked in a disc parking place without clearly displaying a valid disc		Lower
40	Instant PCN	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner		Higher
42	Instant PCN	Parked in a parking place designated for police vehicles		Higher
45	Instant PCN	Parked on a taxi rank		Higher
47	Instant PCN	Stopped on a restricted bus stop or stand		Higher
48	Instant PCN	Stopped in a restricted area outside a school when prohibited		Higher
49	Instant PCN	Parked wholly or partly on a cycle track or lane		Higher
55	Instant PCN	A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban		Higher
56	Instant PCN	Parked in contravention of a commercial vehicle waiting restriction		Higher
61	Instant PCN	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways		Higher
63	Instant PCN	Parked with engine running where prohibited		Lower
99	Instant PCN	Stopped on a pedestrian crossing or crossing area marked by zigzags		Higher

PENALTY CHARGE NOTICE (CONTINUED)
EXPLANATORY NOTES DETAILING CONTRAVENTION CODES

Code	Off-Street Description	Differential level
70	Instant PCN Parked in a loading area during restricted hours without reasonable excuse	Higher
74	Instant PCN Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher
80**	Instant PCN (Obs for 10 mins after the ticket expired time) Parked for longer than the maximum period permitted	Lower
81	Instant PCN Parked in a restricted area in a car park	Higher
82**	Instant PCN (Obs for 10 mins after the ticket expired time) Parked after the expiry of paid for time	Lower
83**	5 mins Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower
84	Instant PCN Parked with additional payment made to extend the stay beyond time	Lower
85	5 mins Parked in a permit bay without clearly displaying a valid permit	Higher
86	Instant PCN Not parked correctly within the markings of a bay or space	Lower
87	Instant PCN Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher
89	Instant PCN Vehicle parked exceeds maximum weight or height or length permitted in the area	Higher
90	Instant PCN Re-parked in the same car park within one hour after leaving *	Lower
91	Instant PCN Parked in a car park or area not designated for that class of vehicle	Higher
92	Instant PCN Parked causing an obstruction	Higher
93	Instant PCN Parked in car park when closed	Lower

* "one hour" may be varied to another time period or "the prescribed time period"

** In the Craven District car parks only, the observation period is 15 minutes.

4. STATUTORY GROUNDS TO MAKE REPRESENTATIONS

When a penalty charge notice (PCN) has been issued, if it remains unpaid or if an informal challenge against the charge have been turned down and the charge is unpaid, after at least 28 days, the Council will obtain details of the registered owner of the vehicle from DVLA. A 'Notice to Owner' (NTO) will then be issued to the owner to allow them to make formal representations against the charge. Representations should be made by the owner or keeper of the vehicle as they are legally liable for the charge even if they were not the driver at the time the PCN was issued.

Representations must be to either or both of the following effects:

- That, in relation to the alleged contravention on account of which the NTO was served, one or more of the grounds specified below apply; or
- That, whether or not any of the grounds apply, there are compelling reasons why, in the particular circumstances of the case, the enforcement authority should cancel the PCN and refund any sum paid on account of it.

THE SPECIFIED GROUNDS FOR REPRESENTATIONS ARE:

- **The contravention did not occur.**
If the contravention described on the notice did not happen – for instance if the PCN is for over staying in a pay and display area and a valid pay and display ticket was displayed, or if the PCN is issued for parking on a yellow line when you were in fact legally loading. The motorist should enclose such evidence as a valid pay and display ticket or delivery note.
- **I was not the owner of the vehicle at the time of the contravention.**
You did not own the vehicle when the PCN was issued. You should enclose details such as a receipt or the sale or purchase or a copy of the DVLA registration form. The motorist should also supply the name and address of the person who bought /sold the car and the date of the sale/purchase.
- **The vehicle had been taken without my consent.**
The vehicle was stolen at the time that the PCN was issued. The motorist should provide evidence such as a police crime report number or insurance claim.
- **We are a hire firm and have supplied the name of the hirer.**
You are a hire company and the hirer has signed a formal agreement accepting liability for penalty charges. The company must supply the name and address of the hirer and supply a copy of the signed hire agreement.

