



SHROPSHIRE COUNCIL

PARKING ENFORCEMENT

**Grounds for the
Cancellation of Penalty Charge Notices**

**GROUND SET OUT IN THIS DOCUMENT
PROVIDE GUIDANCE ONLY**

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

TABLE OF AMENDMENTS

Version & Date	Amendments
Version 2: February 2013	Reformatted throughout
	Title change from “Guidance policies for the Enforcement and Cancellation of Penalty Charge Notices” to “Grounds for the Cancellation of Penalty Charge Notices”
	All references to Parking Attendant changed to Civil Enforcement Officer
	Addition of Mitigating Circumstance MC45 “Where motorist states that they had a valid permit for the location.”
	Amendment to Statutory Ground 8 with addition of words “If it is established that the penalty charge had been paid.”
	Amendment to Mitigating Circumstance MC32 with addition of words “and the vehicle could not reasonably be parked elsewhere.”
	Alteration of Mitigating Circumstance MC13
	Addition of Mitigating Circumstances MC14, MC15, MC16 and renumbering of all subsequent clauses
	Rewording of MC46 following review of car parking tariffs and charging structure in December 2012
Version 3: April 2020	Addition of the contravention 11 “Parked without payment of the parking charge”
	Addition of the contravention 73 “Parked without payment of the parking charge”
	General amendments throughout the document regarding spelling and grammar errors.

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GROUNDS FOR THE CANCELLATION OF PENALTY CHARGE NOTICES

INTRODUCTION

This document sets out the grounds on which Shropshire Council will consider cancelling Penalty Charge Notices (PCNs) issued in respect of Civil Parking Enforcement. It should be read in conjunction with the Shropshire Parking Services 'Enforcement Policy and Procedures for Penalty Charge Notices' that provides further information in relation to the Council's parking enforcement and appeals process.

The guidance in this document is intended to both inform the public and provide direction to Shropshire Parking Service employees working on the enforcement of parking regulations. The aim is to provide clarity, consistency and transparency within the enforcement process whilst, at the same time, allowing the Notice Processing Officer a degree of discretion in determining the outcome of any individual case.

The guidance addresses the following matters:

- The statutory grounds upon which challenges or representations may be made;
- The range of mitigating circumstances that Shropshire Council will take account of when considering a challenge or representation against a PCN; and
- The acceptance or rejection of challenges or representations.

These guidelines represent a foundation upon which fairness and discretion can be applied. The importance of flexibility in these matters has been recognised by the courts however and, as a result, it is recognised that these guidelines must not be too rigidly applied. We will therefore take an impartial view on each case and consider it on its own merits.

The process of considering challenges and representations against a PCN is a legal process; we will therefore only use officers who are fully trained in all aspects of civil parking enforcement when applying this policy.

These guidelines will be subject to on-going review in order to take into account changes to guidance made under the Traffic Management Act 2004.

STANDARD CONTRAVENTION CODE DESCRIPTIONS

(Not all Contravention Codes apply in all Council areas)

Current Penalty Charges set by Government are:

Higher Penalty Level £70

Lower Penalty Level £50

(H) = Higher Penalty Level

(L) = Lower Penalty Level

Code	On Street Contraventions	Notes
01	Parked in a restricted street during prescribed hours	(H)
02	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	(H)
04	Parked in a meter bay when penalty time is indicated	(L)
05	Parked after the expiry of paid for time at a pay & display bay	(L)
06	Parked without clearly displaying a valid pay & display ticket	(L)
07	Parked with payment made to extend the stay beyond initial time ('meter feeding')	(L)
08	Parked at an out-of-order meter during controlled hours	(L)
09	Parked displaying multiple pay & display tickets where prohibited	(L)
10	Parked without clearly displaying two valid pay and display tickets when required	(L)
11	Parked without payment of the parking charge	(L)
12	Parked in a residents' or shared use parking place without clearly displaying either a permit or voucher or pay and display ticket issued for that place	(H)
14	Parked in an electric vehicles' charging place during restricted hours without charging	(H)
15	Parked in a residents' parking space without clearly displaying a valid residents' parking permit	(L)
16	Parked in a permit space without displaying a valid permit	(H)
17	Parked in a parking place without clearly displaying the required permit or pay & display ticket	(L)
18	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	(H)
19	Parked in a residents' or shared use parking place displaying an invalid permit, an invalid voucher or an invalid pay & display ticket	(L)
20	Parked in a loading gap marked by a yellow line	(H)
21	Parked in a suspended bay/space or part of bay/space	(H)
22	Re-parked in the same parking place within one hour of leaving	(L)
23	Parked in a parking place or area not designated for that class of vehicle	(H)
24	Not parked correctly within the markings of the bay or space	(L)
25	Parked in a loading place during restricted hours without loading	(H)

