

Civil Parking Enforcement

Guidance policies for the enforcement and cancellation of Penalty Charge Notices

Policies set out in this document provide guidance only.
Each case is considered on its own individual circumstances,
taking into account all the evidence available and the
exceptionality of the circumstances.

Contents

INTRODUCTION	4
STANDARD CONTRAVENTION CODES AND PENALTY CHARGES	5
STATUTORY GROUNDS TO MAKE REPRESENTATIONS (Part 6, Traffic Management Act 2004)	6
The contravention did not occur	6
Where the motorist claims he/she was loading/unloading	6
Where the motorist claims that the restriction is not clearly signed or marked	6
Where the motorist was carrying out building works	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	7
The penalty charge exceeded the relevant amount	7
The traffic order was invalid	7
The motorist was not the owner/keeper of the vehicle at the time of the contravention.....	7
Where the current registered keeper claims that the vehicle was disposed of before the contravention occurred	7
Where the current registered keeper claims that the vehicle was purchased after the contravention occurred.....	8
Where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention	8
Where the motorist claims that they never owned the vehicle	8
The owner is a hire company and have supplied the name of the hirer	9
Any other information that the motorist/vehicle owner want the council to take into consideration.....	9
Procedural impropriety	9
The pcn has been paid in full	9
MITIGATING CIRCUMSTANCES	10
Where the motorist claims to have become unwell while driving.....	10
Where the motorist claims to be a doctor, nurse, health visitor attending a patient	10
Where the motorist has stopped to use the toilet.....	10
Where the motorist has stopped to collect (prescribed) medication from a chemist	10
Where the motorist was a patient visiting a doctor's surgery.....	10
Where the motorist claims to have been recently bereaved	11
Where the motorist was delayed in returning to their vehicle and parking time had expired.....	11
Where the motorist is a blue badge holder/transporting a blue badge holder and they did not have their blue badge and/or clock on display or could not be read.....	11
Where the motorist was displaying an expired authorisation to park, i.e. dispensation, season ticket, residents permit, blue badge or visitors permit	12
Where the motorist is parked in contravention of a waiting/parking prohibition whilst displaying a resident's permit...	12
Where the motorist is a new resident and had parked in a residents bay without displaying a valid residents permit	12
Where the motorist assumed that they were entitled to "a period of grace" before the pcn was issued	12
Where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings.....	12
Where the motorist claims that their vehicle had broken down.....	13
Where the motorist claims that they were attending an emergency or another vehicle that had broken down	13
Where the vehicle in question was on police, fire brigade or ambulance duties	13
Where the motorist claims to have been collecting or depositing monies at a bank	13
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.....	13
Where the registered keeper liable for payment of the pcn is said to have died	14
Where the motorist received a fixed penalty notice (fpn) from a police officer or traffic warden when parked in the same location	14
Where a council officer or member parked in contravention and claims to have been on council business.....	14

Where the motorist stopped to drop off someone.....	14
Where the motorist states that they were in police custody when pcn issued	14
Where the motorist states they were visiting a friend or relative in urgent circumstances.....	14
Where the motorist claims they were parked on private property	15
Where the motorist was delayed in returning to their vehicle parked in a limited waiting parking place	15
Where the motorist has stopped to answer mobile phone	15
Where the motorist states that the details on the pcn are incorrect, e.g. location	15
Where the motorist states that they were unaware of enforcement on bank/public holidays	15
Where the motorist has stopped to assist with an accident or emergency situation	15
RECORD OF AMENDMENTS	16

INTRODUCTION

Redditch District Council has prepared the following policy guidance in respect of Civil Parking Enforcement. The policies in this document are intended to inform the public and provide guidance to council employees working in the enforcement of parking regulations.

These policies provide a foundation upon which fairness and discretion can be applied.

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

Written evidence will only be considered if deemed acceptable by Redditch District Council.

These policies will be subject to ongoing review.

