



**BIRMINGHAM CITY COUNCIL**

**CIVIL PARKING ENFORCEMENT**

Guidelines for the consideration of Challenges and  
Representations against Penalty Charge Notices  
Version 13

Policies set out in this document  
provide guidance only.

Each case must be considered on its own merits, taking into  
account the exceptionality of the circumstances.

Updated December 2019

# INDEX

<b>Introduction .....</b>	<b>3</b>
<b>Standard Contravention Codes operating in Birmingham City Council, Penalty Charge Level including Observation Times.....</b>	<b>4-5</b>
<b>Mitigating Circumstances to challenge a Penalty Charge Notice where discretion may be applied where the motorist claims:-.....</b>	<b>6-33</b>

## INTRODUCTION

The policy guidelines in this document have been produced to help and inform members of the public who have received a Penalty Charge Notice.

This approach is consistent with current best practice and is in compliance with the Department of Transport's Parking Policy and Enforcement Operational Guidance to Local Authorities and meets with the aspirations of the Traffic Penalty Tribunal and the Local Government Ombudsman. This document aims to provide clarity, consistency and transparency within the enforcement process.

What is important about these guidelines is that they represent a foundation upon which fairness and discretion can be applied. The importance of flexibility in these matters has been recognised by the courts and, as a consequence, decisions made by councils must not be fettered by being unduly formulaic.

The policies address the following:

The statutory grounds upon which representations may be made

Mitigating circumstances

The acceptance or rejection of challenges and representations

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

These policies will be subject to ongoing review.

**Standard Contravention Codes operated within Birmingham, Penalty Charge Level including Observation Times given by the Civil Enforcement Officer prior to issuing a Penalty Charge Notice.**

There are two differential Penalty Charge Levels:-

Higher = £70.00 (discounted to £35.00 if paid within 14 days)

Lower = £50.00 (discounted to £25.00 if paid within 14 days)

<b>Code</b>	<b>Observation Time and Notes</b>	<b>Contravention</b>	<b>Differential Penalty Charge Level</b>
01	5 minutes	Parked in a restricted street during prescribed hours.	Higher
02	0 minutes	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force.	Higher
05	0 minutes	Parking after the expiry of paid for time at a pay and display bay.	Lower
06	5 minutes	Parked without clearly displaying a valid pay and display ticket or voucher.	Lower
07	0 minutes	Parked with payment made to extend the stay beyond initial time ('meter feeding').	Lower
12	5 minutes	Parked in a residents' or shared use parking place or zone without clearly displaying either a permit or voucher or pay and display ticket issued for that place.	Higher
16	5 minutes	Parked in a permit space without displaying a valid permit	Higher
14	0 minutes	Parked in an electric vehicles' charging place during restricted hours without charging	Higher
19	0 minutes	Parked in a residents' or shared use parking place or zone displaying an invalid permit, invalid voucher or an invalid pay and display ticket.	Lower
21	0 minutes	Parked in a suspended bay/space or part of bay/space	Higher
22	0 minutes	Re-parked in the same parking place within one hour of leaving.	Lower
23	0 minutes	Parked in a parking place or area not designated for that class of vehicle.	Higher
25	5 minutes	Parked in a loading place during restricted hours without loading.	Higher
26	0 minutes	Vehicle parked more than 50 cm from the kerb and not within a designated parking place.	Higher
27	0 minutes	Parked adjacent to a dropped footway	Higher
30	0 minutes	Parked for longer than permitted	Lower
40	0 minutes	Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge.	Higher
45	0 minutes	Parked on a taxi rank	Higher
46	0 minutes	Stopped where prohibited (on a red route or clearway)	Higher
47	0 minutes	Parked on a restricted bus stop/stand	Higher
48	0 minutes	Stopped in a restricted area outside a school	Higher
49	0 minutes	Parked wholly or partly on a cycle track	Higher
55	5 minutes	A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban.	Higher

<b>Code</b>	<b>Observation Time and Notes</b>	<b>Contravention</b>	<b>Differential Penalty Charge Level</b>
81	0 minutes	Parked in a restricted area in a car park	Higher
82	0 minutes	Parked after the expiry time paid for in a pay and display car park.	Lower
83	5 minutes	Parked in a pay and display car park without clearly displaying a valid pay and display ticket.	Lower
85	0 minutes	Parked in a permit bay without clearly displaying a valid permit.	Higher
86	0 minutes	Parked beyond the bay markings	Lower
87	0 minutes	Parked in a designated disabled person's parking space without displaying a valid disabled person's badge in the prescribed manner.	Higher
92	0 minutes	Parked causing an obstruction	Higher
93	0 minutes	Parked in car park when closed	Lower
95	0 minutes	Parked in a parking place for a purpose other than the designated purpose for the parking place.	Lower
99	0 minutes	Parked on a Pedestrian Crossing/ZigZags	Higher

**MITIGATING CIRCUMSTANCES WHERE THE MOTORIST CLAIMS:-**

**MC1 THEY WERE UNAWARE OF ENFORCEMENT ON BANK/PUBLIC HOLIDAYS.**

MAY ACCEPT CHALLENGE	MAY REJECT CHALLENGE
Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.	In the absence of compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.