26	Vehicle parked more than 50 cm from the kerb and not within a designated parking place	(H)
27	Parked adjacent to a dropped footway	(H)
30	Parked for longer than permitted	(L)
31	Entering and stopping in a box junction when prohibited	(L)
32	Failing to drive in the direction shown by the arrow on a blue sign	(L)
33	Using a route restricted to certain vehicles	(L)
34	Being in a bus lane	(L)
35	Parked in a disc parking place without clearly displaying a valid disc	(L)
36	Parked in a disc parking place for longer than permitted	(L)
37	Failing to comply with a give way to oncoming vehicles sign	(L)
40	Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge	(H)
41	Parked in a parking place designated for diplomatic vehicles	(H)
42	Parked in a parking place designated for police vehicles	(H)
45	Parked on a taxi rank	(H)
46	Stopped where prohibited (on a red route or clearway)	(H)
47	Parked on a restricted bus stop/stand	(H)
48	Stopped in a restricted area outside a school	(H)
49	Parked wholly or partly on a cycle track	(H)
50	Failing to comply with a sign indicating a prohibited turn	(L)
51	Failing to comply with a no entry sign	(L)
52	Failing to comply with a sign indicating a prohibition on certain types of vehicle	(L)
53	Failing to comply with a sign indicating a restriction on vehicles entering a pedestrian zone	(L)
54	Failing to comply with a sign indicating a restriction on vehicles entering and waiting in a pedestrian zone	(L)
55	A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban	(H)
56	Parked in contravention of a commercial vehicle waiting restriction	(H)
57	Parked in contravention of a coach ban	(H)
58	Using a vehicle on a restricted street during prescribed hours without a valid permit	(L)
59	Using a vehicle on a restricted street during prescribed hours in breach of permit conditions	(L)
61	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	(H)
62	Parked with one or more wheels on any part of an urban road other than a carriageway (footway parking)	(H)
63	Parked with engine running where prohibited	(L)
99	Stopped on a pedestrian crossing and/or crossing area marked by zigzags	(H)

Code	Off Street Contraventions	Notes
70	Parked in a loading area during restricted hours without reasonable excuse	(H)
73	Parked without payment of the parking charge	(L)
74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	(H)
77	- - RESERVED FOR DVLA USE - -	(L)
80	Parked for longer than the maximum period permitted	(L)
81	Parked in a restricted area in a car park	(H)
82	Parked after the expiry of time paid for in a pay & display** car park	(L)
83	Parked in a pay & display** car park without clearly displaying a valid pay & display ticket	(L)
84	Parked with additional payment made to extend the stay beyond time first purchased	(L)
85	Parked in a permit bay without clearly displaying a valid permit	(H)
86	Parked beyond the bay markings	(L)
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	(H)
88	- - DELETED - -	(L)
89	Vehicle parked exceeds maximum weight and/or height permitted in the area	(H)
90	Re-parked within one hour of leaving a bay or space in a car park	(L)
91	Parked in an area not designated for that class of vehicle	(H)
92	Parked causing an obstruction	(H)
93	Parked in car park when closed	(L)
94	Parked in a pay & display car park without clearly displaying two valid pay and display tickets when required	(L)
95	Parked in a pay & display car park without clearly displaying two valid pay & display tickets when required	(L)
96	Parked with engine running where prohibited	(L)

STATUTORY GROUNDS TO MAKE REPRESENTATIONS

The Traffic Management Act 2004

Civil Enforcement of Parking Contraventions (England) General Regulations 2007

Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007

Important note:

Although the following are the eight Statutory Grounds on which to make a representation against the issue of a Penalty Charge Notice, in accordance with the Regulations, full consideration will be given to all representations received, whether or not they fall within the description of “**Statutory Grounds**”. It is for this reason that a further ground (Other Grounds), encompassing any other information the motorist or owner/keeper would like the Council to consider, has been included.