STANDARD CONTRAVENTION CODES AND PENALTY CHARGES

Contravention codes - on street

Code	Description	Penalty charge	Penalty charge if paid within 14 days of date of issue
01	Parked in a restricted street during prescribed hours	£70	£35
02	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	£70	£35
15	Parked in a resident's parking space without clearly displaying a valid resident's parking permit	£50	£25
16	Parked in a permit space without clearly displaying a valid permit	£70	£35
18	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	£70	£35
21	Parked in a suspended bay/space or part of bay/space	£70	£35
22	Re-parked in the same parking place within one hour* of leaving	£50	£25
23	Parked in a parking place or area not designated for that class of vehicle	£70	£35
24	Not parked correctly within the markings of the bay or space	£50	£25
25	Parked in a loading place during restricted hours without loading	£70	£35
26	Vehicle parked more than 50 centimetres from the edge of the carriageway and not within the designated parking place	£70	£35
27	Parked adjacent to a dropped footway	£70	£35
30	Parked for longer than permitted	£50	£25
40	Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge	£70	£35
45	Parked on a taxi rank	£70	£35
47	Restricted bus bay	£70	£35
48	Stopped in a restricted area outside a school	£70	£35
61	A heavy commercial vehicle wholly or partly parked in a footway, verge or land between two carriageways	£70	£35
62	Parked with one or more wheels on any part of an urban road other than a carriageway (footway parking)	£70	£35
99	Stopped on a pedestrian crossing and/or crossing area marked by zig-zags	£70	£35

STATUTORY GROUNDS TO MAKE REPRESENTATIONS (Part 6, Traffic Management Act 2004)

Important note: Although the following are the 8 Statutory Grounds to make representation, in accordance with a directive issued by the Local Government Ombudsman, full consideration will be given and account taken of all representations received, whether or not they fall within the description of "Statutory Grounds".

The contravention did not occur	
Where the motorist claims he/she was loading/unloading	
May accept representations	May reject representations
<u>In the event that the vehicle is parked on a waiting prohibition:</u> If evidence is provided to show: Goods being delivered or collected were heavy, bulky or numerous and it would be unreasonable to expect them to be carried from 'legal' parking places. Loading/unloading activity was adjacent to the premises concerned. Loading/unloading activity was timely (includes checking goods and paperwork, but not delayed by unrelated activity) It is in the course of business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc.	<u>On school zig zag markings;</u> <u>On bus stop clearways;</u> <u>On taxi ranks</u> <u>Where loading is prohibited</u> <u>In car parks (except when depositing materials in recycling bins)</u> <u>In a goods vehicle loading bay parked in a non goods vehicle</u> <u>Parked in a goods vehicle loading bay displaying a disabled badge</u>
Where the motorist claims that the restriction is not clearly signed or marked	
May accept representations	May reject representations
If signs and/or markings are missing or unclear. If signs and markings are inconsistent with each other and/or traffic regulation order.	If site visit records or photographs establish that signs and/or markings are correct and consistent with each other and the traffic regulation order.
Where the motorist was carrying out building works	
May accept representations	May reject representations
If evidence confirms that the motorist was simply loading/unloading. If a valid dispensation to park at the location in question had been issued and was on display in the vehicle or a verbal authorisation is in force. If works are of a statutory nature or are exempted from restrictions by a traffic regulation order or legislation. If it can be proven that works were an emergency.	In all other circumstances including vehicles used by painters, decorators etc. whereby the equipment can be unloaded and then parked appropriately for work to take place.

The contravention did not occur

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	May reject representations
Following consideration of all available evidence: If the motorist provides a copy of their vehicle excise license 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.	If the motorist does not provide a copy of their tax disc, after being given a further opportunity to submit such a copy. Or 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. Or If there is no evidence or if the evidence presented does not support the claim or is inconclusive. Or There is photo evidence that was taken by the civil enforcement officer to the contrary.

The penalty charge exceeded the relevant amount

May accept representation	May reject representation
If the pcn and/or notice to owner showed the incorrect amount of penalty charge, i.e.. The wrong penalty charge band.	If the pcn or notice to owner showed the correct amount of penalty charge.

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 not constructed correctly.	If the traffic regulation order which prescribes the restrictions that the vehicle was parked in contravention of was constructed correctly. If the motorist merely considers the restrictions to be unfair.

The motorist was not the owner/keeper of the vehicle at the time of the contravention

Where the current registered keeper claims that the vehicle was disposed of before the contravention occurred

May accept representation	May reject representation
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.	If the current registered keeper is unable to prove that they disposed of the vehicle before the contravention or provide the name and address of the person to whom they disposed of the vehicle. If the person named 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. DVLA confirm owner details.

The motorist was not the owner/keeper of the vehicle at the time of the contravention

Where the current registered keeper claims that the vehicle was purchased after the contravention occurred

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

Where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention

May accept representation	May reject representation
Only when a signed hire agreement exists	In all other circumstances because the registered keeper is always liable, including where the vehicle was left in the care of a garage.