**MC2 IS A CURRENT BLUE BADGE HOLDER / TRANSPORTING A CURRENT BLUE BADGE HOLDER AND THEY DID NOT HAVE THEIR BLUE BADGE AND/OR CLOCK ON DISPLAY OR COULD NOT BE READ OR HAD EXPIRED.**

MAY ACCEPT CHALLENGE	MAY REJECT CHALLENGE
<p>If it can be established that this is the motorist's first contravention of this type and they can provide details of a blue badge that was valid at the time the Penalty Charge Notice was issued if the Civil Enforcement Officer's evidence also confirms:-</p> <ul style="list-style-type: none"> <li>(a) A blue badge was displayed the wrong way in the vehicle.</li> <li>(b) A blue badge was displayed but partially concealed so that the expiry date of the badge could not be observed.</li> <li>(c) The clock was displayed along with the blue badge but was partially concealed so that the arrival time could not be observed (yellow lines only).</li> <li>(d) If it can be established that other reasonably unforeseen circumstances delayed the renewal of the blue badge e.g. sickness on the part of the applicant or postal dispute/delays (supported by appropriate evidence).</li> </ul> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the motorist has previously had a Penalty Charge Notice cancelled for the same contravention and had been given full information on the need to display a valid badge / time clock, and how to do so correctly in the future.</p> <p>If the motorist was parked on a waiting restriction beyond the 3 hours time limit permitted by the Blue Badge Scheme or on another restriction for which the Blue Badge does not provide an exemption.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC3 THE VEHICLE HAD BROKEN DOWN**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If the motorist is able to provide satisfactory evidence of a breakdown, i.e. proof of vehicle recovery, which confirms the date, time and location.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the motorist is unable to provide satisfactory evidence that their vehicle had broken down.</p> <p>If the cause of the vehicle “breaking down” was due to negligence on the part of the motorist, e.g. the vehicle had not been properly maintained, had run out of petrol or water or a similar reason.</p> <p>If the vehicle was parked in a Pay and Display bay as payment of parking would still be required.</p> <p>If the Civil Enforcement Officer’s notes contradict the motorist’s version of events.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC4 THEY WERE ATTENDING AN EMERGENCY OR ANOTHER VEHICLE THAT HAD BROKEN DOWN.**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If the motorist is able to provide satisfactory evidence of the emergency, or that the vehicle that had broken down, i.e. a report of an accident or incident.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the motorist is unable to provide satisfactory evidence that they were attending an emergency or another vehicle which had broken down.</p> <p>If the Civil Enforcement Officer’s notes contradict the motorist’s version of events.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits</p>

**MC5 WAS CARRYING OUT CONSTRUCTION OR DEMOLITION WORKS ETC.**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If evidence confirms that the motorist was simply loading/unloading (see Statutory Grounds to Make Representations number 1.1 below).</p> <p>If a valid waiver to park at the location in question had been issued and was on display in the vehicle.</p> <p>If works were of a statutory nature or are exempted from restrictions by a Traffic Order or legislation.</p> <p>If it can be proved that works were an emergency.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>In all other circumstances</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC6 TO HAVE BEEN UNAWARE OF THE EXISTENCE OF A CONTROLLED PARKING ZONE.**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If it can be established that the signs and/or markings of the Controlled Parking Zone were missing or unclear (see Statutory Grounds to Make Representations 1.3 below).</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If site visit records or photographs establish that signs and/or markings of the Controlled Parking Zone were correct at the time the Penalty Charge Notice was issued or when the parking contravention occurred for Penalty Charge Notices issued by post.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>