- **The penalty exceeded the relevant amount.**
The PCN asks you to pay more than you are legally liable for.
- **There has been a procedural impropriety on behalf of the Council.**
The motorist/keeper believes that the Council has acted improperly or in breach of the Regulations made under the Traffic Management Act 2004. The motorist should supply details.
- **The Traffic Regulation Order is invalid.**
You believe that the parking restriction in question was invalid or illegal. This applies, for instance, if the Council has not followed the correct procedure for passing the Traffic Order. You should supply details.
- **The penalty charge has been paid, either in full or at the discount rate within the discount period.**
You should supply details and supporting evidence such as a receipt of payment.
- **Any other information that the motorist/keeper wants the Council to take into consideration.**

5. GUIDANCE ON WHAT FACTORS/REASONS ARE CONSIDERED WHEN DEALING WITH REPRESENTATIONS

1. THE CONTRAVENTION DID NOT OCCUR	
1.1 Where the motorist claims that he/she was loading/unloading at the time	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>While parked on a waiting prohibition area (i.e. single/double yellow lines) of a controlled bay (i.e. loading bay) and evidence is available or provided to show:</p> <ul style="list-style-type: none"> • Goods being loaded or unloaded were heavy, bulky or numerous and it would be unreasonable to expect them to be carried from a 'legal' parking place. • Loading/unloading was taking place adjacent to the premises concerned. • Loading/unloading was timely. Includes time taken to check goods and paperwork but does not include time taken or delays caused by unrelated activity. 	<p>When parked on:</p> <ul style="list-style-type: none"> • Where loading is prohibited (i.e. where kerb marking or kerb markings and time plate indicate that loading is not permitted at that time). • School zig-zag markings. • On Taxi Ranks and other designated parking bays. • On disabled persons parking bays where no Blue Badge permit is displayed. • In car parks where a valid pay & display ticket has not been purchased and displayed.
1.2 Where the motorist claims that the 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.</p> <p>If there is reasonable doubt because evidence is not available to confirm that the machine was working at the time and there was no ticket machine nearby that was operating correctly.</p>	<p>If there was another ticket machine nearby that was working correctly at the time.</p> <p>If there is no record of the machine being faulty or having been taken out of service.</p> <p>If there is reasonable doubt because evidence confirms that other visitors had been able to purchase tickets during the relevant period.</p>
1.3 Where the motorist claims that the restriction is not clearly signed or marked	
<p>If signs and/or markings are missing or unclear.</p> <p>If signs and markings are inconsistent with each other and/or Traffic Regulation Order or legislation.</p>	<p>If site visit records or photographs establish that signs and/or markings are correct and consistent with each other and the Traffic Regulation Order.</p>

1.4 Where motorist was carrying out building works	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If evidence confirms that the motorist was simply loading/unloading. (see 1.1)</p> <p>If valid waiver to park at the location in question had been issued and was on display in the vehicle.</p> <p>If works are of a statutory nature or are exempted from restrictions by a Traffic Regulation Order or legislation.</p> <p>If it can be proven that works were an emergency.</p>	<p>In all other circumstances.</p>
1.5 Where motorist claims that PCN was not served (i.e. PCN not found attached to vehicle, handed to the person in charge of the vehicle or received in the post)	
<p>If the CEO's notes confirm that the vehicle drove away before a PCN could be served, i.e. PCN not handed to the person who appeared to be in charge of the vehicle or fixed to the vehicle or served by post.</p> <p>If the DVLA is unable to provide the details of the registered keeper within 14 days of the service period for PCNs served by post.</p>	<p>If the CEO's notes or photographs confirm that the PCN was correctly served, i.e. handed to the person who appeared to be in charge of the vehicle or fixed to the vehicle.</p> <p>If there is no proof that the 'PCN' was served by post within the 14 day period.</p>
1.6 Where the motorist claims that their vehicle was not parked in the location at the time and on the date alleged on the PCN which was issued.	
<p>Following consideration of all available evidence:</p> <p>If the motorist provides a copy of their vehicle excise licence (tax disc), which was valid at the time of the contravention and the serial number of which differs from the number noted by the CEO.</p>	<p>If the Motorist does not provide a copy of their tax disc, after being given an opportunity to submit such a copy. OR</p> <p>If the serial number on the copy tax disc provided is identical to the serial number noted by the CEO. OR</p> <p>If there is no evidence or if the evidence presentation does not support or is inconclusive.</p>