S1: The alleged contravention did not occur	
S1.1: Where the motorist claims he/she was loading/unloading	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>On a waiting prohibition or in a controlled bay if evidence is available or provided to show:</p> <ol style="list-style-type: none"> 1. Goods being delivered or collected were heavy, bulky, or numerous and it would be unreasonable to expect them to be carried from a 'legal' parking place. 2. Loading/unloading activity was adjacent to the premises concerned. 3. Loading/unloading activity was timely (includes checking goods and paperwork, but not delayed by unrelated activity). 4. A delivery note/order which states the date, time and location of the delivery/collection is provided. <p>If loading/unloading was being carried out in the course of business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc.</p> <p>Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>On school zigzag markings.</p> <p>On bus stop clearways.</p> <p>On Taxi ranks.</p> <p>On Police bays.</p> <p>Where loading is prohibited.</p> <p>In car parks if a valid pay & display ticket was not purchased first (except when depositing materials in recycling bins).</p>

S1.2: Where the motorist claims that a parking pay & display machine was faulty

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<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 a machine was working at the time (test ticket) and there was not another 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 taken out of service.</p> <p>If there is reasonable doubt because evidence confirms that other visitors had been able to purchase tickets during the relevant period.</p>

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

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If signs and/or markings are missing or unclear.</p> <p>If signs and markings are inconsistent with each other and/or the 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>

S1.4: Where motorist was carrying out building works

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If evidence confirms that the motorist was simply loading/unloading (see policy S1.1 above).</p> <p>If valid waiver to park at the location in question had been purchased.</p> <p>If works are of a statutory nature or are exempted from restrictions by a Traffic Order or legislation.</p> <p>If it can be proven that works were an emergency.</p>	<p>In all other circumstances.</p>

S1.5: Where motorist claims that PCN was not served (i.e. PCN not found attached to vehicle or handed to driver)

MAY ACCEPT REPRESENTATIONS

If the Civil Enforcement Officer's pocket book and/or computer notes confirm that the vehicle drove away before a PCN could be served, i.e. PCN not handed to the driver or fixed to the vehicle.

MAY REJECT REPRESENTATIONS

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.

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

MAY ACCEPT REPRESENTATIONS

Following consideration of all available evidence, paying particular attention to the make of the vehicle.

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 Civil Enforcement Officer.

MAY REJECT REPRESENTATIONS

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

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

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

S1.7: Where motorist claims that a valid authorisation to park had been issued

MAY ACCEPT REPRESENTATIONS

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

MAY REJECT REPRESENTATIONS

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

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

S1.8: Where the motorist claims that a pay & display ticket was purchased and displayed

MAY ACCEPT REPRESENTATIONS

If the motorist produces a pay & display parking ticket that was valid at the time the PCN was issued and the Civil Enforcement Officer 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.

MAY REJECT REPRESENTATIONS

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

The Civil Enforcement Officer was unable to confirm that a face down ticket or a ticket that was displayed but concealed in some other way was seen.

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

The Civil Enforcement Officer noted that the motorist obtained their ticket from another motorist in the car park.

Where digits have been entered on the face of the ticket and they do not match those of the motorist's vehicle registration, subject to some latitude being allowed for errors.

S2: The recipient was not the owner/keeper of the vehicle in question

S2.1: Where the current registered keeper claims that the vehicle was disposed of before the alleged contravention occurred

MAY ACCEPT REPRESENTATIONS

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

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

ACTION – send a new Notice to Owner to the person named by the current registered keeper.

MAY REJECT REPRESENTATIONS

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

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

S2.2: Where the current registered keeper claims that the vehicle was purchased after the alleged contravention occurred

MAY ACCEPT REPRESENTATIONS

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

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

ACTION – send a new Notice to Owner to the person named by the current registered keeper.