**MC7 A COUNCIL OFFICER OR MEMBER PARKED IN CONTRAVENTION AND CLAIMS TO HAVE BEEN ON COUNCIL BUSINESS.**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If the officer was carrying out emergency or other statutory work and the vehicle could not have been reasonably parked elsewhere.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If it can be established that the Officer/Member could have reasonably parked elsewhere.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC8 WAS DELAYED IN RETURNING TO THEIR VEHICLE**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If the motorist is able to provide satisfactory evidence that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseen, unavoidable and exceptional.</p> <p>If the motorist was unable to drive, since parking the vehicle.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the delay described by the motorist was not unforeseen, unavoidable and exceptional.</p> <p>If the motorist simply underestimated the time needed and could have reasonably purchased more time.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC9 THE DETAILS ON THE PENALTY CHARGE NOTICE ARE INCORRECT**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If there is reason to doubt that the Penalty Charge Notice was issued correctly, taking into account evidence provided by the Civil Enforcement Officer.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the Penalty Charge Notice was fully and correctly completed.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC10 THE VEHICLE WAS NOT PARKED IN THE ALLEGED LOCATION AT THE TIME AND ON THE DATE THE PENALTY CHARGE NOTICE WAS ISSUED OR WHEN THE PARKING CONTRAVENTION OCCURRED FOR PENALTY CHARGE NOTICES ISSUED BY POST.**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<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 Civil Enforcement Officer or from photographic evidence, subject to consideration of all available evidence.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the motorist does not provide a copy of their vehicle excise licence (tax disc), after being given a further opportunity to submit such a copy.</p> <p>If the serial number on the copy of the vehicle excise licence (tax disc) provided by a motorist is identical to the serial number noted by the Civil Enforcement Officer or from photographic evidence taken by the Civil Enforcement Officer.</p> <p>If there is no evidence or if the evidence presented does not support the claim or is inconclusive.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC11 THE PENALTY CHARGE EXCEEDED THE AMOUNT APPLICABLE IN THE CIRCUMSTANCES OF THE CASE**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If the Penalty Charge Notice showed the incorrect amount of penalty charge, ie. the wrong differential penalty charge level.</p> <p><i>See the table of contraventions on pages 4-5.</i></p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC12 THE VEHICLE IN QUESTION WAS ON POLICE, FIRE BRIGADE OR AMBULANCE DUTIES.**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If a senior officer of the service concerned supports the challenge and there is no reason to doubt that the vehicle was engaged on operational activities.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>In all other circumstances.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC13 WAS LOADING/UNLOADING**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If in the course of business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc. there is satisfactory evidence available or provided to show:</p> <p>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.</p> <p>Loading/unloading activity was adjacent to the premises concerned, but includes taking goods to where the recipient may reasonably require them in the premises.</p> <p>Loading/unloading must be continuous while the vehicle is parked in the restricted area.</p> <p>Loading/unloading activity was timely (includes checking goods and signing paperwork, but not delayed by unrelated activity).</p> <p>A delivery note/order which states the date, time and location of the delivery/ collection is provided.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>On school 'keep clear' zig zag 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>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC14 THE PAY AND DISPLAY MACHINE WAS FAULTY**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<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 was not another ticket machine nearby which was operating correctly.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</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 and there is doubt because evidence confirms that other visitors had been able to purchase tickets from the machine during the relevant period.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC15 TO HAVE BECOME UNWELL WHILE DRIVING OR RETURNING TO THEIR VEHICLE.**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If the motorist provides satisfactory evidence of a medical condition, temporary or permanent, that is consistent with the conditions described.</p> <p>If the motorist was unable to drive, since parking the vehicle.</p> <p>If the notes made by the Civil Enforcement Officer support the motorist's representations.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the motorist cannot provide satisfactory evidence of a medical condition, temporary or permanent, consistent with the conditions described.</p> <p>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.</p> <p>If other evidence contradicts the motorist's claims.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC16 THEY WERE ATTENDING A PATIENT IN THEIR CAPACITY AS A DOCTOR, NURSE OR HEALTH VISITOR.**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<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>If the motorist produces evidence that they were responding to an urgent medical call and there was no nearby legal parking place.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the motorist was not attending a patient in urgent circumstances or if there was a legal parking space nearby.</p> <p>If the 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 the motorist was parked in an area which does not correspond with the claim made, e.g. in a car park far from patients location.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC17 STOPPED TO USE THE TOILET**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>On production of satisfactory medical evidence confirming a relevant medical condition and in support of the circumstances described to explain why a legal parking place was not used.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>In all other circumstances</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC18 STOPPED TO COLLECT (PRESCRIBED) MEDICATION FROM A CHEMIST**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>Only in the most grave, urgent and exceptional of circumstances and only if the use of a 'legal' parking place would have caused an unacceptable delay.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>In all other circumstances.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC19 WAS A PATIENT VISITING A DOCTOR'S SURGERY**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If the motorist can provide a letter from a doctor to confirm that the visit was very urgent and that they were unable to walk from the nearest legal parking space.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</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> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC20 HAVE BEEN RECENTLY BEREAVED AND/OR WERE REGISTERING THE DEATH**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>Discretion may be applied where the motorist provides satisfactory evidence to confirm the circumstances.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If there is reason to doubt the representations.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC21 THE REGISTERED KEEPER LIABLE FOR PAYMENT OF THE PENALTY CHARGE NOTICE IS SAID TO HAVE DIED.**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>Where the circumstances can be confirmed i.e. copy of a death certificate.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If there is reason to doubt the representations.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC22 THEY WERE VISITING A FRIEND OR RELATIVE IN URGENT CIRCUMSTANCES i.e. MEDICAL REASONS**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If the motorist provides satisfactory evidence that due to an emergency the parking contravention could not be avoided due to the exceptional nature of the visit.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If there is reason to doubt the challenge.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC23 THERE WAS NO LEGAL PLACE TO PARK**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC24 THEY WERE PARKED ON PRIVATE PROPERTY**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If Land Registry searches confirm the location is private property and not subject of the relevant Traffic Regulation Order.</p> <p>If there is insufficient evidence to establish the location of the vehicle.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>In all other circumstances.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC25 THE MOTORIST ASSUMED THAT THEY WERE ENTITLED TO A “PERIOD OF GRACE” BEFORE THE PENALTY CHARGE NOTICE WAS ISSUED OR WHEN THE PARKING CONTRAVENTION OCCURRED FOR PENALTY CHARGE NOTICES ISSUED BY POST.**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>It is expected that Civil Enforcement Officers will exercise discretion before issuing a Penalty Charge Notice in some cases.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>Where a vehicle is parked on double yellow lines or red routes where parking is not permitted at any time, or is parked in a bay not classed for that type of vehicle.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC26 A VALID PARKING SESSION WAS PURCHASED VIA THE PARK AND PAY PHONE FACILITY.**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>Where there is satisfactory evidence to show that the Park and Pay phone facility had been used ie. the Service Provider can confirm that a telephone call or text message was received from a mobile telephone number and the transaction was completed for the purchase of parking time at a specific location.</p> <p>If the motorist experienced problems when</p>	<p>Where there is no evidence to show that the Park and Pay phone facility had been used ie. the Service Provider is unable to confirm that a telephone call or text message was received from a mobile telephone number and the transaction was completed for the purchase of parking time at a specific location.</p> <p>The Penalty Charge Notice will be enforced</p>