1.7 Where motorist claims that a valid authorisation to park had been issued	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If records show that the motorist holds a valid authorisation to park.</p>	<p>If the motorist cannot provide a copy of the valid authorisation to park or if there is no record of any issue of the authorisation.</p> <p>If the motorist did not park in accordance with the authorisation.</p>
1.8 Where the motorist claims that a pay & display ticket was purchased and displayed/had fallen off/was face down	
<p>If the motorist produces a pay & display parking ticket that was valid at the time the penalty charge notice was issued and the CEO confirms that a face down ticket or a ticket that was displayed but concealed in some other way was seen and it is the first contravention of this kind.</p>	<p>If the motorist is unable to produce a valid pay & display ticket.</p> <p>The CEO was unable to confirm that a face down ticket or a ticket that was displayed but concealed in some other way was seen.</p> <p>The motorist has made a similar representation before and had a previous PCN cancelled, after giving them the benefit of the doubt; or</p> <p>The CEO noted that the motorist obtained their ticket from another motorist in the car park.</p>

2 THE MOTORIST WAS NOT THE OWNER/KEEPER OF THE VEHICLE AT THE TIME OF THE CONTRAVENTION.	
2.1 Where the current registered keeper claims that the vehicle was disposed of before or after the contravention occurred	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the current registered keeper is able to provide proof that the vehicle was disposed of before the contravention, i.e. a bill of sale, registration documents, insurance documents or a letter from the DVLA.</p> <p>And/or</p> <p>If the current registered keeper is able to provide the full name and address of the person to whom they disposed of the vehicle.</p>	<p>If the current registered keeper is unable to prove that they disposed of the vehicle before the contravention nor provide the name and address of the person to whom they disposed of the vehicle.</p> <p>If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide.</p>
2.2 Where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention	
<p>Only when a valid hire agreement exists (see 4.1).</p>	<p>In all other circumstances because the registered keeper is always liable, including where the vehicle was left in the care of a garage.</p>
2.3 Where the motorist claims that they never owned the vehicle	
<p>If the DVLA confirm that the motorist was not the registered keeper at the time of the contravention.</p>	<p>If the DVLA confirm that the motorist was the registered keeper of the vehicle at the time of the contravention.</p> <p>If the previous registered keeper provides proof that the motorist bought the vehicle before the contravention, or the subsequent registered keeper provides proof that the motorist sold the vehicle after the contravention.</p> <p>If the motorist is proven to have hired the vehicle for the day on which the contravention occurred and signed an agreement to take responsibility for PCNs incurred during the hire period (see 4.1).</p>

3 THE VEHICLE HAS BEEN TAKEN WITHOUT THE OWNER'S CONSENT	
3.1 Where the current registered keeper claims that the vehicle has been stolen	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If the registered keeper provides a valid police crime report reference number.	<p>If the current registered keeper is unable to provide any proof of theft.</p> <p>If the police crime report reference number provided by the current registered keeper does not exist or it does not match the theft or date of the alleged theft.</p>
3.2 Where the current registered keeper claims that the vehicle was driven by a third party (e.g. a friend, relative or estranged partner)	
In no circumstance.	In all circumstances because the registered owner is always liable except where a valid hire agreement exists (see 4.1).

4 THE OWNER IS A HIRE COMPANY AND HAVE SUPPLIED THE NAME OF THE HIRER	
4.1 The owner is a hire company and have supplied the name of the hirer	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the hire company are able to provide proof that the vehicle was hired at the time of the contravention i.e. a signed hire agreement.</p> <p>If the hire company are able to provide the full name and address of the person to whom they hired the vehicle.</p>	<p>If the hire company are unable to prove that they hired out the vehicle on the date of the contravention nor provide the name and address of the person to whom they hired the vehicle.</p> <p>If the person named by the hire company as the person to whom they hired the vehicle, without proof, either does not exist, cannot be traced or denies responsibility for the contravention.</p> <p>If the vehicle was being used as a courtesy car without an agreement signed to accept responsibility for penalty charge notices issued during the hire period.</p> <p>If the copy of the hire agreement does not conform to the Road Traffic Owner Liability Regulation 1975.</p>

5 THAT THE PENALTY CHARGE EXCEEDED THE RELEVANT AMOUNT	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the PCN and/or Notice to Owner showed the incorrect amount of the penalty charge, i.e. the wrong penalty charge band.</p>	<p>If the PCN or Notice to Owner showed the correct amount of the penalty charge.</p>