MAY REJECT REPRESENTATIONS

If the current registered keeper is unable to prove that they purchased the vehicle after the alleged contravention, nor provide the name and address of the person from whom they bought the vehicle.

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

S2.3: Where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the alleged contravention

MAY ACCEPT REPRESENTATIONS

Only when a hire agreement exists (see policy S4 below).

MAY REJECT REPRESENTATIONS

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

S2.4: Where the recipient claims that they never owned the vehicle

MAY ACCEPT REPRESENTATIONS

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

MAY REJECT REPRESENTATIONS

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

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

If the recipient is proven to have hired the vehicle for the day on which the alleged contravention occurred and signed an agreement to take responsibility for PCNs incurred, subject to the time of hire (see policy S4 below).

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

S3.1: Where the current registered keeper claims that the vehicle had been stolen

MAY ACCEPT REPRESENTATIONS

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

MAY REJECT REPRESENTATIONS

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

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

S3.2: Where the current registered keeper claims that the vehicle was driven by a third party (i.e. a friend, relative or estranged partner)

MAY ACCEPT REPRESENTATIONS

In no circumstances.

MAY REJECT REPRESENTATIONS

In all circumstances because the registered keeper is always liable, save for when a hire agreement exists (see policy S4 below).

S4: The recipient is a vehicle hire firm and the vehicle was on hire under a qualifying hiring agreement and the hirer had signed a statement acknowledging liability for any PCN issued during the hire period

MAY ACCEPT REPRESENTATIONS

If the hire company are able to provide proof that the vehicle was hired at the time of the alleged 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.

ACTION – send a new Notice to Owner to the person named by the hire company

MAY REJECT REPRESENTATIONS

If the hire company are unable to prove that they hired out the vehicle on the date of the alleged 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 alleged contravention.

If the vehicle was being used as a courtesy car without an agreement signed to accept responsibility for Penalty Charge Notices issued.

S5: The penalty exceeded the amount applicable in the circumstances of the case

MAY ACCEPT REPRESENTATIONS

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

MAY REJECT REPRESENTATIONS

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

S6: There has been a procedural impropriety by the Council

MAY ACCEPT REPRESENTATIONS

If the registered keeper is able to demonstrate and provide evidence that the Council has failed to comply with any requirement imposed by the:

- Traffic Management Act 2004;
- Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007; OR
- Civil Enforcement of Parking Contraventions (England) General Regulations 2007

MAY REJECT REPRESENTATIONS

If the registered keeper is unable to provide proof.

S7: The order which is alleged to have been contravened in relation to the vehicle concerned is invalid

MAY ACCEPT REPRESENTATIONS

If the Traffic Regulation Order which prescribes the restrictions that the vehicle was parked in contravention of was either not constructed correctly, i.e. is ultra vires, or was not made correctly, i.e. not consulted on properly.

MAY REJECT REPRESENTATIONS

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

If the motorist merely considers the restrictions to be unfair.

S8: The Notice to Owner should not have been sent because the penalty had already been paid either (i) in full; or (ii) at the discounted rate within the time specified in paragraph 1(h) of the Schedule to the Civil Enforcement of Parking Contraventions (England) General Regulations 2007

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If it is established that the penalty charge had been paid.</p> <p>If the registered keeper is able to provide proof that the penalty had been paid and received by the Council within the specified time, at the amount payable.</p>	<p>If the registered keeper is unable to provide proof.</p> <p>If the registered keeper paid an amount less than the amount payable on the date received by the Council.</p>

S9: Any other information that the motorist/vehicle owner want the Council to take into consideration (Other Grounds)

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>The decision whether or not a Penalty Charge Notice should be cancelled, will only be taken following very careful consideration of mitigating circumstances and taking into account all of the evidence submitted.</p> <p>See Mitigating Circumstances below:</p>	

MITIGATING CIRCUMSTANCES

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

MC2: Where the motorist claims to be a doctor, nurse, health visitor attending a patient	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If the motorist concerned possesses a Medical Dispensation badge (BMA, HEBS) that the Council recognises and approves and/or is exempt under the relevant Order.</p> <p>Or</p> <p>If the motorist produces evidence that they were responding to an urgent medical call and there was no nearby legal parking place.</p>	<p>If motorist was not attending a patient in urgent circumstances or if there were legal parking spaces nearby.</p> <p>If motorist was parked outside their practice or other place of work for any reason other than to collect supplies for an urgent call.</p> <p>If motorist was parked in an area which does not correspond with claims made in representations e.g. in a car park far from patient's property.</p>

MC3: Where the motorist stopped to use the toilet	
MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<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>

MC4: Where the motorist stopped to collect (prescribed) medication from a chemist

MAY ACCEPT REPRESENTATIONS

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

MAY REJECT REPRESENTATIONS

In any lesser circumstances.