<p>using the Park and Pay phone facility due to a problem with the service provider.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>in circumstances where a Penalty Charge Notice has been issued in similar circumstances on a previous occasion (ie. the motorist did not wait to receive confirmation that payment had been accepted and parking time purchased, before leaving the vehicle), and has been cancelled with the motorist being advised of the need to wait until a text reply has been received confirming payment had been accepted before leaving the vehicle. This advice is given on the notice board at the parking location which gives details of the procedure to be followed when using the pay by phone service or</p> <p>Where an incorrect location has been selected or an incorrect vehicle registration number has been recorded and has been cancelled with the motorist being advised of the need to check the details recorded on the Parkmobile system.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>
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**MC27 PAY AND DISPLAY TICKET WAS PURCHASED AND CORRECTLY DISPLAYED**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If the motorist produces a Pay and Display parking ticket that was valid at the time the Penalty Charge Notice was issued or when the parking contravention occurred for Penalty Charge Notices issued by post and the Civil Enforcement Officer's evidence confirms:</p> <p>A face down ticket was on display in the vehicle.</p> <p>A ticket was displayed but partially concealed so that the relevant details (expiry time, date, etc.) could not be seen and checked.</p> <p>And providing that either:-</p> <p>The serial number printed on the back of a face down ticket was visible and could be seen and recorded by the Civil Enforcement Officer.</p> <p>The serial number of a partially concealed ticket was visible and could be seen and recorded by the Civil Enforcement Officer.</p>	<p>If or where the Civil Enforcement Officer confirms that either a face down ticket or partially concealed ticket was not on display at the time the Penalty Charge Notice was issued for Penalty Charge Notices issued by post.</p> <p>Where the serial number of the ticket produced does not match the serial number printed on the back of the ticket seen by the Civil Enforcement Officer.</p> <p>When records confirm that the ticket produced was not purchased by the motorist (obtained from another motorist, found in the car park etc.), which was observed by the Civil Enforcement Officer.</p> <p>The Penalty Charge will be enforced in circumstances where a Penalty Charge Notice has been issued in similar circumstances on a previous occasion (ie. for failure to clearly display the purchase date, purchase time and expiry time of the Pay and Display ticket) and has been cancelled with</p>

<p><b>OR</b></p> <p>If the motorist produces a Pay and Display parking ticket that was valid at the time the Penalty Charge Notice was issued or when the parking contravention occurred for Penalty Charge Notices issued by post and the vehicle registration number recorded on the Pay and Display ticket matches the vehicle registration number recorded on the Penalty Charge Notice.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>the motorist being advised of the need to display a valid pay and display ticket correctly in the vehicle in future (ie. so that the purchase date, purchase time and expiry time of the ticket are clearly visible).</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>
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**MC28 WAS DELAYED IN RETURNING TO THEIR VEHICLE AND PARKING TIME PURCHASED HAD EXPIRED.**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If the motorist is able to provide satisfactory evidence that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseeable, unavoidable and exceptional.</p> <p>If the motorist's vehicle had broken down, subject to concurrence with MC3 above.</p> <p>If the motorist was rendered unable to drive since parking the vehicle.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the delay described by the motorist was entirely avoidable, (e.g. queuing in a shop).</p> <p>If the motorist simply underestimated the time needed and could have reasonably purchased more time, (e.g. when conducting business, shopping or commuting).</p> <p>If the motorist was unable to drive since parking due to excess alcohol/drugs in the body or had been detained and charged or prevented by the police.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC29 THEY "FED" A METER OR PAY AND 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 CHALLENGE	MAY REJECT CHALLENGE
Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.	In all other circumstances  Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.

**MC30 LEFT THE VEHICLE PARKED WITHOUT A VALID TICKET ON DISPLAY TO OBTAIN CHANGE.**

MAY ACCEPT CHALLENGE	MAY REJECT CHALLENGE
Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.	If the Civil Enforcement Officer's notes indicate that the motorist returned to the vehicle while the Penalty Charge Notice was being issued:-  Having apparently completed the purpose which led to the vehicle being parked in the first place, (e.g. carrying shopping etc.).  Having left the vehicle in order to obtain change outside the car park or away from the on-street pay and display area.  Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.