6 THERE HAS BEEN A PROCEDURAL IMPROPRIETY ON BEHALF OF THE ENFORCEMENT AUTHORITY	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the Council has served a document or a charge certificate in advance of the time scale set out in the TMA regulations.</p> <p>If the registered keeper provides proof that the Council has not sent the document out by 1st class post and the franked date of the envelope does not match the date of the document.</p> <p>If a fixed penalty notice, as defined by section 52 of the Road Traffic Offenders Act 1988, has been given and is the subject of criminal proceedings (this is only likely to be the case on or near pedestrian crossings).</p> <p>If the motorist claims that the incorrect vehicle registration mark has been recorded and the photographic evidence confirms this. If photographs are not available request copy of vehicle registration document from keeper.</p> <p>If a motorist claims that the incorrect make of vehicle has been recorded on the penalty charge and the photographic or DVLA evidence confirms that this is the case.</p> <p>If the motorist claims the CEO had recorded the vehicle at an incorrect location and photographic evidence confirms that this is the case.</p>	<p>Where the Council considers that all documents have been served in the correct time.</p> <p>If the vehicle registration document shows that the vehicle registration mark has been incorrectly recorded or DVLA records confirm no trace of vehicle.</p> <p>If the vehicle registration document shows the vehicle make is correct.</p> <p>If the CEO's notes confirm correct location.</p>

7 THE TRAFFIC ORDER WAS INVALID	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If the Traffic Regulation Order which prescribes the restrictions that the vehicle was parked in contravention of was either not constructed correctly, i.e. not consulted on properly, not made correctly or is ultra vires (where the Council has acted beyond its powers).	If the Traffic Regulation Order was constructed and made correctly. If the motorist merely considers the restrictions to be unfair.

8 THE PENALTY CHARGE HAS BEEN PAID, EITHER IN FULL OR AT THE DISCOUNT RATE WITHIN THE DISCOUNT PERIOD	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If evidence is provided (i.e. a receipt or copy of a bank statement) to show that payment was received by the Council.	In all other circumstances.

9 ANY OTHER INFORMATION THAT THE MOTORIST/VEHICLE OWNER WANT THE COUNCIL TO TAKE INTO CONSIDERATION	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
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.	In all other circumstances.

6. MITIGATING CIRCUMSTANCES (MC)

<p>Examples of issues that drivers have wanted to be taken into consideration that do not fall into the previous grounds for representations. These are examples only and all mitigating circumstances will be considered.</p>	
<p>MC1 – Where the motorist claims to have become unwell while driving</p>	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the motorist provides proof of a medical condition that is consistent with the conditions described.</p> <p>When the notes made by the CEO support the motorist's representation.</p>	<p>If he motorist cannot provide some proof of a medical condition consistent with the conditions described. OR</p> <p>Where other evidence contradicts the motorist's claims.</p>
<p>MC2 – Where the motorist claims to be a doctor, nurse or health visitor attending a patient</p>	
<p>If the motorist concerned possesses a Medical Dispensation Badge (HEBs) that the Council concerned recognises and approves and/or is exempt under the relevant Order. OR</p> <p>If the motorist produces evidence that they were responding to an urgent medical call and there was no nearby legal parking place.</p>	<p>If motorist was not attending a patient in urgent circumstances or if there were legal parking places nearby.</p> <p>If motorist was parked in an area which does not correspond with claims made in representation, i.e. far from patients property.</p> <p>If the badge holder was parked in a car park.</p>
<p>MC3 – where the motorist stopped to use the toilet</p>	
<p>On production of medical evidence confirming a relevant medical condition and in support of the circumstances described in a representation.</p>	<p>In all other circumstances.</p>
<p>MC4 – Where the motorist stopped to collect prescribed medication from a chemist</p>	
<p>Only in the most grave, urgent and exceptional of circumstances and the use of a 'legal' parking place would have caused an unacceptable delay.</p>	<p>In all lesser circumstances.</p>