Where the motorist claims that they never owned the vehicle

May accept representation	May reject representation
If the DVLA confirm that the motorist was not the registered keeper at the time of the contravention.	If the DVLA confirms that the motorist was the registered keeper of the vehicle at the time of the contravention. If the previous registered keeper provides proof that the motorist bought the vehicle before the contravention, or the subsequent registered keeper provides proof that the motorist sold the vehicle after the contravention. If the motorist is proven to have hired the vehicle for the day on which the contravention occurred and signed an agreement to take responsibility for the pcns incurred, subject to the time of hire.

The vehicle had been taken without owner's consent

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.	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 theft or date of the theft alleged.

The vehicle had been taken without owner's consent

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

May accept representation	May reject representation
In no circumstances.	In all circumstances, the registered keeper is always liable for the pcn, except when a hire agreement exists.

The owner is a hire company and have supplied the name of the hirer

May accept representation	May reject representation
If the hire company are able to provide proof that the vehicle was hired at the time of the contravention, i.e.. A signed agreement. If the hire company are able to provide the full name and address of the person to whom they hired the vehicle. Action - send a new notice to owner to the person named by the hire company.	If the hire company are unable to prove that they hired out the vehicle on the date of the contravention nor provide the name and address of the person to whom they hired the vehicle. If the person named by the hire company as the person to whom they hired the vehicle, without proof, either does not exist, cannot be traced or denies responsibility for the contravention. If the vehicle was being as a courtesy car without an agreement signed to accept responsibility for penalty charge notice issued.

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.	

Procedural impropriety

May accept representations	May reject representations
If the council has proven not to observe any requirement imposed on it by the traffic management act 2004 in relation to the imposition or recovery of a pcn or other sum.	If the council has observed and adhered to the requirement imposed by the traffic management act 2004.

The pcn has been paid in full

May accept representations	May reject representations
The penalty charge notice can be proven to have been paid.	No evidence of payment or receipt of payment has been received by the council.

MITIGATING CIRCUMSTANCES

Where the motorist claims to have become unwell while driving	
May accept representations	May reject representations
If the motorist provides proof of a medical condition, temporary or permanent, that is consistent with the conditions explained. When the notes made by the civil enforcement officer support the motorist's representations.	If the motorist cannot provide some proof of a medical condition, temporary or permanent, consistent with the conditions explained. Or Where other evidence contradicts the motorists claim.
Where the motorist claims to be a doctor, nurse, health visitor attending a patient	
May accept representations	May reject representations
If the motorist produces evidence that they were responding to an urgent medical call and there was no nearby legal parking place.	If the motorist was not attending a patient in urgent circumstances or if there were legal parking spaces nearby. If motorist was parked outside their practice or other place of work for any reason other than to collect supplies for an urgent call. If the motorist was parked in an area which does not correspond with claims made in representations, i.e.. Far from patients property. All other cases.
Where the motorist has stopped to use the toilet	
May accept representations	May reject representations
On production of medical evidence confirming a relevant medical condition and in support of the circumstances described in a representation.	In all other circumstances.
Where the motorist has stopped to collect (prescribed) medication from a chemist	
May accept representations	May reject representations
Only in the most serious, urgent and exceptional of circumstances and the use of a 'legal' parking place would have caused an unacceptable delay.	In any lesser circumstances.
Where the motorist was a patient visiting a doctor's surgery	
May accept representations	May reject 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.	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 have parked legally elsewhere.

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.

Only in respect of immediate family.

A death certificate will be requested in most cases.

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.

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

May accept representations

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

If the motorist's vehicle had broken down, evidence should be provided of recovery.

If the motorist was unable to drive since parking the vehicle.

May reject representations

If the delay described by the motorist was entirely avoidable, i.e.. Queuing in a shop, waiting for doctor/dentist appointment etc.

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

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.

Where the motorist is a blue badge holder/transporting a blue badge holder and they did not have their blue badge and/or clock on display or could not be read

May accept representations

If it can be established that this is the motorist's first contravention of this type and the Civil Enforcement Officer could see the badge in the vehicle.

May reject representations

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

If the Civil Enforcement Officer could not see a badge in the vehicle.

If the driver forgot to display the badge or it was left at home.

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 which does not provide an exemption for Blue Badge holders.

The incorrect use of the clock.