MC5: Where the motorist was a patient visiting a doctor's surgery

MAY ACCEPT REPRESENTATIONS

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.

MAY REJECT REPRESENTATIONS

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

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

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

MC6: Where the motorist claims to have been recently bereaved

MAY ACCEPT REPRESENTATIONS

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

MAY REJECT REPRESENTATIONS

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

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

MAY ACCEPT REPRESENTATIONS

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 unforeseen, unavoidable and exceptional.

If motorist's vehicle had broken down, subject to concurrence with policy MC22, below.

If the motorist became unable to drive after parking the vehicle.

MAY REJECT REPRESENTATIONS

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

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

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

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

MAY ACCEPT REPRESENTATIONS

MAY REJECT REPRESENTATIONS

In no circumstances.

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

MC9: Where the motorist left the vehicle parked without a valid ticket on display to obtain change

MAY ACCEPT REPRESENTATIONS

MAY REJECT REPRESENTATIONS

If the motorist had not left the car park, or on-street pay & display area, while obtaining change and a ticket was purchased.

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

MC10: Where the motorist claims to have been unaware of charges or restriction in the car park relating to vehicle's class or weight

MAY ACCEPT REPRESENTATIONS

MAY REJECT REPRESENTATIONS

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

MAY ACCEPT REPRESENTATIONS

MAY REJECT REPRESENTATIONS

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.

MC12: Where the motorist had parked with one or more wheels outside of a marked bay in a car park

MAY ACCEPT REPRESENTATIONS

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

Otherwise, in no circumstances.

MAY REJECT REPRESENTATIONS

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

MC13: Where the motorist is a Blue Badge holder/transporting a Blue Badge holder and the expiry/validity details on their Blue Badge could not be read

MAY ACCEPT REPRESENTATIONS

If the motorist can provide evidence that they were a Blue Badge holder or were transporting a Blue Badge holder and the Blue Badge was valid at the time the PCN was issued, i.e. they can send in a photocopy of the Blue Badge.

MAY REJECT REPRESENTATIONS

If the motorist has previously had >10 PCNs cancelled for the same contravention.

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.

MC14: Where the motorist is a Blue Badge holder/transporting a Blue Badge holder and the badge on display had expired

MAY ACCEPT REPRESENTATIONS

If the motorist can provide evidence that they had a valid Blue Badge at the time the PCN was issued or that it was being renewed and awaiting re-issue, i.e. they can send in a photocopy of the Blue Badge or some evidence of the date the renewal application.

MAY REJECT REPRESENTATIONS

If internal checks with the Assessment & Eligibility team show that the Blue Badge had expired at the time the PCN was issued and that it is not going to be renewed.

MC15: Where the motorist is a Blue Badge holder/transporting a Blue Badge holder and they did not have their Blue Badge on display

MAY ACCEPT REPRESENTATIONS

If it can be established that this is the motorist's first contravention of this type and they can provide evidence that they were a Blue Badge holder or were transporting a Blue Badge holder at the time the PCN was issued, i.e. they can send in a photocopy of the Blue Badge.

MAY REJECT REPRESENTATIONS

If the motorist has previously had a PCN cancelled within the last 12 months for the same contravention and has been warned to display a valid badge correctly in the future.

If internal checks with the Assessment & Eligibility team show that the Blue Badge had expired at the time the PCN was issued and that it is not going to be renewed.

MC16: Where the motorist is a Blue Badge holder/transporting a Blue Badge holder and they did not have their blue badge clock on display/it could not be read/was not set correctly

MAY ACCEPT REPRESENTATIONS

If it can be established that this is the motorist's first contravention of this type and they can provide evidence of the time that they arrived at the location.