MC5 – Where the motorist was a patient visiting a doctor’s or dentist’s surgery	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the motorist can provide a letter from the doctor to confirm that the visit was very urgent and that they were unable to walk from the nearest legal parking space, i.e. letter from Doctor.</p>	<p>If the motorist was not the patient but only driving the vehicle carrying the patient.</p> <p>If the motorist was attending a pre-arranged, non-urgent appointment.</p> <p>If the motorist could reasonably have been expected to park legally elsewhere.</p>
MC6 - Where the motorist claims to have been recently bereaved	
<p>If no evidence exists to the contrary, taking into account the sensitivity of the issue.</p>	<p>If there is a significant reason to doubt the sincerity of representations, i.e. the CEO’s notes indicate that the motorist was going about a normal activity, say, shopping or working or the bereavement is considered to be a long time ago.</p>
MC7 – Where the motorist claims they were attending a funeral	
<p>If Council was notified to confirm that a funeral was taking place.</p> <p>If not notified review the circumstances.</p> <p>If no evidence exists to the contrary, taking into account the sensitivity of this issue.</p>	<p>If there is significant reason to doubt the sincerity of representations, i.e. the CEO’s notes indicate that the motorist was going about a normal activity, i.e. shopping or working.</p>
MC8 – Where the motorist was delayed in returning to their vehicle and parking time purchased had expired	
<p>If supported by appropriate evidence, the motorist’s representation claims that the delay in returning to the vehicle was caused by circumstances that were entirely unavoidable and exceptional.</p> <p>If motorist’s vehicle was broken down (subject to concurrence with MC25).</p> <p>If the motorist was unable to drive, since parking the vehicle i.e. hospitalisation.</p>	<p>If the delay described by the motorist was entirely avoidable, i.e. queuing in a shop.</p> <p>If the motorist simply underestimated the time needed and could have reasonably purchased more time.</p> <p>If the motorist was unable to drive since parking due to excess alcohol in the body or had been detained and charged by the Police.</p>

MC9 – Where the motorist left the vehicle parked without a valid ticket on display to obtain change	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If the motorist had not left the car park or on-street pay and display area while obtaining change and a ticket was purchased within a reasonable time	If no ticket was purchased. In all other circumstances.
MC10 – Where the motorist claims to have been unaware of charges or restrictions 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.
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 the revised tariff is not on tariff board(s).	If statutory notices were erected in accordance with procedural regulations and tariff board(s) were correct. In all other circumstances.
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 there were outside the motorist's control and are supported by incontrovertible evidence. Review sympathetically if a disabled motorist and give warning on first occasion.	When clear and incontrovertible supporting evidence (i.e. photographs) is available. In all other circumstances.
MC13 – Where the motorist is a Blue Badge holder/transporting a Blue Badge holder and they did not have their Blue Badge on display, it 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 badge had expired and a new valid badge is produced by the badge holder. If there is a subsequent PCN issued and there are compelling reasons due to mental or physical capabilities of the Blue Badge holder.	If the motorist has previously had a PCN cancelled for the same contravention and had been warned to display a valid badge correctly in the future.

MC14 - Where the motorist is parked in disabled bay and claims that they were not aware it was a disabled bay	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If it is established that the signing and marking is incorrect or non-existent.	If signing and marking is correct.
MC15 – Where the motorist was displaying an expired authorisation to park, i.e. waiver, parking place suspension, season ticket or permit	
<p>If the renewal of the authorisation was delayed by the Council's administrative processes.</p> <p>If it can be established that other reasonably unforeseen circumstances delayed the renewal of an authorisation to park, e.g. sickness on the part of the applicant or a postal dispute/delays (supported by appropriate evidence).</p> <p>In the case of car park season tickets, only if the authorisation had expired within 2 days.</p> <p>In the case of residents/business parking permits, only if the authorisation had expired within 5 days.</p>	<p>In the event of more than one vehicle registration included on season ticket or permit, subsequent production of the season ticket will not necessarily cause an automatic cancellation of the PCN as the season ticket may have been used on the other vehicle.</p> <p>In all other circumstances.</p>
MC16 – Where the motorist is parked in contravention of a waiting/parking prohibition	
In no circumstances.	On all occasions.
MC17 – Where the motorist is a new resident within a controlled parking zone and had parked in a residents bay without displaying a valid residents permit	
In no circumstances.	On all occasions.
MC18 – Where the motorist has parked in a disc parking area and has not displayed a parking disc that has been set at the time of arrival	
Only if the Council believes that the circumstances to be truly mitigating	On all other occasions.
MC19 – Where a resident/visitor parking within a controlled zone was not displaying a valid permit or visitors permit for that vehicle or was using a courtesy car	
If the resident provides proof that a courtesy car was being used or they had just changed their vehicle and this was the first contravention only.	On all occasions.
MC20 - Where the motorist was parked in a controlled zone and was displaying an incorrectly completed guest permit	
In no circumstances.	On all occasions.