**MC31 WERE UNAWARE OF THE PARKING CHARGE PAYABLE OR OF THE RESTRICTION/PROHIBITIONS APPLICABLE.**

MAY ACCEPT CHALLENGE	MAY REJECT CHALLENGE
If signs providing information about the parking charge payable, and the restrictions applicable are incorrect, inadequate or missing altogether.  Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.	In all other circumstances.  Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.

**MC32 TO HAVE BEEN UNAWARE OF RECENT RISE IN TARIFF.**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If statutory notices were not erected in accordance with procedural regulations.</p> <p>If the revised tariff is not on the tariff board(s).</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If statutory notices were erected in accordance with procedural regulations and the tariff board(s) were correct.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC33 HAD PARKED WITH ONE OR MORE WHEELS OUTSIDE OF A MARKED PARKING BAY IN A CAR PARK.**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>When clear and incontrovertible supporting photographic evidence is available.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC34 TO HAVE PUT MONEY INTO THE WRONG TICKET MACHINE**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If the position of the ticket machine used by the motorist is likely to cause confusion.</p> <p>If an overpayment has been made for the location the vehicle was parked in.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the ticket machine used by the motorist is positioned in such a place that confusion is not likely.</p> <p>If money has been paid into a machine which is not the property of Birmingham City Council.</p> <p>If an underpayment has been made for the location the vehicle was parked in.</p> <p>If the motorist has had representations accepted for a similar contravention in the same place previously.</p>

	Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.
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**MC35 A VALID AUTHORISATION TO PARK HAD BEEN ISSUED**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If the motorist can produce a valid authorisation to park or records show that the motorist held a valid authorisation to park.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</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> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC36 WAS DISPLAYING AN EXPIRED AUTHORISATION TO PARK, I.E. WAIVER, PARKING PLACE SUSPENSION, SEASON TICKET, RESIDENTS' PERMIT, BUSINESS PERMIT OR VISITORS PERMIT.**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If the renewal of the authorisation was delayed by the Council's administrative process.</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>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>In all other circumstances.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC37 WHERE THE MOTORIST IS PARKED IN CONTRAVENTION OF PARKING RESTRICTIONS IN FORCE WHILST DISPLAYING A RESIDENTS/VISITOR PERMIT.**

MAY ACCEPT CHALLENGE	MAY REJECT CHALLENGE
Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.	Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.

**MC38 IS A NEW RESIDENT WITHIN A CONTROLLED PARKING ZONE AND HAD PARKED IN A RESIDENTS' BAY WITHOUT DISPLAYING A VALID RESIDENTS' PERMIT.**

MAY ACCEPT CHALLENGE	MAY REJECT CHALLENGE
<p>If satisfactory evidence is supplied to confirm that the motorist has recently moved into their premises and has applied for a Residents Permit.</p> <p>If the issue of the Residents Permit was delayed by the Council's administrative process.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.

**MC39 HAS PARKED IN A RESIDENTS PARKING BAY WITHOUT DISPLAYING A VALID RESIDENTS PERMIT.**

MAY ACCEPT CHALLENGE	MAY REJECT CHALLENGE
<p>Where a motorist provides confirmation that they have a valid Residents Permit and there are mitigating circumstances as to why the Permit was not displayed.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.

**MC40 THE MOTORIST RECEIVED A FIXED PENALTY NOTICE (FPN) FROM A POLICE OFFICER OR TRAFFIC WARDEN WHEN PARKED IN THE SAME LOCATION.**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If confirmation is provided by the police that proceedings for a criminal offence in connection with the same parking/waiting incident have been instituted to prevent 'double jeopardy').</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC41 THEY WERE IN POLICE CUSTODY WHEN THE PCN WAS ISSUED OR WHEN THE PARKING CONTRAVENTION OCCURRED FOR PENALTY CHARGE NOTICES ISSUED BY POST.**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If proof is provided by the Police that the police had instructed the motorist to leave the vehicle.</p> <p>If proof is provided by the Police that at the time of arrest the motorist was legally parked and was unable to move the vehicle before the restriction started.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If no proof is provided by the Police.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC42 THERE HAS BEEN A PROCEDURAL IMPROPRIETY ON THE PART OF THE ENFORCEMENT AUTHORITY.**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>Where it is established that the enforcement authority has failed to observe a legal requirement imposed on it by the Traffic Management Act and/or regulations in relation to the imposition or recovery of a penalty charge or other sums.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If it is established that:-</p> <p>The Traffic Management Act and/or regulations have been fully and correctly observed by the enforcement authority.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC43 THE RESTRICTION WAS MARKED AFTER THE VEHICLE HAD BEEN PARKED.**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If records confirm that signing/markings/ placement of cones or suspension notices was likely to have taken place after the vehicle was parked.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If there is evidence to show that the signing/markings/ placement of cones or suspension notices were already in place at the time of parking.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC44 THAT THE RESTRICTION IS NOT CLEARLY SIGNED OR MARKED**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If signs and/or markings were missing or unclear.</p> <p>If signs and/or markings were inconsistent with each other and/or the Traffic Order or legislation.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If site visit records or photographs establish that signs and/or markings were correct and consistent with each other and the Traffic Order, at the time the Penalty Charge Notice was issued or when the parking contravention occurred for Penalty Charge Notices issued by post.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>