MAY REJECT REPRESENTATIONS

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.

MC17: Where the motorist claims to have been unaware of the existence of a controlled parking zone

MAY ACCEPT REPRESENTATIONS

If it can be established that the signing and marking of the CPZ is at fault, see policy S1.3, above.

MAY REJECT REPRESENTATIONS

In all other circumstances.

MC18: Where the motorist was displaying an expired authorisation to park, i.e. waiver, parking place suspension, season ticket, resident's permit, business permit or visitor's permit

MAY ACCEPT REPRESENTATIONS

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

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

In the case of season tickets and residents'/ business parking permits only, if the authorisation had expired by less than 14 days.

MAY REJECT REPRESENTATIONS

In all other circumstances.

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 automatic cancellation of the PCN as the season ticket may have been used on the other vehicle.

MC19: Where the motorist is parked in contravention of a waiting/ parking prohibition whilst displaying a resident's visitor permit

MAY ACCEPT REPRESENTATIONS

In no circumstances.

MAY REJECT REPRESENTATIONS

On all occasions.

MC20: Where the motorist is a new resident within a controlled parking zone and had parked in a resident's bay without displaying a valid resident's permit

MAY ACCEPT REPRESENTATIONS

In no circumstances.

MAY REJECT REPRESENTATIONS

On all occasions.

MC21: Where the motorist had parked incorrectly in a controlled bay on-street

MAY ACCEPT REPRESENTATIONS

If it can be established that the motorist was genuinely loading or unloading, subject to compliance with policy S1.1, above.

MAY REJECT REPRESENTATIONS

On all occasions.

MC22: Where the motorist assumed that they were entitled to "a period of grace" before the PCN was issued

MAY ACCEPT REPRESENTATIONS

In no circumstances.

MAY REJECT REPRESENTATIONS

In all circumstances.

MC23: Where the motorist claims they were attending a funeral

MAY ACCEPT REPRESENTATIONS

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

MAY REJECT REPRESENTATIONS

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

MC24: Where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings

MAY ACCEPT REPRESENTATIONS

If it can be established that such conditions prevailed and it is likely that signs and markings were obscured as claimed and there was no alternative indication of the restriction.

MAY REJECT REPRESENTATIONS

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

If the Civil Enforcement Officer's notes or 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.

MC25: Where the motorist claims that their vehicle had broken down**MAY ACCEPT REPRESENTATIONS**

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

MAY REJECT REPRESENTATIONS

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 Civil Enforcement Officer's notes contradict the motorist's version of events.

MC26: Where the motorist claims that they were attending an emergency or another vehicle that had broken down**MAY ACCEPT REPRESENTATIONS**

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.

MAY REJECT REPRESENTATIONS

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

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

MC27: Where the motorist claims to have put money into the wrong ticket machine

MAY ACCEPT REPRESENTATIONS

If it is agreed that the position of the ticket machine used by the motorist is likely to cause confusion.

MAY REJECT REPRESENTATIONS

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.

MC28: Where the vehicle in question was on police, fire brigade or ambulance duties

MAY ACCEPT REPRESENTATIONS

If a senior officer of the service concerned supports the representations and there is no reason to doubt that the vehicle was engaged on operational activities.

MAY REJECT REPRESENTATIONS

In all other circumstances.

MC29: Where the motorist claims to have been collecting or depositing monies at a bank

MAY ACCEPT REPRESENTATIONS

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

or

If specific arrangements have been agreed.

MAY REJECT REPRESENTATIONS

In all other circumstances.

MC30: Where the motorist claims to have been unaware of a temporary parking restriction or special event restriction

MAY ACCEPT REPRESENTATIONS

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

If the process followed to make the Temporary Order was defective in some way.

MAY REJECT REPRESENTATIONS

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

MC31: 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 REPRESENTATIONS

In no circumstances

MAY REJECT REPRESENTATIONS

On all occasions.