MC21 – Where a carer was displaying a Health Workers’ permit in an area other than that permitted or the permit was being misused	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the motorist provides evidence that there was an urgent medical emergency in support of the circumstances.</p>	<p>If motorist was not attending a patient in urgent circumstances or if there were legal parking spaces nearby.</p> <p>If motorist was parked in an area which does not correspond with claims made in representations, i.e. far from patients property.</p> <p>If the permit holder was parked in a car park.</p> <p>If the permit holder was not using the permit in accordance with the conditions of issue.</p>
MC22 – Where the motorist had parked incorrectly in a controlled bay on-street	
<p>If it can be established that the motorist was genuinely loading or unloading subject to compliance with 1.1.</p>	<p>On all occasions.</p>
MC23 – Where the motorist assumed that they were entitled to “a period of grace” before the PCN was issued	
<p>If the CEO has not allowed the appropriate observation periods as agreed by the Council, see below:</p> <p>Car Parks and On-street pay & display bays: 10 minutes after expiry of time paid for.</p> <p>Single/Double yellow lines: 5 minutes observation period.</p> <p>Disc Parking Bays: One quarter hour after the expiry of time allowed.</p> <p>Limited Waiting Bays: 10 minutes observation allowed over permitted time.</p> <p>Loading bays: 5 minutes observation.</p> <p>In Craven car parks ONLY 15 minutes are allowed after the expiry of paid for time. PCNs can be issued instantly for all other contraventions.</p>	<p>On all occasions.</p>

MC24 - Where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If it can be established that such conditions prevailed and it is likely that signs and markings were obscured as claimed and there were no alternative indication of the restriction.</p> <p>CEO's photographs may support the claim.</p>	<p>If it can be established that such conditions did not cause lines and signs to be obscured as claimed.</p> <p>If the CEO's notes, photographic evidence etc. directly contradict the motorist's version of events.</p> <p>If any reasonable alternative indication of the restriction was available to the motorist.</p> <p>If the location of the contravention was unlikely to be subject to the natural conditions described by the motorist, i.e. it was under cover.</p>
MC25 – Where the motorist claims to have lost their keys	
<p>If the motorist is able to provide evidence of losing keys or new key purchase.</p>	<p>If no evidence can be provided.</p>
MC26 – Where the motorist claims that their vehicle has broken down	
<p>If the motorist is able to provide evidence of a breakdown, i.e. proof of vehicle recovery or a bill of sale for repair or parts.</p>	<p>If the motorist is unable to provide evidence of any kind that their vehicle had broken down.</p> <p>If the cause of the vehicle "breaking down" was due to negligence of the part of the motorist, i.e. the vehicle had not been properly maintained, had run out of petrol or water or a similar reason.</p> <p>If the CEO's notes contradict the motorist's version of events</p>
MC27 – Where the motorist claims that they have attending an emergency or another vehicle that had broken down	
<p>If the motorist is able to provide reasonable proof of the emergency, i.e. a credible report of an accident or incident that they were attending to another vehicle that had broken down.</p>	<p>If the motorist is unable to provide evidence that they were attending an emergency or another vehicle which had broken down.</p> <p>If the CEO's notes contradict the motorist's versions of events, i.e. the motorist was not seen attending an emergency or another vehicle which had broken down.</p>

MC28 – Where the motorist claims to have put money into the wrong ticket machine	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If it is agreed that the position of the ticket machine used by the motorist is likely to cause confusion.	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.
MC29 – Where the vehicle in question was on police, fire brigade, 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 emergency/unavoidable operational duties.	In all other circumstances.
MC30 – Where the vehicle in question was on an emergency call out for gas, electricity or water etc	
If the motorist is able to provide evidence of the call out.	If the motorist is unable to provide evidence of any kind.
MC31 – Where the motorist claims to have been collecting or depositing monies at a bank – on street only	
If the procedure explained in the motorist's representation is consistent with the definition for loading and unloading described in 1.1. Or If specific arrangements have been agreed.	If the deposit or collection is a banker's draft or cheque. In all other circumstances.
MC32 – 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 CEO's notes/photographs do not confirm that appropriate signing was in place. If the process followed to make the Temporary Order was defective in some way.	If the CEO's notes/photographs confirm that the vehicle was parked in an area restricted by the Temporary Order or Notice and that appropriate signing was in place and clearly visible.