**MC45 TO HAVE BEEN UNAWARE OF A TEMPORARY PARKING RESTRICTION OR SPECIAL EVENT RESTRICTION.**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If the motorist claims that there was no indication of the restriction, and the Civil Enforcement Officer's notes/photographs do not confirm that appropriate signing was in place and clearly visible.</p> <p>If the process followed to make the Temporary Order was defective in some way.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the Civil Enforcement Officer's notes/ photographs confirm that the vehicle was parked in an area restricted by the Temporary Order or Notice, and that appropriate signing was in place and clearly visible.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC46 THAT SNOW, FOLIAGE, FALLEN LEAVES OR FLOODING COVERED THE SIGNS OR MARKINGS**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If it can be established that such conditions prevailed and it is likely that signs and markings were obscured as claimed and there was no alternative indication of the restriction.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>It can be established that such conditions did not cause signs and markings to be obscured as claimed.</p> <p>If the Civil Enforcement Officer's notes, photographic evidence etc. directly contradict the motorist's version of events.</p> <p>If any reasonable alternative indication of the restriction was available to the motorist.</p> <p>If the location of the contravention was unlikely to be subject to the natural conditions described by the motorist, e.g. it was under cover.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC47 PAYMENT OF THE PENALTY CHARGE NOTICE WAS SENT WITHIN THE DISCOUNTED PERIOD AND FORMAL DOCUMENTATION HAS BEEN RECEIVED ADVISING THE CASE IS STILL OUTSTANDING.**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If it can be established from the frank date on the envelope that payment had been posted within the discounted period so as to arrive by the 14<sup>th</sup> day.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If payment was declined or refused by the bank due to insufficient funds being available in the account and the 14 day discount period has expired.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC48 TWO PENALTY CHARGE NOTICES WITHIN 24 HOURS**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If photographic evidence shows that a vehicle has not moved and two Penalty Charge Notices have been issued within a 24 hour period.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**MC49 COULD NOT PAY WITHIN DISCOUNT PERIOD AS UNAWARE PENALTY CHARGE NOTICE HAD BEEN ISSUED AS IT WAS NOT AFFIXED TO VEHICLE**

<b>MAY ACCEPT CHALLENGE</b>	<b>MAY REJECT CHALLENGE</b>
<p>If the photographic evidence taken at the time the Penalty Charge Notice was issued does not show the Penalty Charge Notice affixed to the vehicle.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>Where photographic evidence shows the Penalty Charge Notice was affixed to the vehicle and there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**STATUTORY GROUNDS TO MAKE REPRESENTATIONS**  
**The Traffic Management Act 2004; Civil Enforcement of Parking Contraventions**  
**(England) Representations and Appeals Regulations 2007.**

If you believe that the penalty charge should not be paid, there are eight statutory grounds on which representations may be made, which are set out below:-

**1. THE CONTRAVENTION DID NOT OCCUR**

**1.1 He/she was loading/unloading**

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If in the course of business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc. there is satisfactory evidence available or provided to show:</p> <p>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.</p> <p>Loading/unloading activity was adjacent to the premises concerned, but includes taking goods to where the recipient may reasonably require them in the premises.</p> <p>Loading/unloading must be continuous while the vehicle is parked in the restricted area.</p> <p>Loading/unloading activity was timely (includes checking goods and signing paperwork, but not delayed by unrelated activity).</p> <p>A delivery note/order which states the date, time and location of the delivery/ collection is provided.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>On school 'keep clear' zig zag 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>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

### 1.2 A pay and display ticket machine was faulty

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<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 was not another ticket machine nearby which was operating correctly.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</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 and there is doubt because evidence confirms that other visitors had been able to purchase tickets from the machine during the relevant period.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

### 1.3 The restriction is not clearly signed or marked.

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If signs and/or markings were missing or unclear.</p> <p>If signs and/or markings were inconsistent with each other and/or the Traffic Order or legislation.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If site visit records or photographs establish that signs and/or markings were correct and consistent with each other and the Traffic Order at the time the Penalty Charge Notice was issued or when the parking contravention occurred for Penalty Charge Notices issued by post.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**1.4 Was carrying out construction or demolition works etc.**

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If a valid waiver to park at the location in question had been issued and was on display in the vehicle.</p> <p>If works were 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>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>In all other circumstances.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**1.5 The Penalty Charge Notice was not served (ie. The Penalty Charge Notice was not found attached to the vehicle or handed to the driver).**

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If the Civil Enforcement Officer's computer notes confirm that the vehicle drove away before a Penalty Charge Notice could be served, ie. Penalty Charge Notice not handed to the driver or fixed to the vehicle.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the Civil Enforcement Officer's computer notes or photographs confirm that a Penalty Charge Notice was correctly served, i.e. handed to the motorist or fixed to their vehicle.</p> <p><b>Please see "Service of Penalty Charge Notices by Post" below.</b></p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**Service of Penalty Charge Notices by Post**

If the Penalty Charge Notice is not served at the time of issue by affixing to the windscreen of the vehicle concerned or by handing it to the driver, there are two circumstances when a Penalty Charge Notice may be served by post (within 14 days of the contravention).