Where the motorist was displaying an expired authorisation to park, i.e. Dispensation, season ticket, residents permit, blue badge or visitors permit	
May accept representations	May reject 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 (supported by appropriate evidence)	In all other circumstances.
Where the motorist is parked in contravention of a waiting/parking prohibition whilst displaying a resident's permit	
May accept representations	May reject representations
In no circumstances	On all occasions.
Where the motorist is a new resident and had parked in a residents bay without displaying a valid residents permit	
May accept representations	May reject representations
In no circumstances	On all occasions.
Where the motorist assumed that they were entitled to "a period of grace" before the pcn was issued	
May accept representations	May reject representations
In no circumstances	On all occasions.
Where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings	
May accept representations	May reject 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.	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, 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.

Where the motorist claims that their vehicle had broken down

May accept representations	May reject representations
If the motorist is able to provide evidence of a breakdown, i.e. Proof of vehicle recovery or a bill of sale for repair or parts	If the motorist is unable to provide evidence of any kind that their vehicle had broken down. If the cause of the vehicle "breaking down" was due to negligence on the part of the motorist, i.e.. The vehicle had not been properly maintained, had run out of fuel or water or a similar reason. If the civil enforcement officer's notes contradict the motorist's version of events.

Where the motorist claims that they were attending an emergency or another vehicle that had broken down

May accept representations	May reject 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.	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.

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

May accept representations	May reject 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 guidelines.	In all other circumstances.

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

May accept representations	May reject representations
If the procedure explained in the motorist's representations is consistent with the allowance for loading and unloading. Or If specific arrangements have been agreed.	In all other circumstances

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	May reject representations
In no circumstances	On all occasions

Where the registered keeper liable for payment of the pcn is said to have died	
May accept representations	May reject representations
Where the circumstances can be confirmed	Only if there is a significant evidence to doubt the sincerity of the representations.
Where the motorist received a fixed penalty notice (fpn) from a police officer or traffic warden when parked in the same location	
May accept representations	May reject representations
If confirmation is provided by the police that proceedings for a criminal offence in connection with the same parking/waiting incident.	In all other circumstances.
Where a council officer or member parked in contravention and claims to have been on council business	
May accept representations	May reject representations
If the officer was carrying out emergency work and provides evidence/confirmation from a senior officer.	If it can be established that the officer/member could have reasonably parked elsewhere.
Where the motorist stopped to drop off someone	
May accept representations	May reject 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.	If motorist was parked/stopped on school keep clear markings, pedestrian crossing, bus stop clearway, goods vehicle loading bay or other restricted or reserved parking places.
Where the motorist states that they were in police custody when pcn issued	
May accept representations	May reject representations
If proof (from the police) has been provided that the police had instructed the motorist to leave the vehicle.	In most circumstances.
Where the motorist states they were visiting a friend or relative in urgent circumstances	
May accept representations	May reject representations
If due to an emergency, the parking contravention could not be avoided due to the urgent nature of the incident.	If the motorist has already received a pcn, which has been cancelled for the same reason. If the civil enforcement officer's pocket book notes provides significant reason to doubt sincerity of representation.

Where the motorist claims they were parked on private property	
May accept representations	May reject representations
If land search maps confirm location is private property and not subject of the relevant traffic regulation order. If there is insufficient evidence to establish location of vehicle.	In all other circumstances.
Where the motorist was delayed in returning to their vehicle parked in a limited waiting parking place	
May accept representations	May reject 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 the motorist's vehicle had broken down, subject to evidence provided. If the motorist was unable to drive, since parking the vehicle.	If the delay described by the motorist was not exceptional, i.e.. Queuing in a shop. If the motorist simply underestimated the time needed. If the motorist was unable to drive since 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.
Where the motorist has stopped to answer mobile phone	
May accept representations	May reject representations
In no circumstances.	On all occasions.
Where the motorist states that the details on the pcn are incorrect, e.g. location	
May accept representations	May reject representations
If there is reason to doubt that the pcn was issued correctly, taking into account evidence provided by the civil enforcement officer.	If the pcn was fully and correctly completed.
Where the motorist states that they were unaware of enforcement on bank/public holidays	
May accept representations	May reject representations
In no circumstances.	On all occasions.
Where the motorist has stopped to assist with an accident or emergency situation	
Where sufficient written evidence has been provided to confirm the situation.	If the motorist was able to park safely and appropriately nearby. If no evidence can be provided to support the incident.

RECORD OF AMENDMENTS

Date	Section	Amendments	Notes
27/08/26	Mitigation circumstances	Page 11 - Providing a copy of a death certificate. Page 11 - Amendments to Blue Badge not being displayed.	N/A N/A