MC33 – 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	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
In no circumstances.	In all circumstances.
MC34 – 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 significant evidence to doubt the sincerity of the representation.
MC35 – Where the vehicle driven by the motorist is diplomatically registered	
In all circumstances.	In no circumstances.
MC36 – 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 by the Police that proceedings for a criminal offence in connection with the same parking/waiting incident had been instigated.	In all other circumstances.
MC37 – Where a Council Officer or Member parked in contravention and claims to have been on Council business	
<p>If a valid permit/ticket is provided covering the time of the contravention and this is the first contravention.</p> <p>If the Officer was carrying out emergency or other statutory work.</p>	<p>If the Officer is unable to provide a valid permit/ticket for the date/time of the contravention. OR</p> <p>If the motorist has already received a PCN which has been cancelled for the same reason.</p> <p>If it can be established that the Officer/Member could have reasonably parked elsewhere.</p>
MC38 – Where the motorist stopped to drop off someone	
<p>If the circumstances are seen by the CEO.</p> <p>If, in exceptional circumstances and subject to observation times, the motorist had to escort a passenger (child, elderly or disabled person) to home or school.</p>	If motorist was parked/stopped on school keep clear markings, pedestrian crossing, bus stop or clearway.

MC39 – Where motorist states they were in Police custody when PCN was issued	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If proof (from the Police) has been provided to indicate that the Police had instructed the motorist to leave the vehicle.</p> <p>If the time of arrest (proof required from the Police) provides confirmation that the motorist was legally parked and was unable to move the vehicle before the restriction started.</p>	<p>If no proof provided.</p> <p>If the vehicle could have been legally parked before arrest.</p>
MC40 – Where motorist states they were visiting a friend or relative in urgent circumstances i.e. medical emergency	
<p>If in an emergency the parking contravention could not be avoided due to the exceptional nature of the incident.</p>	<p>If motorist has already received a PCN, which has been cancelled for the same reason.</p> <p>If the CEO's notes provides significant reason to doubt sincerity or representation.</p>
MC41 – Where motorist claims there was no legal place to park	
<p>Only in the most exceptional of circumstances i.e. directed to park by a CEO or Police Officer and can provide written proof or incident number.</p>	<p>In the absence of exceptional circumstances.</p>
MC42 – Where motorist claims they were parked on private property	
<p>If land search maps confirm location is private property and not subject to the relevant Traffic Regulation Order..</p> <p>If there is insufficient evidence to establish location of vehicle.</p>	<p>In all other circumstance.</p>
MC43 – Where motorist claims they had forgotten where they parked their vehicle	
<p>In no circumstances.</p>	<p>On all occasions.</p>
MC44 – Where motorist is parked in a disc parking zone and their disc has been set in advance	
<p>In no circumstances.</p>	<p>On all occasions.</p>

MC45 – Where motorist is parked in a disc parking zone and exceeded the amount of permitted parking time.	
MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
Only in the most exceptional of circumstances.	In the absence of exceptional circumstances.
MC46 – Where motorist claims they were unaware payment was required for parking	
Only if the street/car park was not adequately signed due to the removal of signs.	On all other occasions.
MC47 - Where motorist states that restrictions were 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 was parked.	If there is evidence to show that markings were already in place at the time of parking.
MC48 – Disabled Badge Holders – parked in a loading bay (not loading) or taxi rank	
In no circumstances.	On all occasions.
MC49 – CRAVEN CAR PARKS ONLY - Disabled Badge Holders – exceeded maximum stay or failed to pay and display since unaware charges applied	
Only if the car park was not adequately signed.	On all occasions.
MC50 – Where motorist claims that they left vehicle parked whist away on holiday and had parked the vehicle in a suspended parking place or failed to display a permit in a residents parking zone	
<p>If the suspension notice was displayed after the motorist departed on holiday and appropriate documentation is provided to confirm holiday dates and records confirm the date the suspension notices were erected was after the start of the holiday.</p> <p>If confirmation is received that the resident was away on holiday during the period the penalty charge notice was issued.</p>	In all other circumstances.

MC51 - Where the motorist is a Blue Badge holder/transporting a Blue Badge holder and they did not have their clock disc on display, it could not be read, it was set in advance or had expired

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
Only if the Council believes that the circumstances to be truly mitigating.	If the motorist was parking 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. In all other circumstances.