1. If the Civil Enforcement Officer has been prevented, for example by force, threats of force, obstruction or violence, from serving the Penalty Charge Notice by either affixing it to the vehicle or giving it to the person who appears to be in charge of the vehicle.
2. If the Civil Enforcement Officer had started to issue the Penalty Charge Notice, i.e. has completed his/her observations and had either started to write the Penalty Charge Notice

or put the data into the hand held computer and would, in other circumstances, have to cancel the Penalty Charge Notice, but did not have enough time to finish or serve it before the vehicle was driven away.

**1.6 The vehicle was not parked in the alleged location at the time and on the date the PCN was issued.**

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<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 Civil Enforcement Officer or differs from the number shown on the photograph taken by the Civil Enforcement Officer, subject to consideration of all available evidence, paying particular attention to the make of the vehicle.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the motorist does not provide a copy of their vehicle excise licence (tax disc), after being given a further opportunity to submit such a copy</p> <p>If the serial number on the copy vehicle excise licence (tax disc) provided by a motorist is identical to the serial number noted by the Civil Enforcement Officer or is identical to the serial number shown on the photograph taken by the Civil Enforcement Officer.</p> <p>If there is no evidence or if the evidence presented does not support the claim or is inconclusive.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**1.7 That a valid authorisation to park had been issued.**

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If the motorist can produce a valid authorisation to park or records show that the motorist held a valid authorisation to park.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</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> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**1.8 That a Pay and Display ticket was purchased and correctly displayed.**

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If the motorist produces a Pay and Display parking ticket that was valid at the time the Penalty Charge Notice was issued or when the parking contravention occurred for Penalty Charge Notices issued by post and the Civil Enforcement Officer's evidence confirms:</p> <p>A face down ticket was on display in the vehicle.</p> <p>A ticket was displayed but partially concealed so that relevant details (expiry time, date, etc.) could not be seen and checked.</p> <p>and providing that either:-</p> <p>The serial number printed on the back of a face down ticket was visible and could be seen and recorded by the Civil Enforcement Officer.</p> <p>The serial number of a partially concealed ticket was visible and could be seen and recorded by the Civil Enforcement Officer.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>The Civil Enforcement Officer confirms that either a face down ticket or partially concealed ticket was not on display at the time the Penalty Charge Notice was issued or when the parking contravention occurred for Penalty Charge Notices issued by post.</p> <p>The serial number of the ticket produced does not match the serial number printed on the back of the ticket seen by the Civil Enforcement Officer.</p> <p>When records confirm that the ticket produced was not purchased by the motorist (obtained from another motorist, found in the car park etc.), which was observed by the Civil Enforcement Officer.</p> <p>In circumstances when a Penalty Charge Notice has been issued in similar circumstances on a previous occasion or has been cancelled in accordance with this policy on previous occasions or it is decided that due to the number of times or the frequency that Penalty Charge Notices have been cancelled previously, not to exercise the same discretion on the occasion concerned.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**1.9 Where the motorist claims that a valid parking session was purchased via the Park and Pay phone facility,**

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>Where there is satisfactory evidence to show that the Park and Pay phone facility had been used</p> <p>The motorist experienced problems when using the Park and Pay phone facility.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>Where there is no evidence to show that the Park and Pay phone facility had been used.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>



**2. THE RECIPIENT NEVER WAS THE OWNER/KEEPER OF THE VEHICLE IN QUESTION or:**

- (a) Had ceased to be its owner/keeper before the date on which the alleged contravention occurred; or
- (b) Became its owner/keeper after that date.

*Where a recipient makes representations under the circumstances above, they are legally obliged to include a statement of the name and address of the person to whom the vehicle was disposed of (or from whom it was acquired, as the case may be), if they have that information.*

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If the DVLA confirm the motorist was not the registered keeper at the time of the contravention.</p> <p>If the previous registered keeper provides satisfactory evidence that the motorist purchased or acquired the vehicle after the contravention, or the subsequent registered keeper provides satisfactory evidence that the motorist sold or disposed of the vehicle before the contravention.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the DVLA confirm the motorist was the registered keeper at the time of the contravention.</p> <p>If the previous registered keeper provides satisfactory evidence that the motorist purchased or acquired the vehicle before the contravention, or the subsequent registered keeper provides satisfactory evidence that the motorist sold or disposed of the vehicle after the contravention.</p> <p>If the motorist is proven to have hired the vehicle for the day on which the contravention occurred and signed an agreement to take responsibility for Penalty Charge Notices incurred, subject to the time of hire (see Statutory Grounds for Making a Representation number 4).</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**3. 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.**