MC32: Where the registered keeper liable for payment of the PCN is said to have died

MAY ACCEPT REPRESENTATIONS

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

MAY REJECT REPRESENTATIONS

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

MC33: Where the vehicle driven by the motorist is diplomatically registered

MAY ACCEPT REPRESENTATIONS

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

MAY REJECT REPRESENTATIONS

In no circumstances.

MC34: Where the motorist received a Fixed Penalty Notice (FPN) from a police officer or civil enforcement officer when parked in the same location

MAY ACCEPT REPRESENTATIONS

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.

MAY REJECT REPRESENTATIONS

In all other circumstances.

MC35: Where a Council officer or Member parked in contravention and claims to have been on Council business

MAY ACCEPT REPRESENTATIONS

If the officer was carrying out emergency or other statutory work and the vehicle could not reasonably have been parked elsewhere.

MAY REJECT REPRESENTATIONS

If it can be established that the officer/ Member could have reasonably been parked elsewhere.

MC36: Where the motorist stopped to drop off someone

MAY ACCEPT REPRESENTATIONS

If the circumstances are seen by the Civil Enforcement Officer.

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

MAY REJECT REPRESENTATIONS

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

MC37: Where motorist was unaware of the Overnight Waiting Ban/Commercial Vehicle waiting restriction

MAY ACCEPT REPRESENTATIONS

If motorist was instructed/authorised to park in contravention of the restriction by the police.

MAY REJECT REPRESENTATIONS

In all other circumstances.

MC38: Where motorist states they were in police custody when PCN issued

MAY ACCEPT REPRESENTATIONS

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

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

MAY REJECT REPRESENTATIONS

If no proof provided.

MC39: Where motorist states they were visiting a friend or relative in urgent circumstances

MAY ACCEPT REPRESENTATIONS

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

MAY REJECT REPRESENTATIONS

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

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

MC40: Where motorist claims there was no legal place to park

MAY ACCEPT REPRESENTATIONS

Only in the most exceptional of circumstances.

MAY REJECT REPRESENTATIONS

In the absence of exceptional circumstances.

MC41: Where motorist claims they were parked on private property

MAY ACCEPT REPRESENTATIONS

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

If there is insufficient evidence to establish location of vehicle.

MAY REJECT REPRESENTATIONS

In all other circumstances.

MC42: Where motorist was delayed in returning to their vehicle parked in a limited waiting parking place

MAY ACCEPT REPRESENTATIONS

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

If motorist's vehicle had broken down, subject to concurrence with policy MC22 above.

If the motorist became unable to drive after parking the vehicle.

MAY REJECT REPRESENTATIONS

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

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

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

MC43: Where motorist had parked while asking directions/opening gates to private property

MAY ACCEPT REPRESENTATIONS

If evidence provided by the Civil Enforcement Officer does not contradict representations.

MAY REJECT REPRESENTATIONS

In all other circumstances.

MC44: Where motorist stopped to answer mobile phone

MAY ACCEPT REPRESENTATIONS

In no circumstances

MAY REJECT REPRESENTATIONS

On all occasions.

MC45: Where motorist states that the details on the PCN are incorrect, e.g. location

MAY ACCEPT REPRESENTATIONS

If there is reason to doubt that the PCN was issued correctly, taking into account evidence provided by the Civil Enforcement Officer.

MAY REJECT REPRESENTATIONS

If the Penalty Charge Notice was fully and correctly completed.

MC46: Where motorist states they were unaware of enforcement on Bank/Public holidays in the Raven Meadows multi-storey car park

MAY ACCEPT REPRESENTATIONS

In no circumstances.

MAY REJECT REPRESENTATIONS

On all occasions.

MC47: Where motorist states that restriction was marked after the vehicle had been parked

MAY ACCEPT REPRESENTATIONS

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

MAY REJECT REPRESENTATIONS

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

MC48: Where motorist states that they had a valid parking permit for the location

MAY ACCEPT REPRESENTATIONS

If the Civil Enforcement Officer's notes show that a permit was present, but that the Vehicle Registration Mark (VRM) on the permit was not visible and a copy of the permit is provided and the VRM on the permit matches that noted on the PCN.

MAY REJECT REPRESENTATIONS

If the Vehicle Registration Mark on the permit does not match that on the PCN.

If the motorist has previously had a PCN cancelled for the same contravention.