*This ground for representation covers stolen vehicles and vehicles which were not stolen but which were used without the owner's consent. It may apply in limited circumstances where a vehicle was being used by a member of the owner's family without the owner's consent, such as where the family member has no permission to use the vehicle and has taken the keys without the owner's knowledge.*

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If the registered keeper/owner confirms that the matter has been reported to the police as a crime by providing a valid police crime report reference number.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the current registered keeper is unable to provide any proof of theft or taking without consent.</p> <p>If the police crime report reference number provided does not exist, it does not match the date of the theft or taking without consent, or the details in the report do not match the date of the contravention.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**4. THAT THE RECIPIENT IS A VEHICLE-HIRE FIRM and:**

The vehicle in question was at the material time hired from that firm under a vehicle hiring agreement; and the person hiring it has signed a statement of liability acknowledging his/her liability in respect of any Penalty Charge Notices served in respect of any contravention involving the vehicle.

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If the hire company are able to provide satisfactory evidence that the vehicle was hired at the time of the contravention, i.e. a signed 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>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the person named by the hire company as the person to whom they hired the vehicle, 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 that had been signed to accept responsibility for Penalty Charge Notices issued.</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 the vehicle was hired.</p>

	Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.
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**5. THAT THE PENALTY CHARGE EXCEEDED THE AMOUNT APPLICABLE IN THE CIRCUMSTANCES OF THE CASE.**

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If the Penalty Charge Notice and/or Notice to Owner showed the incorrect amount of penalty charge, i.e. the wrong differential penalty charges level.</p> <p><i>See the table of contraventions on pages 4-5.</i></p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the Penalty Charge Notice or Notice to Owner showed the correct amount of penalty charge.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**6. THAT THERE HAS BEEN A PROCEDURAL IMPROPRIETY ON THE PART OF THE ENFORCEMENT AUTHORITY.**

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>Where it is established that the enforcement authority has failed to observe a legal requirement imposed on it by the Traffic Management Act and/or regulations in relation to the imposition or recovery of a penalty charge or other sums.</p> <p>Where it is established that the enforcement authority has taken any step, whether or not involving the service of a document and the purported service of a Charge Certificate, in advance of the time scale set out in the regulations.</p> <p>If a fixed penalty notice, as defined by Section 52 of the Road Traffic Offenders Act 1988, has been given in respect of that conduct, or the conduct constituting the parking contravention in respect of which the Penalty Charge Notice has been given is the subject of criminal proceedings; only likely to</p>	<p>If it is established that:-</p> <p>The Traffic Management Act and/or regulations have been fully and correctly observed by the enforcement authority.</p> <p>That service of all documents has taken place in compliance with relevant time scales.</p> <p>A fixed penalty notice has not been served.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its</p>

<p>be the case on or near pedestrian crossings.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>individual merits.</p>
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7. (1) **THAT THE ORDER WHICH IS ALLEGED TO HAVE BEEN CONTRAVENED IN RELATION TO THE VEHICLE CONCERNED IS INVALID.**
- (2) **IN THE CASE WHERE A PENALTY CHARGE NOTICE WAS SERVED BY POST ON THE BASIS THAT A CIVIL ENFORCEMENT OFFICER WAS PREVENTED FROM FIXING IT TO THE VEHICLE CONCERNED OR HANDING IT TO THE OWNER OR PERSON IN CHARGE OF THE VEHICLE, THAT NO CIVIL ENFORCEMENT OFFICER WAS SO PREVENTED.**
- (3) **THAT THE NOTICE TO OWNER SHOULD NOT HAVE BEEN SERVED BECAUSE THE PENALTY CHARGE HAD ALREADY BEEN PAID IN FULL OR BY THE AMOUNT REDUCED BY ANY DISCOUNT SET WITHIN THE PERIOD SET.**

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If a relevant Order was found to be invalid.</p> <p>If in accordance with the Council's policies in connection with the prevention of service of Penalty Charge Notices, it is determined that a Civil Enforcement Officer was not prevented from fixing the Penalty Charge Notice to the vehicle or handing it to the driver.</p> <p>If it is established that the penalty charge had been paid.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If a relevant Order was found to be valid.</p> <p>If in accordance with the Council's policies in connection with the prevention of service of Penalty Charge Notices, it is determined that a Civil Enforcement Officer was prevented from fixing the Penalty Charge Notice to the vehicle or handing it to the driver.</p> <p>If payment has not been received.</p> <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

**8. ANY OTHER INFORMATION THAT THE MOTORIST/VEHICLE OWNER WANTS THE COUNCIL TO TAKE INTO CONSIDERATION.**

***Representations must be made within 28 days of service of the Notice to Owner, however discretion will be exercised when the vehicle owner provides a valid reason for the delay and has strong grounds for representation.***

<b>MAY ACCEPT REPRESENTATIONS</b>	<b>MAY REJECT REPRESENTATIONS</b>
<p>If there are any other reasons other than the grounds listed which require the case to be assessed on its individual merits.</p> <p>The decision whether or not a Penalty Charge Notice should be cancelled, will only be taken following very careful consideration taking into account all of the evidence available.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>